SUPPLEMENT 13
Reporting Domestic Violence

FILING A VICTIM PROTECTIVE ORDER (VPO)

- In the state of Oklahoma, a victim of abuse can file for a Victim Protective Order or VPO.
- This is the legal terminology used for what colloquially we often refer to as a "restraining order."
- A VPO can be very helpful in protecting a victim from his or her abuser but may also put that victim in more danger.
- A VPO makes the evidence of the abuse part of the public record.

Encourage the victim to seek the professional advice of a police officer, an abuse advocacy organization, or legal counsel before moving forward with a VPO. Some of these resources are listed in the Appendix "Oklahoma Abuse Advocacy Resources."

VICTIM PROTECTIVE ORDER (VPO)

The following information has been taken from the "Domestic Violence Awareness Guide" provided by the *Oklahoma Department of Human Services Family Support Services Division* ("Domestic Violence Awareness Guide." *Oklahoma Department of Human Services Family Support Services Division*. Accessed September 1, 2022, 53-58. https://www.ok.gov/dac/documents/Domestic%20Violence%20Awareness%20Guide.pdf).

DEFINITION OF A VPO:

- A Victim Protective Order (VPO) is an order of the court on behalf of the victim.
- A VPO orders the abuser to stop hurting, threatening, and harassing the victim.
- In some cases, it may also order the abuser to move out of a home that is shared.

WHO QUALIFIES FOR A VPO:

- VPOs are available to people who have been physically abused, stalked, or threatened with imminent physical harm by a family or household member.
- This includes spouses, ex-spouses, present spouses of ex-spouses, parents, children, people related by blood or marriage, people who live together or used to live together, and people who are the biological parents of a child.

TO OBTAIN A VICTIM PROTECTIVE ORDER:

- The victim needs to fill out a simple petition that is available at the county courthouse.
- She will not need an attorney, and there is no fee to file a petition.
- The judge may order her or the abuser to pay court costs and filing fees later, when the petition is heard.

INFORMATION TO PROVIDE:

- Details about the dates, times and locations of the abuse are necessary.
- Photographs, letters, text messages, voicemails, or doctor's reports.
- If her children have been threatened or abused, she can file a petition for them also.

EMERGENCY TEMPORARY ORDERS

- A victim can ask for an emergency VPO if she is in immediate and present danger of abuse by someone in her household.
- If the danger is not immediate, she will have to wait for the VPO to be issued which can take up to 14 days while she waits for a regular court hearing.
- When a law enforcement officer makes an arrest or is simply called to the scene of a domestic violence event, or at a time when the court is not open for business, the victim can request an emergency temporary order from the officer.
- The officer will provide the petition, ask her to complete and sign it, and then call a judge.
- The judge can issue the order by telephone, and the officer will inform her about whether or not the order is granted.
- Emergency temporary orders are only in effect until the close of next business day, so it is important that the victim go to the courthouse the next day to apply for an ex parte and/or a full order.

EX PARTE PROTECTIVE ORDERS

- If the abuse situation puts the victim in immediate and present danger, the victim can ask the court for an emergency ex parte order.
- This differs from an emergency temporary order that is issued by a police officer when the court is not open.
- An ex parte protective order is requested in the presence of a judge before the scheduled hearing.
- Ex parte orders are obtained quickly (within 24 hours, and usually the same day) and do not require the defendant to be present at the hearing before the judge.
- The ex parte order will be in effect only until a full hearing can be held with the defendant present.
- At the ex parte hearing, a date within 10 days will be set for the full hearing.
- If the ex parte protective order is granted, the victim will be given a copy of the order.

SERVING THE VPO:

- The abuser, called "the defendant," must be notified about the protective order before it can go into effect.
- The victim should be sure to bring all of the addresses where the abuser can be found, a description of that person, and information about the abuser's car with her to the courthouse.
- A law enforcement officer will serve (deliver) a copy of the order to the defendant, along with a summons for the defendant to appear in court at the full order hearing.
- The victim needs to check with the court clerk's office to see whether the notification service has been completed.
- If the defendant is difficult to locate, the victim may hire a private process server instead of using a law enforcement officer.
- Within 24 hours after service, a copy of the order will be sent to law enforcement agencies that the victim designates.

FINAL PROTECTIVE ORDERS

- Whether an ex parte order is granted, denied, or not requested, a full hearing will be scheduled within 10 days of a victim's initial filing of a VPO petition.
- At that time, both the victim and the defendant appear before a judge who hears evidence and decides whether or not to issue a final protective order.
- A victim should bring any evidence and witnesses she may have to show that she needs a protective order.
- She should explain to the judge if there are any special arrangements she wants included in the order – for example, that the children be picked up for visitation somewhere other than her home.
- It is important for the victim to go to the full hearing, even it is rescheduled several times. If she does not go, the judge may dismiss her case.
- Within 24 hours after a final protective order is issued, a copy will be sent to the law enforcement agencies the victim designates.
- Once a protective order has been issued, it is in effect until modified or rescinded by the court.
- Either the victim or the defendant can file a motion to have the order modified or canceled.
- Any consent agreement to change the order must be approved by a judge, even if both persons have agreed to the change.
- The victim should make several copies of her protective order and keep one with her at all times. She will need the document to show to police whenever necessary.

A VICTIM PROTECTIVE ORDER DOES NOT NECESSARILY COVER THE CHILDREN. THIS WOULD BE SOMETHING THE VICTIM NEEDS TO DISCUSS WITH HER ATTORNEY OR LAW ENFORCEMENT IF THE SAFETY OF THE CHILDREN IS IN QUESTION.

ENFORCEMENT OF THE ORDER

A protection order issued by Oklahoma, or an Indian tribe, is valid and enforceable in any other U.S. state or tribe. Violations of protective orders carry much higher penalties than most assaults. A violation of the order occurs whenever the defendant does something that is strictly prohibited by the order. The victim does not have to wait until physical violence occurs (*"Domestic Violence Awareness Guide,"* 53-58).