

The 22nd Judicial District Prosecuting Attorney's Office does not issue any type of no contact / restraining order. Each type of order is discussed below.

NO CONTACT ORDER:

According to A.C.A. 16-85-714, "A no contact order is an order issued by a court to a defendant at or after arraignment on charges that prohibits the defendant from contacting directly or indirectly a person in any manner or from being within a certain distance of the person's home or place of employment. A court may issue a no contact order under this section in addition to any other condition of release from custody".

No contact orders are orders that protect victims from someone who has been arrested and charged with committing a crime against them. They are often a condition of bond or pretrial release. For some types of crimes, they are a mandatory aspect of pretrial release. These crimes include stalking, harassment, and terroristic threatening. No contact orders are only issued by a District Court Judge **AFTER** a subject has been arrested or issued a citation for a criminal offense. These orders are generally issued by the judge during the bond hearing or arraignment court date that was issued via the citation. A subject must first be arrested or issued a citation for a criminal offense before a no contact order can be issued by the judge, and only during court proceedings for that arrest or citation.

RESTRAINING ORDERS:

A. These are civil court orders generally issued in divorce cases.

B. There are filing fees and service fees involved, and the services of attorney are generally required to obtain a Restraining Order.

C. A person who defies the provisions of a Restraining Order has not committed a criminal offense. The remedy for violating a Restraining Order is to petition the court to hold the offender/violator in Contempt of Court, the punishment for which is generally a small civil fine.

ORDERS OF PROTECTION:

All Orders of Protection are handled by the Saline County Sheriff's Department Domestic Violence Division. Please contact the SCSO Domestic Violence Division at with any further questions concerning an Order of Protection.

A. Orders issued by the Circuit Court to protect victims in Domestic Violence situations.

B. To be eligible, the victim must have been in a “Domestic Type Relationship” with the offender, within the definition of the law. The definition includes married people, people related within the 4th degree of consanguinity, people who have lived together, had a child together, or have been in a dating relationship. Parents or advocates may also obtain, or assist in obtaining, Orders of Protection on behalf of others in some circumstances.

C. Application/Petition forms to obtain Orders of Protection are available at the Sheriff's Office Domestic Violence Unit. The Domestic Violence Advocate can and will assist the victim/applicant in filling out the forms.

D. There are no costs associated with this order, no filing fees, no service fees.

E. The completed application form is presented to a Circuit Judge for review.

F. The victim/applicant may have to answer questions from the Judge before he decides whether or not to issue the order. There must be sufficient grounds to issue the order. G. If the application is approved, the Circuit Judge will issue an Ex Parte (Temporary) Order of Protection. This Order will be delivered to the Sheriff's Office to be served on the offender. The Order has no validity and cannot be enforced until and unless the offender has been served with the Order.

H. When the offender is served, the Order will specify a court hearing date and time. The offender may appear to challenge the Order at that time.

I. At the time of the hearing, the Judge may make the order permanent (up to 10 years), may modify the provisions of the order, or may drop or terminate the temporary order.

J. The order may award temporary custody of children or dependents to the applicant/victim, may order spousal support, may award temporary possession of a residence or personal property, and may prevent the offender from having any contact with the victim, the victim's children, family, or etc.

K. Any person who violates any provision of the Order of Protection has committed a crime, specifically a Class A Misdemeanor, the punishment for which is up to a \$1,000 fine and/or up to one (1) year in jail. The Judge issuing the Order can also punish for Contempt of Court.

L. Officers may make an arrest without a warrant if there is probable cause to believe the Order of Protection has been violated or broken by the offender.

M. Mutual (two-way) Orders of Protection are not permitted, however the parties involved may obtain separate Order of Protection against one another if grounds exist to convince a Judge to grant them.

Victims of Domestic Violence are encouraged to apply for Orders of Protection, because it is a crime to violate them. This gives law enforcement much great authority to enforce the provisions of these orders and results in a new charge being filed. The same cannot be said for violating other kinds of orders.