

OKLAHOMA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In Oklahoma, there is 1 type of civil protection order:

- **Protection from Domestic Abuse Orders** are available under several circumstances: (1) to individuals seeking protection from a family or household member or from someone with whom they are in a dating relationship; (2) to anyone seeking protection from a sexual offense (22 OS §§ 60-60.40.).

PROTECTION FROM DOMESTIC ABUSE ORDER

Who can apply?

If the person committing the abuse is a **family or household member**, or was in a **dating relationship** with the Petitioner, then the following individuals may file a petition for protective order: any (1) victim of domestic abuse; (2) victim of stalking; (3) victim of harassment; (4) victim of rape; (5) adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent; (6) minor age 16 or 17 years old; or (7) adult victim of a crime. *22 OS § 60.20(A)*.

If the person committing the abuse is NOT a family or household member or was not in a dating relationship with the Petitioner, then a petition may still be filed (regardless of relationship) if the Petitioner is a victim of: (1) rape; (2) forcible sodomy; (3) a sex offense; (4) kidnapping; (5) assault and battery with a deadly weapon; (6) child abuse; or (7) is a member of the immediate family of a victim of first-degree murder. *22 OS § 60.2(G)*.

If a Petitioner seeks relief from someone who is NOT a family or household member or was not in a dating relationship with the Petitioner, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. *22 OS § 60.20(A)(1)*.

A **family or household member** means:

- Parents or grandparents, and all iterations thereof (e.g. stepparents, adoptive parents, etc.);
- Children or grandchildren and all iterations;
- Those living in the same household who are related by blood or marriage;
- Those related by blood or marriage; or

continued on next page



PROTECTION FROM DOMESTIC ABUSE ORDER

| | |
|---|---|
| <p>Who can apply?</p> | <ul style="list-style-type: none"> • Those not related by blood or marriage who share a household. <i>22 OS § 60.1.</i> <p>A dating relationship means an intimate association primarily characterized by affectionate or sexual involvement. <i>22 OS § 60.1.</i></p> <p>Domestic abuse means any act of physical harm, or imminent threat thereof, committed by a family or household member. <i>22 OS § 60.1.</i></p> |
| <p>Can minors apply?</p> | <p>Yes. Minors aged 16 or 17 may seek relief if the Respondent is a family or household member, or was in dating relationship with the Petitioner. Minors younger than 16 may seek relief through a petition filed by an adult or emancipated minor on the minor’s behalf. In addition, minors who are a victim of domestic abuse, stalking, harassment, or rape may seek relief, regardless of the minor’s relationship to the Respondent. <i>22 OS § 60.2(A).</i></p> |
| <p>Who can be restrained?</p> | <p>Anyone, regardless of age or relationship to the Petitioner. <i>22 OS § 60.2(A)(1).</i></p> |
| <p>What types of relief may a court order?</p> | <p>The court may impose any terms and conditions in the protective order that the court reasonably believes are necessary to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim or the immediate family of the victim. <i>22 OS § 60.4(C)(1).</i></p> <p style="text-align: right;"><i>continued on next page</i></p> |



PROTECTION FROM DOMESTIC ABUSE ORDER

| | |
|--|---|
| <p>What types of relief may a court order?</p> | <p>The court may not impose any term and condition that may compromise the safety of the victim including, but not limited to, mediation, couples counseling, family counseling, parenting classes, or joint victim-offender counseling sessions. <i>22 OS § 60.4(C)(1).</i></p> |
| <p>How long does the order last?</p> | <p>Protective orders are issued for either: (1) not more than 5 years; or (2) continuously, where the court finds that (a) the person has a history of violating court orders, (b) the person has previously been convicted of a violent felony, (c) the person has a previous felony conviction for stalking, (d) a court order for a final Victim Protection Order has previously been issued against the person in this state or another state, or (e) the victim provides proof that a continuous protective order is necessary for his or her protection. <i>22 OS § 60.4)(G)(1).</i></p> <p>If the defendant is incarcerated, the protective order remains in effect during the period of incarceration (and is not subject to the 5-year cap on fixed period protective orders). <i>22 OS § 60.4)(G)(1).</i></p> |
| <p>Can the order be renewed?</p> | <p>Yes, the court may extend the order upon a motion or by consent agreement. <i>22 OS § 60.4(G)(1)(a).</i></p> |
| <p>Is a hearing with the respondent required?</p> | <p>The court will typically schedule a hearing within 14 days of the filing of the petition for a protective order. Both the Petitioner and Respondent have the right to attend the hearing. <i>22 OS § 60.4(B)(1).</i></p> |

continued on next page

PROTECTION FROM DOMESTIC ABUSE ORDER

Is a hearing with the respondent required?

If the court finds that a protective order is necessary to protect petitioner from immediate danger, the court may issue an “emergency ex parte order of protection,” which remains in place until the court has time to schedule the full hearing and issue a final protective order.

If the defendant is a minor who has been removed from the residence, a hearing will be scheduled within 72 hours of the filing of the petition.
22 OS § 60.4(B)(1).

The court may also schedule a hearing within 72 hours of the filing of the petition when the court issues a temporary order or ex parte order suspending child visitation rights due to physical violence or threat of abuse.
22 OS § 60.4(B)(2).

HOW TO APPLY

Forms are available at courthouse and online at https://oscn.net/static/forms/aoc_forms/protectiveorders.asp.

Petitioner may file a petition with: (1) the district court in the county where the victim resides; (2) the county where the defendant resides; or (3) the county where the domestic violence occurred.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

This project was supported by Grant No. 15JOVW-23-GK-05124-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.