

NEBRASKA 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 Nebraska, there are 3 types of civil protection orders:

- ☐ **Domestic Violence Protective Orders** are available for individuals seeking protection from domestic violence committed by a family or household member, including a dating relationship (NE R.S. §§ 26-101, et seq.).
- ☐ **Sexual Assault Protection Orders** are available for individuals seeking protection from any individual who sexually assaulted them (NE R.S. §§ 26-101, et seq.).
- ☐ **Harassment Protection Orders** are available for individuals seeking protection from any individual who harassed them (NE R.S. §§ 26-101, et seq.).

DOMESTIC VIOLENCE PROTECTION ORDER

Who can apply?	Any individual who experienced domestic abuse by a family or household member. <i>NE R.S. § 26-103.</i> Domestic abuse means any of the following acts committed between family members: • Attempting or causing bodily injury; • Placing another person in fear of bodily injury by means of a credible threat regardless of whether the person had the intent to actually carry out the threat; or • Engaging in nonconsensual sexual contact or sexual penetration. <i>NE R.S. § 26-102(1); NE R.S. § 42-903(1).</i> See “Who can be Restrained?” for the definition of family or household member.
Can minors apply?	The statute does not specify whether minors can apply. However, the information worksheet for the order allows space for a minor to complete the form on their own. See https://supremecourt.nebraska.gov/sites/default/files/DC-19-8.pdf
Who can be restrained?	Respondent must be a family or household member. <i>NE R.S. § 26-102; NE R.S. § 42-903(1).</i> Family or household members include: • Spouses or former spouses; • Children; • Persons who are presently residing together or who have resided together in the past; • Persons with a child in common; <i>continued on next page</i>

DOMESTIC VIOLENCE PROTECTION ORDER

Who can be restrained?	Persons who are currently or have previously been involved in a dating relationship with each other. <i>NE R.S. § 42-903(3).</i> Dating relationship means frequent intimate interactions primarily characterized by affectionate or sexual involvement. <i>NE R.S. § 42-903(3).</i>
What types of relief may a court order?	The court can include any of the following terms in a protection order: - Prohibit the respondent from imposing restraint on petitioner; - Prohibit respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; - Prohibit respondent from contacting petitioner; - Remove respondent from petitioner's residence, regardless of ownership; - Order respondent to stay away from particular places; - Award petitioner temporary custody of minor children (up to 90 days); - Prohibit respondent from possessing or purchasing a firearm (subject to additional restrictions); - Prohibit respondent from contacting or harming household pets and otherwise direct petitioner to control such pet (subject to additional restrictions); and - Any other relief necessary to provide for petitioner's safety, or that of other household members. <i>NE R.S. § 26-103(2)(a-j).</i>
How long does the order last?	The order is effective for at least 1 year and up to 2 years unless modified by the court. <i>NE R.S. § 26-110(1).</i>

DOMESTIC VIOLENCE PROTECTION ORDER

Can the order be renewed?	Yes. The petitioner can apply to renew the previous order within 45 days before the expiration of the prior order. <i>NE R.S. § 26-111(1).</i> A renewed order is effective for 1 year from the date the original order would have expired. <i>NE R.S. § 26-111(3).</i>
Is a hearing with the respondent required?	No. The court can issue a temporary ex parte order if the petitioner is in immediate danger of abuse. When an ex parte order is issued, notice must be sent to respondent with the opportunity to request a hearing. The order becomes a final order if respondent does not request a hearing. If the court does not issue an ex parte order, it will schedule an evidentiary hearing to be held within 14 days of the filing of the petition and will notify the respondent. The court will determine whether to grant a final order at the hearing. <i>NE R.S. § 26-109.</i>

SEXUAL ASSAULT PROTECTION ORDER

Who can apply?	Any victim of sexual assault can file a petition for a sexual assault protection order. <i>NE R.S. § 26-105.</i> Sexual assault, for the purposes of the protection order, includes: • Sexual penetration without consent; • Sexual contact without consent; • Sexual assault by a school employee; • Sexual assault of a child; and • Any attempt to commit the aforementioned. <i>NE R.S. § 26-102(7).</i>
Can minors apply?	The statute does not specify whether minors can apply. However, the information worksheet for the order allows space for a minor to complete the form on their own. See https://supremecourt.nebraska.gov/sites/default/files/DC-19-8.pdf
Who can be restrained?	Any person who sexually assaulted petitioner. <i>NE R.S. § 26-105.</i>
What types of relief may a court order?	The court can include any of the following terms in a protection order: • Prohibit respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner; • Prohibit respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; • Prohibit respondent from contacting the petitioner; and • Any other relief the court deems necessary for the safety of the petitioner. <i>NE R.S. § 26-105(2).</i>

SEXUAL ASSAULT PROTECTION ORDER

How long does the order last?	The order is effective for at least 1 year and up to 2 years unless modified by the court. <i>NE R.S. § 26-110(1).</i>
Can the order be renewed?	Yes. The petitioner can apply to renew the previous order within 45 days before the expiration of the prior order. <i>NE R.S. § 26-111(1).</i> A renewed order is effective for 1 year from the date the original order would have expired. <i>NE R.S. § 26-111(3).</i>
Is a hearing with the respondent required?	No. The court can issue a temporary ex parte order if petitioner will experience irreparable harm, loss, or damage before a hearing can occur. When an ex parte order is issued, notice must be sent to respondent with the opportunity to request a hearing. The order becomes a final order if respondent does not request a hearing. If the court does not issue an ex parte order, it will schedule an evidentiary hearing to be held within 14 days of the filing of the petition and will notify the respondent. The court will determine whether to grant a final order at the hearing. <i>NE R.S. § 26-109.</i>

HARASSMENT PROTECTION ORDER

Who can apply?	Any victim who has been harassed can file a petition seeking a harassment protection order. <i>NE R.S. § 26-104.</i> Harass means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose. <i>NE R.S. § 26-102(4); NE R.S. § 28-311.02(2)(a).</i> Course of conduct means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. <i>NE R.S. § 26-102(2); NE R.S. § 28-311.02(2)(b).</i>
Can minors apply?	The statute does not specify whether minors can apply. However, the information worksheet for the order allows space for a minor to complete the form on their own. See https://supremecourt.nebraska.gov/sites/default/files/DC-19-8.pdf
Who can be restrained?	Any person who harassed the petitioner. <i>NE R.S. § 26-104.</i>
What types of relief may a court order?	The court can include any of the following terms in a protection order: • Prohibit respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner; • Prohibit respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; • Prohibit respondent from contacting the petitioner; and <i>continued on next page</i>

HARASSMENT PROTECTION ORDER

What types of relief may a court order?	Any other relief the court deems necessary for the safety of petitioner. <i>NE R.S. § 26-104(2).</i>
How long does the order last?	The order is effective for at least 1 year and up to 2 years unless modified by the court. <i>NE R.S. § 26-110(1).</i>
Can the order be renewed?	Yes. The petitioner can apply to renew the previous order within 45 days before the expiration of the prior order. <i>NE R.S. § 26-111(1).</i> A renewed order is effective for 1 year from the date the original order would have expired. <i>NE R.S. § 26-111(3).</i>
Is a hearing with the respondent required?	No. The court can issue a temporary ex parte order if petitioner will experience irreparable harm, loss, or damage before a hearing can occur. When an ex parte order is issued, notice must be sent to respondent with the opportunity to request a hearing. The order becomes a final order if respondent does not request a hearing. If the court does not issue an ex parte order, it will schedule an evidentiary hearing to be held within 14 days of the filing of the petition and will notify the respondent. The court will determine whether to grant a final order at the hearing. <i>NE R.S. § 26-109.</i>

HOW TO APPLY

Petitions should be filed at the district court. The forms can be accessed online at:

<https://nebraskajudicial.gov/self-help/protection-order-information>.

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

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