

CHOICES IN THE LEGAL SYSTEM FOR VICTIMS OF CRIME

Peace Bond	Restraining Order	Protective Order	Emergency Protection Order
<p>A Magistrate, including a Justice of the Peace, issues these.</p> <p>A peace bond is a court order designed to keep the peace by protecting a person or property from someone who has threatened to commit an offense against a person or property.</p> <p>Police are <u>not</u> notified.</p> <p>A Bond is set to guarantee good behavior. The money is forfeited to the State if the threat is carried out.</p> <p>Threats that are not deemed serious are:</p> <ul style="list-style-type: none"> ▪ Making a rash statement about a third person during a quarrel or bragging about not being afraid of someone. ▪ Abusive language and bragging by a drunk. ▪ A rash threat resulting from an outburst of temper in the heat of passion. ▪ Making a rash statement provoked by an angry altercation. <p>There needs to be some evidence that a threat will be carried out.</p> <p>This is a piece of paper, it will not physically protect you from harm.</p>	<p>Justice of the Peace <u>does not</u> issue.</p> <p>Private attorney <u>can</u> file. State's Prosecutor <u>cannot</u> file. Person <u>can</u> file on his/her own if they know the process.</p> <p>Police are <u>not</u> notified.</p> <p>An application is filed in District Court, often filed in divorce proceedings. Restraining Orders generally act to protect you from being harassed by telephone calls, having your bank account emptied, having your credit card cancelled, and other similar activities.</p> <p>Temporary Restraining Orders can be in effect for 14 days before the hearing.</p> <p>Last until the Court changes it (usually until the divorce is final).</p> <p>Called a PERMANENT INJUNCTION after the Order is final.</p> <p>Punishment is Contempt of Court (up to \$500 fine and/or 6 months in jail).</p> <p>It is a means of keeping someone away (it cannot evict someone from their home, divide property, or deal with custody of children).</p> <p>Can be obtained against anyone, including neighbors and co-workers, not limited to family members.</p>	<p>State's Prosecutor <u>can</u> file. Private attorney <u>can</u> file. Person <u>can</u> file his/her own if they know the process.</p> <p>An application is filed in District Court.</p> <p>Temporary Order can be in effect for 14 days prior to hearing.</p> <p>Can prevent a person from accessing the victim's home.</p> <p>Final Order lasts for up to two years after date it is issued.</p> <p>Respondent given copy of Order at end of hearing or if not at Court by certified mail.</p> <p>Police are notified when the final Order is granted.</p> <p>Punishment is Class A Misdemeanor or State Jail Felony, if respondent has been convicted 2 times for violation.</p> <p>A Protective Order is intended to prevent family violence by a member of a family household. Protective Orders can prohibit a person from going to or near the victim's residence, work, school, or daycare facility.</p> <p>Only against family members -intimate partners.</p>	<p>Issued by a Magistrate at the initial appearance in front of a Judge when a person is in custody after an arrest for family violence, stalking or dating violence.</p> <p>Can be requested by the victim, the victim's guardian, a police officer, a prosecutor, or by the Magistrate on their own.</p> <p>The Defendant is given a copy of the Order by the Magistrate.</p> <p>Police are notified.</p> <p>Lasts up to 91 days from the date it is issued.</p> <p>Punishment is Class A Misdemeanor or State Jail Felony.</p> <p>A Protective Order is intended to prevent family violence by a member of a family household. Protective Orders can prohibit a person from going to or near the victim's residence, work, school, or daycare facility.</p>

****The information contained herein is not exhaustive and is not intended to be legal advice****