

5 Things You Need to Know About Enforcing a Restraining Order

- 1 Restraining orders go one way - Victims cannot “violate” their own protection order. If the order says “no contact,” the abuser cannot contact the victim; not the other way around. However, there can be negative consequences for a victim whose actions could cause the abuser to violate the order, like making the order harder to enforce.
- 2 The abuser has to be notified of the order before it’s effective – To obey an order, the abuser has to know the things s/he is prohibited from doing.
- 3 [If the abuser violates the order](#), the survivor can:
 - ◆ Call the police if it is safe to do so. Depending on the type of violation, police may arrest the abuser or may instruct you to file a motion with the court.
 - ◆ File a motion for civil contempt to notify the judge about a violation. Some violations, such as failure to pay child support, may be handled solely through civil contempt, and the judge could extend or change the order, or issue other penalties.
- 4 There are two [types of contempt](#) when a restraining order is violated:
 - ◆ Civil contempt
 - The petitioner has to convince the judge that it’s more likely than not that the violation occurred (the “preponderance of the evidence” standard).
 - Judges will most often take an administrative action to try to keep the abuser in line with the order, such as extending the order or changing the terms.
 - ◆ Criminal contempt
 - The prosecutor has to prove that the violation happened “beyond a reasonable doubt,” which is a higher standard than in civil contempt.
 - If found guilty, the judge could give the abuser a jail sentence or fine.
- 5 [Full faith and credit](#) applies to restraining orders: This means that any state or territory can enforce an order from a different state or territory. However, it only applies to orders issued after the abuser has notice of the order and the opportunity for a hearing, even if the abuser doesn’t attend the hearing.