

Protective Orders in Oklahoma

What is a Protective Order?

- A Protective Order is an order of the court on behalf of a victim of domestic violence. It may order the abuser to move out of a home that is shared and/or to stop hurting, threatening, stalking and harassing the victim.
- Once the court grants you a protective order against someone, that person has a duty to actively stay away from you.
- If you have a Protective Order against your husband/boyfriend this also means he can't use others to violate the order. This means contact from his mother, dad, siblings, people not named in the order could violate the protective order.
- A person who does violate a Protective Order is called a *contemnor*.
- [Title 22 O.S. Section 60.2](#)

Always Remember This about Protective Orders.

- Never let anyone say that a protective order is worthless because it's just not true.
- Even if they don't work to keep him away you have **established a record** to prove to a judge that you took steps to keep him away and when he violates the order he only makes it clear to the judge that he is out of control and likely dangerous.

How Long do Protective Orders last?

- The Protective Order will last as long as the document is in effect.
- If the document expires, you must go to court to ask for it to be extended.

How do I get a Protective Order?

- Protective Orders are available to people who have been physically abused or have been threatened with physical abuse by a family or household member.
- This includes spouses, ex-spouses, parents, children, and other relatives by blood or marriage, people who now live or formerly lived in the same household, emancipated minors and persons with children in common but who have never lived together.
- If the victim is a minor, or is legally incompetent, another adult can file. The victim or the abuser must be a resident of the county in which the petition is filed.
- You must get a judge to issue a protective order. Contact your local courthouse for information.
- [Tulsa County Courthouse](#) is located at 500 S. Denver Tulsa, Oklahoma 74103-3832.
- [Oklahoma County Courthouse \(Oklahoma City\)](#) is located at 320 Robert S. Kerr Room 409 Oklahoma, City, OK 73102.
- You can get help from the Ann Patterson Dooley Family Safety center (see information at the bottom of this page)

What is A TRO or Emergency Ex Parte Protective Order?

- An emergency protective order is a protective order that can be awarded to an eligible person without having the opposing party present.
- However, the order will only be good for a relatively short period of time. The order may be extended after a second hearing where both parties are present and the judge decides the order is still needed.
- Also he cannot be in contempt of violating this type of order unless he is served with the order, otherwise he has no notice that it even exists.

Eligibility and Limitations of the Protective Order

- Persons who are not related by blood, marriage, or a dating relationship are generally not covered by this law, nor are eligible for a protective order except in the case of stalking or harassment.
- Former in-laws are sometimes not covered.
- Persons who fear potential abuse but have no history of abuse may not be eligible. *Children who have not been abused may not be named in the order.*
- The Protective Order cannot award custody; however, most judges will facilitate an emergency agreement to stabilize children, pending the filing of a divorce.
- The judge can facilitate an agreement for supervised visitations if necessary. The Protective Order cannot award financial assistance or child support.

- It cannot award property. You will want to seek an attorney to help you with long-term dissolution of your relationship.

What Happens if He Violates the Protective Order?

- If the abuser violates the terms of the order in any way, REPORT IT to police.
- If the abuser attempts to harm you the police can arrest him.
- If he is gone by the time the police arrive, you will need to make a police report and request that the District Attorney's office have a warrant issued for his arrest.
- Contact the DVIS Tulsa Police Department Advocate in the Family Violence Unit for further assistance at (918) 596-9218.
- If your abuser is convicted of a Protective Order violation, he will probably be placed on probation and may be ordered to counseling at DVIS or an alternative program.
- If he violates it again, you may request his probation be revoked and that he be charged with the new violation.
- Abusers tend to obey the Protective Order. Only a few want to test your resolve and very few violate a second time.
- However, if you are not consistent with prosecution of violations, the effectiveness is reduced and you will again be in danger.
- A small percentage of abusers continue to ignore Protective Orders, even after convictions. The most frequent multiple violators are ex-convicts who have no fear of the system.
- The most serious and dangerous violator is the suicidal abuser.
- Alcoholics tend to obey the order but have faulty judgment when drunk and continue to violate.
- Occasionally an abuser ignores the order repeatedly because he believes he owns his partner and children and the system has no right to interfere. An advocate can help you decide what options remain if the Protective Order fails you.

How to Use Your Protective Order?

- Keep your protective order on you at all times. When you change your purse that should be the first thing that goes in it.
- Give copies to a trusted neighbor and family members.
- Call the police if your partner breaks the protective order.
- Think of alternative ways to keep safe if the police do not respond right away.
- Inform family, friends, neighbors, and your physician that you have a protective order in effect

Ann Patterson Dooley Family Safety Center

This is a family center that was built within the last year.

It is one center out of 15 nationwide that was federally mandated to be built by President Bush to combat domestic violence.

It services Oklahomans who are in need of help from domestic violence.

Four attorneys are on staff to assist you with protective orders, child custody, and divorce matters.

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