

Protection Orders and Older Victims

It is important that each petitioner's protection order is properly tailored to provide relief that will benefit them. Older victims who seek orders have unique issues. These should be identified to ensure that Courts issue orders that address their needs. Protection orders can be complex based on the variety of statutes jurisdictions utilize to issue them. Advocates, attorneys and those who assist older victims should consider the following:

Facilitating the Discussion about Seeking a Protection Order

- Discuss all options for a protection order with the victim.
- What does the victim want? Ask "What concerns you most if you file for a protection order"?
- Has the victim been threatened with a weapon? Are there weapons in the home?
- Does the abuser live in or have access to the home?
- Does the abuser provide any type of care for the petitioner- including transportation as well as assisting with daily living needs?
- Is the petitioner represented by counsel in this matter or any other matters?
- Will the respondent be represented by counsel?
- Are there friends or family members who will support the petitioner through this process?
- Are there individuals who will try to dissuade the petitioner from seeking a protection order?
- Does the abuser have allies who may try to influence the petitioner?

- Will petitioner need help in the home if the PO is granted?
- Do you need to assist the petitioner to take steps to protect their assets?
- Prepare the petitioner for what to expect at the hearing.
- Ask if they need assistance in getting to the courthouse.
- Are there any health issues that may impact the victim's ability to attend court or be at the courthouse for several hours? Will the petitioner need medication, nutrition, hydration, oxygen while they are at court?
- Assist the petitioner in identifying and gathering any necessary documentation/evidence
- Encourage the victim to get connected with victim services such as a support group or counselor

Preparation before Filing

- Determine what types of protection orders exist in your community for older adults.
 - Are there specific elder abuse protection orders?
 - Determine if a third party (Adult Protection Services, advocate) can petition for a protection order.
 - Protection orders that go beyond Intimate Partner Violence (i.e. harassment injunctions)?
 - What options are available for the type of relief sought (No contact? No violent contact?)
 - How long can the order remain in place? Is it permanent, or will the survivor need to reapply?
- Determine if the older adult is under guardianship and if the abuser is the guardian.

Going to Court

- Understand how the courthouse is set-up and find a quiet, safe location for survivors to wait for the hearing to begin.
- Identify accessibility and health needs and make appropriate arrangements for items that might be necessary for older victims such as assistive technology, large print documents, interpreters, hearing devices, and any health needs such as oxygen, medication, food and water.
- Determine if the petitioner can appear via phone or skype if unable to attend in person.
- Determine if multiple appearances are required and if they can be minimized.
- If you have a Family Justice Center determine if there are other on-site services or supports that the survivor could utilize.
- Tour the courthouse/courtroom with the petitioner before the hearing, if possible.
- Schedule appearances and testimony at the best time of day for the petitioner.
- Prepare for any physical accessibility issues – how far will the petitioner need to walk? Are there steps?
- Arrange transportation to and from court if necessary.

After an Order is Granted

- Review the protection order with the survivor to make sure that all appropriate relief has been granted.
- Does the petitioner understand the scope of the order, and what constitutes a violation of the order?
- Identify who should be given copies of the order? (Local police department, neighbors, family, self, caregivers, assisted living/nursing home staff.)

- Ensure that needed services such as in-home services will not be interrupted.
- Discuss with the petitioner what to do if the order is violated.
- If there is a firearm restriction, determine if the petitioner will be notified when the abuser has surrendered their firearms.
- Discuss the duration of the order and procedures for modification, extending or re-filing the order when it expires.
- Determine if follow-up contact with the survivor via phone or in person is warranted or wanted.
- Encourage the petitioner to get connected with advocacy or victim services such as a support group or counselor.

If the Order is Denied

- Conduct safety planning to ensure the petitioner's safety?
- Discuss the petitioner's legal options including re-filing and appeal.

It is important to determine whether or not a protection order is in the best interests of the survivor. Make sure to engage in safety planning and discuss alternatives.

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