



# 43 AMOG/JA



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## PROTECTIVE ORDER FILING

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Q: What is a protective order?

A: A protective order is an order that requires an individual to stay away from the victim of domestic violence or other crimes. This order can include restrictions on contact and communications with the victim, their home, their workplace, etc. As it applies to military personnel, there are two types of protective orders:

(1) Civilian Orders:

- a. Domestic Violence Protective Order. (DVPO). This is a court order issued by a judge, magistrate or civilian official that orders the alleged offender of domestic violence (which includes sexual offenses) to avoid contact with the victim. It requires the parties to the case to have a personal relationship, i.e. married, divorced, current and former romantic partners, current and former roommates, parents, and children.

It can include possession of the home and vehicles; pets; support requirements; child custody; and can last up to two years at a time.

- b. Civil No-Contact Order (50C Order). This is a type of restraining order that provides protection from nonconsensual sexual conduct and stalking where the victim does not have a personal relationship with the alleged offender.

(2) Military Protective Order. (MPO). This is a written lawful order issued by a servicemember's chain of command that orders a military person to avoid contact with those persons identified in the order.

Q: Which one should I get?

A: It depends on your circumstances. They serve different purposes. A DVPO is enforceable by civilian police in their jurisdiction. If an individual violates a DVPO, the police will respond. A DVPO has the same force and effect on a military installation and is enforceable by the military police. A 50C order is enforced by civil contempt which could lead to a fine or imprisonment. An MPO is enforceable by the servicemember's chain of command. If a servicemember violates an MPO, he/she will be subject to discipline by their chain of command. However, civilian police do not enforce MPOs. A victim can request both a civilian and military protective order.

Q: How do I get one?

A: There are separate processes to request these documents:

- (1) DVPO. The Family Advocacy Program in Army Community Service (ACS) at the Fort Bragg Soldier Support Center, 3<sup>rd</sup> Floor, M-F from 8 am to 12 pm can

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assist in filing without requiring you to go to the courthouse.

(<https://bragg.armymwr.com/programs/fap>)

If you are in a domestic abuse crisis situation and need assistance, ACS can help E-File your DVPO quickly, no appointment necessary! Call (910) 396-5521 for more information.

- (2) 50C Order. A request for 50C Order requires the requestor to fill out the forms packet and file it with the clerk of the court in the county in which either you or the offender resides, or the county in which the unlawful conduct occurred. The forms packet is available online or at the clerk's office.
- (3) MPO. The servicemember's chain of command must be contacted to issue this order. There is no hearing required. If you need assistance contacting the chain of command, you can reach out to the Command Post at (910) 394-9000. A victim advocate, SAPR VA, or military police may also be able to assist you through this process.