

No Contact Orders *vs.* Protection Orders

These orders can be a valuable part of a safety plan. It's not always necessary to have both. But they have key differences that may mean a victim of domestic abuse or stalking need both at the same time.

<https://sdlegislature.gov/Statutes/25-10> (domestic abuse)

<https://sdlegislature.gov/Statutes/22-19A> (stalking)

NO CONTACT ORDER

PROTECTION ORDER

No state or nationwide recording system. Law enforcement may not be aware of an active no contact order.



Entered into a nationwide database. Law enforcement will see an active TPO when they check a person's name

Required as a condition of bond in DV and Stalking cases by state law.



Requested by Petitioner, granted at discretion of court if enough evidence.

Typically contain **generic** "no contact" conditions.



May include **specific** conditions, addresses and activities for protection.

Effective only for the duration of the criminal case, unless made a condition of sentencing.



Effective for up to 5 years, no criminal case necessary at any time.

Filed in criminal court. Requires an arrest and criminal charges to be filed.



Filed in civil court. No report to law enforcement or arrest necessary (although it may help).

Required by state law. Parties typically have no say in modification or dismissal.



Either party can make a motion to modify or dismiss.

Victim of crime is not required to testify for a no contact order to be entered.



Petitioner must be prepared and expect to testify in court, under oath.

As a required condition of bond, court does not hear from accused before entering the order.



Respondent is entitled to Notice & a Hearing before a permanent order is granted.



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