



# Harassment and Restraining Orders

## *The Law*

### WHAT IS HARASSMENT?

Harassment is any act, word or gesture that is repeated and intrusive and is intended to have a harmful affect on the safety, security, or privacy of another person. To harass someone means to engage in conduct that would cause an ordinary person to feel persecuted or intimidated. The relationship between you and the harasser does not matter. It may be a stranger, neighbor or someone at work.

A person could be found guilty of a misdemeanor if he or she commits any of the following acts:

- a. Directly or indirectly shows intent to injure the person, property, or rights of an individual by doing something illegal.
- b. Stalks, follows or pursues another person.
- c. Returns to the property of another without permission.
- d. Repeatedly makes or forces someone else to make phone calls to the victim.
- e. Repeatedly uses the mail or delivers packages, letters, etc.
- f. Engages in any other harassing conduct that interferes with another person or intrudes on their privacy.

A person could be found guilty of a felony if:

- a. they commit any of the acts above and the harassment is based on the victim's race, color, religion, sex, sexual orientation, disability, age or national origin
- b. the person possesses a dangerous weapon at the time of the offense, or
- c. the victim is a minor and the person who is harassing is at least three years older than the victim.

### WHAT CAN I DO IF I AM BEING HARASSED?

If you are being harassed you may be able to stop the harassment by getting a restraining order. (If the person harassing is related to you, has lived in the same house, has children or a pregnancy in common, or is involved with you in a sexual relationship, you would get an Order for Protection.) If you are a minor, then your parent or guardian may get a restraining order. In order to get a restraining order you must follow these steps:

- a. File a petition in district court that states the name of the perpetrator, the name of the victim, and a statement that says the perpetrator is involved in harassing behavior.
- b. An affidavit must be attached to the petition. An affidavit is a statement written under oath that states the facts and circumstances that have caused the victim to fear for his or her safety, security or privacy.



- c. Once the petition is filed, it will be sent to the judge for review. The judge must set the date for the hearing within 14 days after reading the petition.
- d. The sheriff's office must give the perpetrator a copy of the petition five days before the hearing. If the sheriff's department cannot find the perpetrator, the petition may be served by publication in the local paper. The ad must run for one week.
- e. The judge can issue a temporary restraining order in which the perpetrator can be ordered to stop the harassment or to have not contact with the victim. This should be sent along with the petition and notice for the hearing.
- f. If the judge finds the perpetrator has engaged in harassing behavior, the judge may order a permanent restraining order in which that person must stop harassing the victim or to have no contact with the victim.

Once a restraining order has been issued the court administrator must forward a copy to the local law enforcement agency within 24 hours. The perpetrator must also be notified of the restraining order, and it must explain what behavior would be considered a violation. If a violation of the restraining order occurs, the police officer can arrest the perpetrator without a warrant and that person is now in contempt of court.



# Harassment and Restraining Orders

## *Activity: You Decide*

The definition of harassment is:

*Any act, word or gesture that is repeated and intrusive and is intended to have a harmful affect on the safety, security, or privacy of another person.*

Look at each of the following situations and try to determine whether or not it would be considered "Harassment". Put a:

**Yes** IN FRONT OF THOSE STATEMENTS THAT ARE EXAMPLES OF HARASSMENT  
**No** IN FRONT OF THOSE THAT ARE NOT.

- \_\_\_\_\_ 1. You moved into a new neighborhood and the man next door comes outside every time you are in the back yard.
- \_\_\_\_\_ 2. You broke up with your boyfriend because he was abusive. He continues to call you begging for you to come back. The calls have gradually become more threatening. The last time he called he threatened to kill you. He says that if he can't have you, no one else can either.
- \_\_\_\_\_ 3. You have noticed a strange man everywhere you go. He says nothing, but is always watching you.
- \_\_\_\_\_ 4. You receive phone calls everynight after 11:00 threatening you with physical harm. You do not know who the caller is.
- \_\_\_\_\_ 5. Your ex-husband calls you repeatedly, begging you to try and get back together. You have asked him to stop, but he doesn't.

# Harassment and Restraining Orders

## *Activity: Ordering*

**Following are the steps involved in getting a restraining order. Number them in the correct order.**

\_\_\_\_\_ A copy of the petition must be given to the perpetrator five days before the hearing. If the sheriff cannot find the perpetrator, an ad must run in the paper for at least one week.

\_\_\_\_\_ The judge has determined that the perpetrator is guilty of harassment and orders a permanent restraining order declaring that the perpetrator must stop harassing or have no contact with the victim.

\_\_\_\_\_ A petition is filed in district court stating that the perpetrator has been harassing the victim.

\_\_\_\_\_ The judge issues a temporary restraining order in which the perpetrator is ordered to stop the harassment.

\_\_\_\_\_ The filed petition is sent to the judge for review.

\_\_\_\_\_ An affidavit stating the facts and circumstances that have caused the victim to fear for his or her safety is attached to the petition to be sent to the judge.

# Harassment and Restraining Orders

## *Activity: You Decide*

**In each of the following situations decide whether you would get a Restraining Order (RO) or an Order for Protection (OFP).**

- \_\_\_\_\_ 1. You live with your boyfriend and he is becoming physically and verbally abusive. You are afraid you will be seriously hurt.
- \_\_\_\_\_ 2. You are receiving threatening and abusive letters from your ex-boyfriend.
- \_\_\_\_\_ 3. You met someone at a party. He asked you out and you said no. He has been calling you everyday begging you to go out with him. During the last call he said some threatening things to you.
- \_\_\_\_\_ 4. Your boyfriend has been abusive to your child. You want him to move out, but he refuses. If you move out you are afraid he will follow.
- \_\_\_\_\_ 5. Your 6-year-old son is afraid to go to school. Every time he goes a group of boys surrounds him and threatens to beat him up.
- \_\_\_\_\_ 6. Your ex-boyfriend will not leave you alone. He shows up everywhere you are and is intruding in your life. You can't do anything without him showing up and making a scene.
- \_\_\_\_\_ 7. You are getting harassing phone calls from your new boyfriend's ex-girlfriend. She is threatening you bodily harm if you do not stop dating her ex-boyfriend.
- \_\_\_\_\_ 8. You keep getting love letters from a man you do not know. You know his name and address, but have never met him.