

This guide is designed to help you make decisions for yourself. It is not legal advice.  
Court Clerks cannot give you legal advice or explain the information in this guide.  
If you want to talk with a lawyer, you can contact the Wyoming State Bar for a list of attorneys.

## ORDERS OF PROTECTION IN WYOMING: Helpful Information for a Respondent to Know

There is a lot of information here. It will be helpful to read it carefully.

Here are a few very important things you need to know right away:

- ⊗ If you are the Respondent on an Order of Protection or an Ex Parte Order of Protection, the law requires you to follow all of the rules and restrictions in the Order.
- ⊗ If you break any of the rules or restrictions, you might get arrested. Under some circumstances, you could face felony criminal charges for breaking the rules or restrictions.
- ⊗ It is common to feel angry about the rules and restrictions. You might feel that they are unfair. Your feelings do not give you an excuse to break the rules and restrictions.

The information on this sheet does not assume you are guilty of doing what the Petitioner claims. It also does not assume you are innocent. The information on this sheet is here to help you:

- ☐ Understand what an Order of Protection is.
- ☐ Understand what an Ex Parte Order of Protection is.
- ☐ Understand what happens at hearings.
- ☐ Understand what you can do to communicate with the Court.

### **Important Things You Need to Know**

#### Why am I called a Respondent?

Somebody asked the Court for an Order of Protection. The person who asked is called the Petitioner.

If the Petitioner asked for an Order of Protection that will restrict you, you are called the Respondent. The word "Respondent" means you are the person who will *respond* to the claims in the petition.

#### Is an Order of Protection the same thing as a restraining order?

An Order of Protection might also be called a restraining order, protection order, or protective order. In Wyoming, the formal name is Order of Protection.

Are there different kinds of Orders of Protection?

Yes.

In Wyoming, a person can file a Petition to ask a Court for an Order of Protection to address Domestic Violence or Sexual Assault or Stalking. The Petition you were served will probably tell you near the top of the first page which kind it is.

Is this a criminal matter?

An Order of Protection and the Petition that is used to ask for one are parts of a **civil case**. A civil case is not a criminal case. But it is important to understand that **there might also be a criminal case** related to this situation.

If there is a criminal case, lawyers for the government may bring charges against you. The Petitioner cannot charge you with a crime.

Could I go to jail?

Yes.

Violating an Order of Protection – that means breaking the rules or restrictions – **is** a crime. If you violate the Order of Protection, you might get arrested.

Do I still have to follow the Order if it is being appealed or reviewed?

Yes.

The Order of Protection is still in effect and must be followed during an appeal or review.

Important Note: If the Court issues a **stay** – which means putting the Order on hold – then the Respondent does not have to follow the Order. But a stay is a separate decision made by the Court, and it does not happen automatically during an appeal or review.

What happens if the Petitioner asks me to break the rules and restrictions?

You can get in trouble anyway.

The Court created the rules and restrictions in the Order, and the Court is in charge of them. If you break the rules because the Petitioner asked you to do it, you are still violating the Order and you might get arrested.

What do I do if the information in the Petition is wrong?

Because a Petition was filed, the Court will schedule a hearing (meeting) so that you and the Petitioner can tell the judge what happened. At the hearing, the Petitioner will have a chance to tell their side of the situation, and you will have a chance to tell your side.

If the personal information about you (for example, your weight or age) is incorrect in the Petition, you might choose to file a form called “Optional Notice of Respondent Information.” The form tells the Court that you plan to take part in any hearings that are held, and it gives you the chance to submit your personal information. The form is optional – you do not have to file it.

It is important to understand that the form cannot be used to argue against the Petitioner’s allegations (claims) about your relationship and actions. To tell the judge your view about what happened, you must take part in the hearing.

### Do I have to take part in the hearing?

Maybe.

If the Petitioner asked the Court for a *Stalking* Order of Protection or a *Sexual Assault* Order of Protection, you may be given an **Order to Appear** or a **Summons** that warns you you could be arrested if you do not go to the hearing. If you received an Order to Appear, you are required to take part in the hearing.

If the Petitioner asked the Court for a *Domestic Violence* Order of Protection, you may be given a **Notice of Hearing** or a **Summons** that tells you when the hearing will happen but does not require you to take part. If you were not ordered to appear, you are not required to take part in the hearing.

Important Note: The Court Clerk is **not allowed** to give you advice on whether you should take part in the hearing.

Whether you were ordered to appear or not, there may be many good reasons to take part in the hearing. Read the next section for more information about this.

### Is it important to take part in the hearing?

Yes.

You might be required to take part. Read the section above for more information about that. Even if you are not required to take part in the hearing, there may be many good reasons to do it.

If you want to tell the judge your side of what happened, you must take part in the hearing. The hearing is also your chance to tell the judge what you think about the “request for relief” that the Petitioner put in the Petition. The request for relief is the part of the Petition where the Petitioner asked the judge to make certain restrictions and rules that you must follow. During the hearing, you can tell the judge if some of those rules feel too difficult or unfair to you. That will be important information for the judge to consider.

Important Note: If you do not take part in the hearing, the judge is allowed to make any or all of the rules that the Petitioner asked for, and is not required to give you another chance to tell your side of the situation.

### What will happen at the hearing?

The judge will allow both sides a chance to speak. If there are witnesses who can talk about what happened, you may take them with you to give testimony at the hearing. If you have evidence about what happened, you may take it to the hearing and present it to the judge. Remember, if there is something you want the judge to know about your case, you must take part in the hearing and share your information with the judge.

After considering your side of the situation and the Petitioner’s side, the judge will make decisions about whether to give the Petitioner an Order of Protection, what restrictions and rules to include in it, and how long it will last.

### What evidence can I use at the hearing?

Your evidence might include photographs, text messages, medical records, or other documents that explain your relationship with the Petitioner and what happened.

It is important to understand that you must bring your evidence in some form that the judge can keep and add to the file at the courthouse. If you are bringing medical records,

make sure they are *copies* of the records you have. If you want to show the judge photographs or text messages, you will need to have them printed out on paper. You will not be able to just hold your phone up for the judge to look at. If you want to show the judge a video, you will need to have it saved on a flash-drive or some other sort of storage device that you can give to the judge. It is important to know that the Court might require you to bring your storage device to the Clerk *before* the day of your hearing. Discuss this with the Clerk of Circuit Court in advance if you plan to bring evidence on a flash-drive or other storage device.

#### What is an Ex Parte Order of Protection?

An Ex Parte Order of Protection (which also might be called a temporary or emergency protection order) is a protection order that a judge might give to the Petitioner soon after the Petition is filed. An Ex Parte Order will last for a short time (usually a few days).

The judge must hold a hearing before deciding whether to replace the Ex Parte Order with an Order that lasts longer. See the information above to learn more about hearings.

Important Note: An Ex Parte Order is a special kind of order that the judge is allowed to issue **before** hearing both sides of the situation. It might feel unfair to you, but an Ex Parte Order is real and the law requires you to follow any rules stated in the Ex Parte Order.

#### What should I do with the Ex Parte Order?

It is a good idea to keep the Ex Parte Order with you. You might want to keep pictures of each page on your phone. This can be helpful if you need to check whether something you want to do is allowed or restricted under the Ex Parte Order.

#### Do I have to follow the rules in the Ex Parte Order?

Yes.

Wyoming Statutes (laws) allow judges to issue Ex Parte Orders of Protection. Police officers and sheriffs are required to enforce them. If you do not follow the rules in the Ex Parte Order, you can be arrested.

In addition to the rules, the Ex Parte Order gives you warnings (also called “notices”). They are in the section that says “The Court orders the parties to take notice of the following.” It is important to read that section carefully and make sure you understand it.

#### Is it against the rules to have someone else talk to the Petitioner for me?

Read the Order carefully.

Most Orders of Protection include a rule that says you are not allowed to contact the Petitioner in any way. The Order may use words such as “sending messages through other people” or “communication through third persons.” (A “third person” or “third party” is everyone besides you and the Petitioner.)

Rules like these tell you that you are **not allowed** to ask or instruct or pay someone else to communicate with the Petitioner.

#### If there is already an Ex Parte Order, does a hearing really matter?

Yes.

The Ex Parte Order only lasts for a short time. The judge will use the information from the

hearing to decide whether to issue an Order of Protection that will last longer. The Ex Parte Order does not mean the judge has already decided to issue a longer Order. After the hearing, the judge might issue an Order of Protection. If the judge decides not to, the Ex Parte Order will expire and no new Order will replace it.

Does the Ex Parte Order still count after the judge issues an Order of Protection?

After the hearing, the judge might issue an Order of Protection. The Order of Protection *replaces* the Ex Parte Order. The Order of Protection will last longer and may have more information or restrictions than the Ex Parte Order had. You must follow all the rules and restrictions in the Order of Protection. If you do not, you can be arrested.

The Order will also have a section that says “The Court orders the parties to take notice of the following.” It is important to read that section carefully and make sure you understand it.

The Court did not issue an Ex Parte Order before the hearing. Is the judge allowed to issue a long Order of Protection anyway?

Yes.

Even if the Court did not issue an Ex Parte Order before the hearing, a judge can decide to issue an Order of Protection. The judge will consider the information you share during the hearing and the information the Petitioner shares. The judge will make a decision based on all the information the Court has received and may choose to issue an Order of Protection. It does not matter whether there was an Ex Parte Order first.

What can I do if I disagree with the decisions the judge made?

The hearing on the Petition will be your opportunity to explain your view directly to the judge. It is important to take part in the hearing, and it is important to be prepared to explain your side of the situation calmly and honestly.

In addition to the hearing, you can ask the Court to do something differently by filing a specific kind of document called a “motion.” Forms for motions are available on the Wyoming Judicial Branch website.