

Protective orders essay example

[Sociology](#), [Violence](#)



A protective order is a ruling or order given by a court of law that protects an individual from physical, sexual or emotional harm or torture from another person or party. In principle, it protects an individual from harm from another person. Harm can include stalking a person. The laws have given specific attention and skewed focus to the children, the elderly and persons living with disabilities. Over the years, the state has reviewed and revised legislation to cover aspects of domestic violence holistically (Foo, 1994, p. 2184). This means that these orders are in place to inhibit the behavior of one person while safeguarding and protecting another, in this case these vulnerable groups mention above herein. At the workplace, for instance, if a worker has been subjected to illegal and unlawful violence, then in that case, the employer has the liberty to file for a protective order on behalf of the same employee. In this regard, the victim or the worker would have his fundamental right protected, because of the fear of people that may have been affected due to post-traumatic stress.

Subsequently, at the present time, there are four major and mainstream types of protective or restraining orders. They include; domestic violence, elder or dependent adult abuse, civil harassment and workplace protective orders. I propose the following to be emphasized and necessary changes made in accordance with these recommendations. A court of law can issue domestic violence restraining upon request by a person if the seeker has a close relationship with that person. It could be a marriage partner, couples, people who used to date, close filial ties such as mother, brother, sister, father, and grandfather amongst others. One can seek an Elder on dependent Adult restraining order when and if, one is 65 years or older, or if

one is young, but of legal age, one proves to have a mental or physical disability (Finkelhor, 1991, p. 83). The order in this case is supposed to protect one from the normal activities of life. I propose that in the future, the orders should include in details that all elderly people who have suffered physical or financial abuse ought to be covered with the orders. If a dependent person is neglected or abandoned by his/her handlers and caregivers, then these grounds ought to be sufficient enough to warrant award of the said orders. The issuance of the order would ensure that in the future, the elderly do not suffer recurrent abuse from people who might have abused him or her in the first instance.

The civil harassment restraining order can be given to a person who is being stalked, harassed or threatened by another person who is not an acquaintance (Topliffe, 1991, p. 1039). If the person identified in the order is under correctional supervision, it will depend on the context and the courts would have the leeway when granting the orders. As much as the above mentioned proposals are intended to improve the laws, a tricky dimension is introduced. If a person is under a mental correctional facility or in a rehabilitation center, then it would require close supervision of the state security organs. Therefore, it would mean that a mentally unstable person can break the law by defying the orders, therefore, the in the long end it would be difficult for the courts to sanction or reprimand such a person.

References

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