

Instructions for Requesting a Disorderly Conduct Restraining Order

Important! Read Before Using This Packet of Forms.

ND Legal Self Help staff and court employees can't help you fill out the form(s). If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

[North Dakota Century Code § 12.1-31.2-01](#) allows a state's attorney to advise and assist any person in the preparation of documents necessary to secure a restraining order. Be aware there are limitations on the amount of assistance a state's attorney may provide.

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to ndcourts.gov/legal-self-help/finding-a-lawyer for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

These instructions and forms aren't a complete statement of the law. They cover basic procedure for petitioning for a disorderly conduct restraining order. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided. Use at your own risk.

[Chapter 12.1-31.2 of the North Dakota Century Code](#) governs disorderly conduct restraining orders in North Dakota.

Who May Use this Packet?

1. An adult (18 years old or older) who is a victim of disorderly conduct; or
2. An adult who is the parent or guardian of a minor (under 18 years old) who is a victim of disorderly conduct.

Overview of the Disorderly Conduct Restraining Order Process

Step 1: Petition Filed. The Petitioner completes and files a petition with the North Dakota State District Court requesting a disorderly conduct restraining order.

Step 2: Temporary Disorderly Conduct Restraining Order Issued. The Judge or Judicial Referee may issue a temporary disorderly conduct restraining order if the Judge or Judicial Referee finds that the petition alleges reasonable grounds to believe the Respondent engaged in disorderly conduct, based upon specific allegations of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of Petitioner and/or individual to be protected.

Step 3: Hearing Scheduled; Notice of Hearing Served: A hearing is scheduled on the petition for a disorderly conduct restraining order not later than fourteen (14) days after the Judge or Judicial Referee issues the temporary disorderly conduct restraining order.

The Petitioner arranges for the Sheriff to serve the Respondent with the notice of the hearing and a copy of the petition.

Step 4: Hearing Held. The hearing is held to decide whether the Judge or Judicial Referee will extend the temporary disorderly conduct restraining order and grant a disorderly conduct restraining order. At the hearing, the Petitioner must show evidence that the Respondent engaged in disorderly conduct.

Step 5: Judge or Judicial Referee Decides Whether to Grant Disorderly Conduct Restraining Order. If the Judge or Judicial Referee finds that the Petitioner proved there are reasonable grounds to believe the Respondent engaged in disorderly conduct, the Judge or Judicial Referee may grant a disorderly conduct restraining order against the Respondent. The disorderly conduct restraining order can't last more than 2 years.

If the Judge or Judicial Referee finds that the Petitioner didn't show enough specific evidence that the Respondent engaged in disorderly conduct, or if the Judge or Judicial Referee finds that the Respondent engaged in a constitutionally protected activity, the case is dismissed.

Definitions

Adult – An individual who is 18 years of age or older.

Disorderly Conduct – Intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person. Disorderly conduct includes human trafficking or attempted human trafficking as defined in [Title 12.1 of the North Dakota Century Code](#). Disorderly conduct doesn't include constitutionally protected activity.

District Court Judge – An elected North Dakota Judicial Branch official with the authority to hear and decide cases in North Dakota State District Courts.

Judicial Referee – A judicial officer, appointed by the presiding District Court Judge, who has the authority to hear and decide Disorderly Conduct Restraining Order cases. The findings and order of the Judicial Referee have the effect of the findings and order of a District Court Judge until superseded by a written order of a District Court Judge.

Minor – An individual who is under 18 years of age.

Petitioner – The individual who is requesting the disorderly conduct restraining order:

1. An adult individual who is a victim of disorderly conduct; or
2. An adult individual who is the parent or guardian of a minor who is a victim of disorderly conduct.

Protected Party – Victim of the disorderly conduct complained of in the petition.

Respondent – Person alleged by Petitioner to be engaged in disorderly conduct.

Five Steps to Request a Disorderly Conduct Restraining Order

Step 1 – Prepare the Disorderly Conduct Restraining Order Forms; File with the Clerk of Court.

Complete the following two forms:

1. Petition for Disorderly Conduct Restraining Order
2. Confidential Information Form (*included after the Petition*)
3. Protection Order/Restraining Order Cover Sheet

Petition for Disorderly Conduct Restraining Order

Caption (top of form):

- ☐ Fill in the name of the County in North Dakota where you intend to file your petition.
- ☐ Fill in the name of the Judicial District in North Dakota. (*The County is within the Judicial District.*)
 - County and Judicial District information and maps are available at ndcourts.gov/court-locations.
- ☐ Leave the Case Number blank. This is assigned by the Clerk of Court at the end of Step 1.
- ☐ You're the Petitioner. Fill in your full name.
 - If there are multiple Protected Parties against one Respondent they can all be included on one petition.
- ☐ The Respondent is the person from whom you're seeking protection. Fill in their full name.
 - **There must be a separate petition for each Respondent.**
 - **If possible, use full, complete names, not nicknames.**

1st Sentence:

- ☐ You're the Petitioner. Fill in your full name.

Paragraph 1:

- ☐ Checkmark ☒ the first box if the disorderly conduct you describe in Paragraph 9 is directed at you, the Petitioner.
- ☐ Checkmark ☒ the second box if the disorderly conduct you describe in Paragraph 9 is directed at your minor child or a minor ward.
 - Fill in the minor child's/ward's age. **Don't** type or write the birthdate.
- ☐ Checkmark ☒ both boxes if the disorderly conduct you describe in Paragraph 9 is directed at both you and your child/ward.

Paragraph 2:

- ☐ Fill in your address.
 - If you want the Judge or Judicial Referee to allow you to leave the address blank, type or write why you want to be allowed to leave this blank.

Paragraph 3:

- ☐ Fill in the Respondent's full name and address.
 - If possible, list their full address. If you don't know, type or write "I don't know" or "Unknown" and list their last known address.

Paragraph 4:

- ☐ Fill in your age. **Don't** type or write your birthdate.

Paragraph 5:

- ☐ Fill in the Respondent's age. **Don't** type or write the Respondent's birthdate.

Paragraph 6:

- ☐ Checkmark ☒ the box that best describes with your relationship to the Respondent.
 - If you checkmark ☒ "other relative" or "other," fill in your relationship.

Paragraph 7:

- ☐ Checkmark ☒ the box that describes who you're requesting the temporary restraining order for (you, your child, your ward). Checkmark the same box or boxes as Paragraph 1.

Paragraph 8:

- ☐ Read this paragraph carefully.
 - This states that you request a hearing.

Paragraph 9:

- ☐ Describe the specific actions or incidents that support your request for the Temporary Disorderly Conduct Restraining Order. Include as many details or facts as you can to show why you need the Order.
 - If you need more room, use separate sheets of paper to type or write the actions or incidents.
 - Type or write on only one side of the separate sheets of paper.
 - **Don't** write on the back of the form.
 - The page with your signature should be the last page of the document.

Paragraph 10:

- ☐ List any persons who may have witnessed the events you list in Paragraph 9 of your petition.

Paragraph 11 and Signature Block:

- ☐ **Read Paragraph 11 carefully!** When you date and sign the petition, you're telling the court, under penalty of perjury, that everything in your completed the petition is true and correct.

- ☐ Fill in the following:
 - The date you sign the petition;
 - The City where you sign the petition;
 - The County where you sign the petition;
 - The State where you sign the petition; and
 - The Country where you sign the petition.
- ☐ Sign the petition and fill in the information below the signature line.

Confidential Information Form

Caption (*top of form*):

- ☐ Fill in the Caption the same as you filled in the Caption of your Petition.

Full Information:

- ☐ Fill in the full names and birth dates for you, the Petitioner (*Paragraph 1*), the Respondent (*Paragraph 3*), and any minor child or ward you listed in Paragraph 1.

Redacted Information:

- ☐ Fill in the birth year for you, the Petitioner (*Paragraph 4*), the Respondent (*Paragraph 5*), and any minor child or ward you listed in Paragraph 1.

Date & Signature:

- ☐ Date and sign the form.
- ☐ Fill in all of the information next to and below your signature.

Protection Order/Restraining Order Cover Sheet

- ☐ Complete the Cover Sheet with as much information as you can. This form helps law enforcement enforce the Judge's or Judicial Referee's order.
 - All areas marked with * must be completed.
 - Attach additional sheets if needed, **Don't** use the back side of the form to type or write additional information.

File the Following Completed Forms with the Clerk of District Court of the County you Listed in the Caption of your Petition:

1. Petition for Disorderly Conduct Restraining Order
2. Confidential Information Form
3. Protection Order/Restraining Order Cover Sheet

You may be asked to pay an \$160.00 filing fee.

- If domestic violence is the reason you're asking for a Disorderly Conduct Restraining Order, you won't be charged a filing fee. [Section 12.1-31.2-01\(11\) of the North Dakota Century Code](#) doesn't require victims of domestic violence to pay the filing fee.

Verify with the Clerk of Court if you're required to pay the filing fee. Contact information for Clerks of Court is available at ndcourts.gov/court-locations.

If you can't afford the filing fee, complete the Fee Waiver Forms available on the ND Legal Self Help Center website at ndcourts.gov/legal-self-help in the "Miscellaneous" section.

Step 2 – The Judge or Judicial Referee May Issue a Temporary Disorderly Conduct Restraining Order.

After your Petition is accepted for filing by the Clerk of Court, the Clerk of Court forwards your petition to the Judge or Judicial Referee for review.

The Judge or Judicial Referee reviews your petition to decide if the information you included is enough to find there are reasonable grounds to believe the Respondent engaged in disorderly conduct.

If the Judge or Judicial Referee finds reasonable grounds to believe the Respondent engaged in disorderly conduct, the Judge or Judicial Referee signs a Temporary Disorderly Conduct Restraining Order.

The Temporary Disorderly Conduct Restraining Order may order the following:

- The Respondent must stop or avoid the disorderly conduct.
- The Respondent must have no contact with the person requesting the order.

The Temporary Disorderly Conduct Restraining Order may **only** be entered against the Respondent.

The Temporary Disorderly Conduct Restraining Order is in effect until one of the following happens:

- The Judge or Judicial Referee grants a more permanent Disorderly Conduct Restraining Order after the hearing is held (*2 years is the maximum time a Disorderly Conduct Restraining Order is effective*);
- The Judge or Judicial Referee ends the Temporary Order Disorderly Conduct Restraining Order before the hearing is held (*usually with a new written order*); or
- After the hearing, the Judge or Judicial Referee dismisses your case.

Step 3 – The Hearing is Scheduled; Petitioner Arranges for the Sheriff to Serve the Temporary Order & Notice of Hearing on the Respondent.

The District Court schedules a time and date for the hearing on your Petition. The hearing is scheduled within 14 days of the approval of the Temporary Disorderly Conduct Restraining Order.

If service can't be made on the Respondent, the court may set a new hearing date.

You, the Petitioner must arrange for the sheriff to serve copies of the following on the Respondent:

- The Notice of Hearing; and
- The Temporary Disorderly Conduct Restraining Order.
 - The Notice of Hearing may be combined with the Temporary Order.

Give the Sheriff the Respondent's full name and current location. If you don't know, make sure you give the Sheriff all of the information you know about the Respondent. If the Sheriff can't find the Respondent, they may not be able to complete service.

If the Respondent is a minor (less than 18 years old), the Respondent's parents must also be served. In addition to the Respondent's information, give the Sheriff the full names and current locations of the Respondent's parents.

Step 4 – Attend the Hearing.

You must attend the hearing.

At the hearing, you must prove the facts you included in your petition.

If you have any witnesses to the facts you included in your Petition, you may bring the witnesses with you to the hearing.

The hearing gives the Respondent the opportunity to give their side of the story. The Respondent has the opportunity to present evidence of the Respondent's side of the story and present evidence to dispute the facts you included in your Petition.

At the hearing, the Judge or Judicial Referee decides whether the Temporary Order should be extended and whether a Disorderly Conduct Restraining Order should be issued for a set period of time. The set period of time can't be for more than two (2) years.

Step 5 – The Judge or Judicial Referee Decides Whether to Grant the Disorderly Conduct Restraining Order.

After the hearing is held, if the Judge or Judicial Referee decides there are reasonable grounds the Respondent committed disorderly conduct, the Judge or Judicial Referee signs a Disorderly Conduct Restraining Order. The Order can't last more than 2 years.

The Clerk of Court sends a copy of the Disorderly Conduct Restraining Order to the local law enforcement agency with jurisdiction over the residence of the victim.

The Disorderly Conduct Restraining Order is served on the Respondent by the Sheriff.

Report any violations of the Order immediately to local law enforcement.

If the Judge or Judicial Referee decides that you didn't prove the facts you listed in your petition, the case is dismissed and the Temporary Order is no longer in effect.