

INSTRUCTIONS FOR REQUESTING A DISORDERLY CONDUCT RESTRAINING ORDER

IMPORTANT! READ BEFORE USING THIS PACKET

ND Legal Self Help staff and court employees can't help you fill out the form(s).

A state's attorney may advise and assist any person in the preparation of documents necessary to secure a restraining order under [North Dakota Century Code § 12.1-31.2-01](#). Be aware that 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.

To protect your rights, carefully read this information and any instructions to which you're referred.

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 www.ndcourts.gov.

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

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. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

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 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.

Brief Overview of the Disorderly Conduct Restraining Order Process:

Petition Filed: The Petitioner completes and files with the court a petition requesting a disorderly conduct restraining order.

Temporary Disorderly Conduct Restraining Order Issued: The Judge or Judicial Referee may issue a temporary disorderly conduct restraining order if the court finds that the petition alleges reasonable grounds to believe that an individual has engaged in disorderly conduct, based upon 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.

Hearing Scheduled: 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.

Hearing Held: The hearing is held to determine if 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 has engaged in disorderly conduct.

Disorderly Conduct Restraining Order Granted/Dismissed: If the Judge or Judicial Referee finds that the Petitioner proved at the hearing that there are reasonable grounds to believe that the Respondent has 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 evidence that the Respondent has engaged in disorderly conduct, or if the Judge or Judicial Referee finds that the Respondent engaged in a constitutionally protected activity, the case will be 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 does not include constitutionally protected activity.

Judge – An elected government 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.

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STEP 1: PREPARE THE DISORDERLY CONDUCT RESTRAINING ORDER FORMS

1. Petition For Disorderly Conduct Restraining Order
2. Protection/Disorderly Conduct Restraining Order Cover Sheet

Petition For Disorderly Conduct Restraining Order

Caption (*top of form*):

- Fill in the County at the top right of the page.
- Fill in the name of the Judicial District in North Dakota where the Plaintiff intends to file the civil action. (*The County is within the Judicial District.*)
 - County and Judicial District information and maps are available at www.ndcourts.gov.
 - The Case No. will be assigned by the Clerk of Court in Step 2.
- You are the Petitioner.
 - If there are multiple Protected Parties against one Respondent they can all be included on one petition.
 - **NOTE: There must be a separate petition for each Respondent.**
- The other person is the Respondent.
 - **Try to use full, complete names, not nicknames.**

Paragraph 1:

- Checkmark ✓ the first box if the disorderly conduct is directed at you, the Petitioner.
- Checkmark ✓ the second box if the disorderly conduct 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 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 address.
 - If you don't know the Respondent's address, type or write "I don't know" or "Unknown."

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 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 are requesting the temporary restraining order for (you, your child, your ward).
- Fill in the persons with whom the Respondent should have no contact.

Paragraph 8:

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

Paragraph 9:

- Describe the 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 your Petition.

Date and Signature Block:

- Read Paragraph 11 carefully!** When you date and sign the petition, you are 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 signed the petition;
 - The City where you signed the petition;
 - The County where you signed the petition;
 - The State where you signed the petition; and
 - The Country where you signed the petition.

- Sign the petition and fill in the information below the signature line.

Domestic Violence Protection Order/Disorderly Conduct Restraining Order/Sexual Assault Restraining Order Cover Sheet

- Complete the Cover Sheet with as much information as you can. This form is designed to help law enforcement enforce the Judge or Judicial Referee’s order.
 - All areas marked with an * must be completed.
 - Attach additional sheets if needed, DON’T use the back side of the form to type or write additional information.

STEP 2: FILE THE FOLLOWING WITH THE CLERK OF COURT

1. Petition For Disorderly Conduct Restraining Order
2. Protection/Disorderly Conduct Restraining Order Cover Sheet

You may be asked to pay an \$80.00 filing fee.

Verify with the Clerk of Court if you are required to pay the filing fee.

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

After your Petition is filed with the Clerk of Court, the Clerk of Court will forward it to the Judge or Judicial Referee for review.

If the Judge or Judicial Referee finds reasonable grounds to believe the Respondent has engaged in disorderly conduct, the Judge or Judicial Referee will sign 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 served on the Respondent by local law enforcement.

A copy will be mailed to you at the address you provide to the Court in the Petition form.

Once the Respondent is served with the Temporary Disorderly Conduct Restraining Order, the Order is in effect and any violations should be reported to police.

STEP 3: ATTEND THE HEARING

A hearing date will be scheduled within 14 days of the approval of the Temporary Disorderly Conduct Restraining Order unless extended or upon showing that despite the exercise of due diligence the Respondent could not be served with the Temporary Disorderly Conduct Restraining Order.

The hearing date will be listed in the Temporary Disorderly Conduct Restraining Order. **You must appear at the hearing.** If you have any witnesses to the facts you included in your Petition, you may bring them with you to the hearing.

The hearing also gives the Respondent the opportunity to give the Respondent's side of the story and present any witnesses to the facts alleged in the Petition.

At the hearing, the Judge or Judicial Referee will determine 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 cannot be for more than two (2) years.

IF THE PETITION IS GRANTED

If the Judge or Judicial Referee determines that there are reasonable grounds that the Respondent committed disorderly conduct, the Judge or Judicial Referee will sign the Disorderly Conduct Restraining Order and specify the length of the Order. The Order can't last more than 2 years.

The Clerk of Court will send 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 will be served on the Respondent.

Report any violations of the Order to local law enforcement.