

INSTRUCTIONS FOR REGISTERING AN OUT-OF-STATE OR TRIBAL COURT PROTECTION ORDER IN NORTH DAKOTA STATE DISTRICT COURT

IMPORTANT! READ BEFORE USING THIS PACKET

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

You may wish to contact CAWS North Dakota, a nonprofit organization that represents 20 domestic violence and sexual assault crisis intervention centers throughout North Dakota. CAWS North Dakota may have information or resources available to assist you.

521 E. Main Avenue, Suite 320

Bismarck, ND 58501

(701) 255-6240

(888) 255-6240

cawsnorthdakota.org

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 the state or federal laws, case law (also called court opinions), and court rules that apply to your case. Links to 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. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- For more information about finding a lawyer, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for registering an out-of-state or tribal court protection order in North Dakota State District Court. 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 14-07.4 of the North Dakota Century Code](#) governs registration and enforcement of out-of-state court or tribal court protection orders.

[Rule 7.2 of the North Dakota Rules of Court](#) relates to recognition of tribal court orders and judgments.

Who May Use this Packet?

An individual who has a protection order issued by an out-of-state court or tribal court and the individual wants to register the protection order in North Dakota for enforcement.

A certified copy of the out-of-state court or tribal court protection order is required for registration.

The out-of-state court or tribal court protection order must meet ALL of the following requirements:

- The protection order identifies the protected person(s) and the respondent (the person the order is against);
- The protection order is currently in effect and hasn't expired;
- The protection order was issued by a court that had jurisdiction over the protected person(s), the respondent, and the matter under the law of the issuing state or tribe;
AND
- The protection order was issued after the respondent had reasonable notice and an opportunity to be heard before the order was issued – **OR** if the protection order was issued ex-parte (without notice), the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the final protective order is issued.

Any individual may register the order. However, the affidavit must be signed by the individual protected by the out-of-state court or tribal court protection order.

Definitions

Foreign Protection Order – a protection order issued by a tribunal of another state.

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 Domestic Violence Protection 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.

Petitioner/Protected Individual – the individual protected by the out-of-state court or tribal court protection order.

Protection Order – an injunction or other order, issued by a tribunal under the domestic violence or family violence laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual. The term includes an injunction or other order issued under the antistalking laws of the issuing state.

Respondent – the individual against whom enforcement of a foreign protection order is sought.

State – a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and an Indian tribe or band that has the jurisdiction to issue protection orders.

Tribunal – a court, agency, or other entity authorized by law to issue or modify a protection order.

Lawyer Resources

You're not required to hire a lawyer to register an out-of-state court or tribal court protection order. If you decide to represent yourself, you must follow all of the rules, laws, and procedures a lawyer is required to follow.

If you decide to find a lawyer to represent you, you may find the following options of interest.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is www.legalassist.org.
- **The State Bar Association of North Dakota** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is www.sband.org.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at www.ndcourts.gov/Lawyers. You can narrow your search by name or location.

STEP 1: GET A CERTIFIED COPY OF THE OUT-OF-STATE OR TRIBAL COURT PROTECTION ORDER

You must have a certified copy of the out-of-state court or tribal court protection order you wish to register.

If you don't have a certified copy, contact the out-of-state court or tribal court that issued the protection order and get a certified copy.

STEP 2: PREPARE THE AFFIDAVIT FOR REGISTRATION OF OUT-OF-STATE OR TRIBAL COURT PROTECTION ORDER

The affidavit must be completed and signed by the individual protected by the out-of-state court or tribal court protection order.

Caption (Top of Form):

- Fill in the North Dakota County name and Judicial District where you, the Petitioner, intend to register the protection order. The County is within the Judicial District.
 - County and Judicial District maps are available at ndcourts.gov/court-locations.
 - If you don't know the name of the Judicial District, you may leave it blank.
- Leave the Case No blank. The case number will be filled in by the Clerk of District Court in Step 4.
- You, the individual protected by the out-of-state court or tribal court protection order, are the Petitioner. Fill in your full name.
- The Respondent is the individual against whom enforcement of the out-of-state court or tribal court protection order is sought. Fill in the Respondent's full name.

Paragraph 1:

- You, the Petitioner, fill in your full name.

Paragraph 2:

- Read carefully. If this isn't true, you can't use this form set.

Paragraph 3:

- Fill in your address.

Paragraph 4:

- Fill in your year of birth ONLY.
 - You'll put your full birth date in the Confidential Information Form in Step 3.

Paragraph 5:

- Put a checkmark (✓) in the box that is true for you, the Petitioner.
 - If you choose the 2nd checkbox, list each additional person protected in the protection order, along with their age and relationship to you. If a person is a minor child (under 18 years old), list ONLY their initials.
 - You'll put any minor child's full name in the Confidential Information Form in Step 3.

Paragraph 6:

- Fill in the full name of the Respondent – the individual from whom you're protected by the protection order.
- Fill in as much information as you can about the Respondent.
 - You MUST fill in the Respondent's gender and race. If you don't fill in the Respondent's gender and race, the protection order can't be transmitted to the FBI.
 - The FBI only accepts Asian, Black, White, or Unknown for race.
 - You'll put the Respondent's full birthdate, full social security number, driver's license number, and/or license plate number in the Confidential Information Form in Step 3.

Paragraph 7:

- Fill in the name and address of the court that issued the foreign protection order you, the Petitioner, wish to register.

Paragraph 8:

- If you don't have a certified copy of the protection order you, the Petitioner, wish to register, you can't use this form set.

Paragraph 9:

- Put a checkmark (✓) in the box that is true your situation.

Paragraphs 10 through 12:

- Read carefully. If any of the statements in Paragraphs 10 through 12 aren't accurate for you, the Petitioner, or your situation, you can't use this form set.

Date and Signature:

When you, the Petitioner, date and sign the Affidavit, you're declaring, under penalty of perjury, that all of the information in the Affidavit is accurate and true.

You're NOT required to sign this Affidavit in the presence of a notary public or a clerk of court.

- Fill in the date you, the Petitioner, sign the Affidavit AND the location where you sign the Affidavit.
- Sign the Affidavit.
- Complete the lines following your signature.

STEP 3: PREPARE THE CONFIDENTIAL INFORMATION FORM

Certain information in court records is required to remain confidential. Confidential information includes:

- Social security numbers
- Birthdates
- Full name of a minor child (under 18 years old)
- Financial-account numbers

The documents filed with the court must include only:

- The last four (4) digits of the social security number and taxpayer identification number
- The year of birth
- The minor child's initials
- The last four (4) digits of the financial-account number

The district court still needs to have access to the full confidential information. The Confidential Information Form includes the full confidential information that can't appear in your Affidavit.

Caption (Top of Form):

- Fill in the caption exactly as you filled in the caption of your Affidavit in Step 2.

Full Information Column:

- Fill in the full information for you, the Petitioner, the Respondent, and all additional protected persons listed in the protection order you wish to register.

Redacted Information Column:

- Fill in the information as it appears in your Affidavit.

Date and Signature:

- Fill in the date you, the Petitioner, sign the Confidential Information Form.
- Sign the Confidential Information Form.
- Complete the lines following your signature.

STEP 4: FILE THE AFFIDAVIT, THE CONFIDENTIAL INFORMATION FORM AND THE CERTIFIED COPY OF THE PROTECTION ORDER WITH THE CLERK OF DISTRICT COURT

Take the following documents to the Clerk of District Court’s office:

- Affidavit for Registration of Out-of-State or Tribal Court Protection Order
- Confidential Information Form
- Certified copy of your out-of-state or tribal court protection order

You, the Petitioner, or someone else may take the registration documents to the Clerk of District Court’s office.

A filing fee isn’t required for registering an out-of-state court or tribal court protection order.

What to expect after the affidavit and certified copy of your out-of-state or tribal court protection order are filed:

After a certified copy of a foreign (out-of-state or tribal court) protection order is registered, the Clerk of District Court transmits a copy of the order to the appropriate law enforcement agency.

The Clerk will provide you with a certified copy of the registered protection order at no cost.