

# Instructions for Requesting a Civil Protection Order

## Important! Read Before Using This Packet of Forms.

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

ND Legal Self Help forms aren't official court forms. Judges and courts aren't required to accept them. There's no guarantee Center forms will be accepted. **Use at your own risk.**

You may ask for assistance from a Certified Domestic Violence Sexual Assault Advocate for help filling out the forms. **Information about Certified Domestic Violence Sexual Assault Advocates is on pages 5 and 6 of these instructions.**

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](http://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](http://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](http://ndcourts.gov/legal-self-help).

***These instructions and forms aren't a complete statement of the law. They cover the basic procedure for petitioning a North Dakota state district court for a Civil Protection Order. The Center isn't responsible for any consequences that may result from the forms or information provided. Use at your own risk.***

[Chapter 14-07.7 of the North Dakota Century Code](#) governs Civil Protection Orders in North Dakota.

[Rule 34 of the North Dakota Supreme Court Administrative Rules and Orders](#) governs Certified Domestic Violence Sexual Assault Advocates.

## What is a Civil Protection Order?

A Civil Protection Order is a protection order that prohibits the restrained individual from:

- (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
- (2) Entering or remaining on the premises, such as home, school, work, or daycare;
- (3) Coming within a specified distance of the protected individual or premises; or
- (4) Any other action necessary to protect the protected individual from imminent danger to life or health.

A Civil Protection Order may be **One** of the following:

- (1) **Domestic Violence Protection Order** – Protection from the Restrained Individual, who is a family or household member, and who committed one or more acts of domestic violence against the Protected Individual(s).

Domestic violence includes physical harm, bodily injury, stalking, sexual activity compelled by physical force, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault.

- (2) **Sexual Assault Restraining Order** – Protection from the Restrained Individual who committed sexual assault against the Protected Individual(s).

Sexual assault is any nonconsensual offense listed in [North Dakota Century Code Chapter 12-1-20](#) for which “sexual act or sexual conduct” is an element.

- (3) **Disorderly Conduct Restraining Order** – Protection from the Restrained Individual who committed intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of the Protected Individual(s).

## What if the Unwanted Act(s) or Violence Happened in North Dakota But the Respondent Isn't in North Dakota?

*(The Petitioner is the person requesting a Civil Protection Order for themselves, or for a minor child. The Respondent is the person the Petitioner claims in their petition to be engaged in the unwanted act(s) or violence.)*

Before a North Dakota state district court Judge or Judicial Referee can grant a Civil Protection Order, the court must have personal jurisdiction over the Petitioner and the Respondent. Personal jurisdiction gives the court the power to inquire into the facts, apply the law, and determine and pronounce judgment.

Determining whether a Respondent meets the requirements for personal jurisdiction requires legal advice. Neither ND Legal Self Help Center staff nor Court System staff can give you legal advice. You need to make this determination yourself or consult a [lawyer](#) for legal advice.

Start your legal research into personal jurisdiction with [Rule 4 of the North Dakota Rules of Civil Procedure](#).

## Overview of the Civil Protection Order Process

**Step 1: Petition Filed.** The Petitioner completes and files the Petition for Civil Protection Order with the North Dakota State District Court. The Petitioner may checkmark all boxes they believe apply to their circumstances: 1) Domestic Violence Protection Order, 2) Sexual Assault Restraining Order; or 3) Disorderly Conduct Restraining Order. **However, the Judge or Judicial Referee will only order one type of protection order with the most protection for which the Petitioner shows they qualify.**

**Step 2: Temporary Civil Protection Order Issued.** If the petition shows, **in writing**, the Petitioner qualifies for **one** of the three types of civil protection orders, the Judge or Judicial Referee issues **either** a 1) Temporary Domestic Violence Protection Order, 2) Temporary Sexual Assault Restraining Order; **or** 3) Temporary Disorderly Conduct Restraining Order.

**Step 3: Hearing Scheduled; Notice of Hearing Served.** A hearing is scheduled on the Petition for Civil Protection Order for a permanent civil protection order not later than fourteen (14) days after the Judge or Judicial Referee issues the Temporary Civil Protection Order.

The Court arranges for the Sheriff to serve the Respondent with the Temporary Civil Protection Order, Notice of Hearing, and a copy of the Petition for Civil Protection Order.

**Note:** If the Respondent lives in another state, the Petitioner may be charged service fees.

**Step 4: Hearing Held.** The hearing is held to decide if the Petitioner can prove the claims they included in their Petition. At the hearing, **the Petitioner must show evidence to the Judge or Judicial Referee of the unwanted act(s) or violence for the type of temporary civil protection order the Judge or Judicial Referee granted.**

**Step 5: Judge or Judicial Referee Decides Whether to Grant the Permanent Civil Protection Order.** After the hearing, if the Judge or Judicial Referee finds the Petitioner proved evidence of unwanted acts or violence for the type of temporary civil protection order granted, a permanent Civil Protection Order may be granted against the Respondent.

If the Judge or Judicial Referee finds that the Petitioner didn't show evidence of actual unwanted acts or violence, the case is dismissed and the temporary protection order expires.

## Definitions

**Certified Domestic Violence Sexual Assault Advocate** – A person who:

1. Is certified to provide direct support services to alleged victims of domestic violence or sexual assault;
2. Is affiliated with a domestic violence sexual assault program;
3. Has completed forty-two (42) hours of domestic violence and sexual assault training relating to the services and proceedings; and
4. Has completed, in each year following the year of certification, twelve (12) additional hours of training.

**Contact** – Any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.

**Disorderly Conduct** – Intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in [North Dakota Century Code Title 12.1](#). 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.

**Domestic Violence** – Physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members. This meaning also includes stalking.

**Family or Household Member** – a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals who are or were in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual by the court under [North Dakota Century Code Section 14-07.7-07](#).

**Judicial Referee** – A judicial officer, appointed by the presiding District Court Judge, who has the authority to hear and decide Civil 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** – Person requesting a civil protection order. The Petitioner may be 1) an adult requesting protection for themselves; 2) a minor child (under 18 years old) of sufficient and competent age requesting protection for themselves; or 3) a parent, guardian, or attorney guardian ad litem requesting protection on behalf of a minor child.

**Protected Individual(s)** – The individual(s) identified in a Civil Protection Order issued by a Judge or Judicial Referee under [North Dakota Century Code Chapter 14-07.7](#) as the individual(s) for whose benefit the Civil Protection Order was issued.

**Respondent** – Person from whom the Petitioner seeks protection.

**Restrained Individual** – The individual identified in a Civil Protection Order issued by a Judge or Judicial Referee under [North Dakota Century Code Chapter 14-07.7](#) as the individual from whom the Protected Individual(s) are protected under the order.

**Sexual Assault** – Any nonconsensual offense in [North Dakota Century Code Chapter 12.1-20](#) for which sexual act or sexual contact, as defined in [Section 12.1-20-02](#) is an element.

**Stalking** – Domestic violence and disorderly conduct include stalking:

- To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
- The unauthorized tracking of the person's movements or location through the use of a global positioning system, robot, or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.

## What Does a Certified Domestic Violence Sexual Assault Advocate Do?

A [Certified Domestic Violence Sexual Assault Advocate](#) may:

1. Assist with completing printed forms for civil protection order proceedings under [Chapter 14-07.7](#) of the North Dakota Century Code; and
2. Sit with the Petitioner during court proceedings.

*(This space left intentionally blank.)*

## How to Find a Certified Domestic Violence Sexual Assault Advocate

Contact North Dakota Domestic & Sexual Violence Coalition for information about domestic violence/sexual assault (DA/SA) victim advocacy centers across North Dakota staffed with professionals who can help you with safety planning, finding shelter, obtaining a protection order, and more.

North Dakota Domestic & Sexual Violence Coalition  
521 E Main Ave, Suite 320  
Bismarck, ND 58501  
(701) 255-6240, Ext. 1016  
(888) 255-6240  
[ndsvc.org/FIND-HELP](http://ndsvc.org/FIND-HELP)

## Is a Certified Domestic Violence Sexual Assault Advocate My Lawyer?

**No**, a Certified Domestic Violence Sexual Assault Advocate isn't your lawyer and can't act as your lawyer at the hearing. You may choose to have both a Certified Domestic Violence Sexual Assault Advocate assist you **and** a lawyer represent you. If you retain a lawyer, you're responsible for paying the lawyer's fees.

If you want 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 [lsnd.org](http://lsnd.org).
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of [dpls.org](http://dpls.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 [sband.org](http://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 [ndcourts.gov/Lawyers](http://ndcourts.gov/Lawyers).

## Five Steps to Request a Civil Protection Order

### Step 1 – Prepare the Civil Protection Order Forms; File with the Clerk of Court.

The Petitioner completes the following two forms:

1. Petition for Civil Protection Order
2. Confidential Information Form

#### Petition for Civil Protection Order

**Caption (top of form):**

- Fill in the name of the North Dakota County where you'll file your petition.
- Fill in the name of the Judicial District in North Dakota. (*The County is within the Judicial District.*)
  - o County and Judicial District information and maps are available at [ndcourts.gov](http://ndcourts.gov).
- Leave the Case Number blank. This is assigned by the Clerk of Court at the end of Step 1.
- Petitioner – You're the Petitioner.
  - o **If you're an adult or a minor child petitioning only for yourself:** List your full legal name on the first line. Leave the second line blank.
  - o **If you're a parent or guardian petitioning for yourself and a minor child or minor children:** List your names as follows “[Petitioner's legal name], individually, and on behalf of [List each minor child's legal name]”
  - o **If you're a parent, guardian, or attorney guardian ad litem petitioning only for a minor child or minor children:** List your names as follows “[Petitioner's legal name] on behalf of [List each minor child's legal name]”
- The Respondent is the person from whom you're seeking protection. Fill in their full name.
  - o **There must be a separate petition for each Respondent.**
  - o **If possible, use the Respondent's full, complete name, not nicknames.**

**Paragraph 1:**

- Fill in your full name.

**Paragraph 2:**

- Checkmark  the box that best applies to your circumstances. If you believe more than one type of civil protection order applies, you may checkmark  more than one box. **However,** the Judge or Judicial Referee can only issue **one** type of civil protection order and will select the one with the most protection for which **you show you qualify.**

### Paragraph 3:

Checkmark  all boxes that apply. If you checkmark  “Other”, you must explain.

### Paragraph 4:

If you’re the Petitioner **and** the victim, checkmark  the first box that says “I, the Petitioner, am the victim . . .”. Checkmark  the ways you’re related or connected to the Respondent.

- If you check “Other”, you must explain.

If you’re bringing this Petition for minor child(ren) **only**, checkmark  the second box that says “I, the Petitioner, am the *(choose one)* . . .” **and** checkmark  your relationship to the minor child(ren).

- Fill out **all** requested information for each minor child.
- Each minor child **must** be listed on the “Petitioner” lines in the caption.
- Cross out the lines you don’t use.

If you’re the Petitioner **and** the victim, **and** you’re bringing this Petition for minor child(ren) who are also victims, checkmark  and complete the first and second boxes.

### Paragraph 5:

Checkmark  the first box **only** if you’re 18 years or older.

Checkmark  and complete the second box **only** if you’re less than 18 and you’re bringing this petition on your own.

- Fill in your age.
- Explain **in** detail why you are old enough and competent enough to bring this Petition on your own. (**Remember**, you must convince the Judge or Judicial Referee you’re old enough and mature enough to ask for protection without a parent, guardian, or attorney guardian ad litem.)

### Paragraph 6:

Checkmark  and complete the first box **only** if you’re **not** asking for your address and phone number to remain confidential.

- **Note:** If you want protection for your home (address), you **must include the address on the Petition**.

Checkmark  the second box **only** if you’re requesting that your address and telephone number remain confidential. This also tells the Judge or Judicial Referee you’re asking for the Confidential Information Form to be kept confidential.

- **Note:** If you checkmark this box, the information is withheld from the Respondent and the public, **but** the order can’t protect the place – protection will be based only on the person.

#### Paragraph 7:

**Fill in all information about the Respondent that you know.** Type or write “*unknown*” if you don’t know the information.

- **Remember:** The more information you can give to the Judge or Judicial Referee, the more complete the Order will be and easier to serve the Respondent.
- **Note:** If you know the Social Security Number, fill in **only the last four** numbers. You fill in the entire number on the Confidential Information Form.

#### Paragraph 8:

If you don’t know the Respondent’s age and birthdate checkmark  “*unknown*”;

If you know the Respondent’s age and birthdate; checkmark  the second box and fill in the age and birthdate;

- **Note:** If you know the birth date, fill in **only the year**. You fill in the Respondent’s entire birthdate on the Confidential Information Form.

If the Respondent is less than 18 years old, include the name and contact information of the Respondent’s parents or guardians. Write “*unknown*” if you don’t know this information.

#### Paragraph 9:

**Fill in all descriptive information about the Respondent you know.** Type or write “*unknown*” if you don’t know the information. The more detail you provide, the quicker it will be to locate Respondent and identify them for service.

#### Paragraph 10:

Checkmark  the first box if **no** outstanding court order or case exists that addresses residential responsibility (custody) or parenting time (visitation) with any minor children you listed in Paragraph 4, or addresses contact between you and the Respondent.

Checkmark  the second box if there’s currently an outstanding court order or case that addresses residential responsibility (custody) or parenting time (visitation) with any minor children you listed in Paragraph 4, or addresses contact between you and the Respondent. List every current case, the type of case, case number, and the court.

- Examples of orders that address Residential Responsibility (Custody), Parenting Time (Visitation), or contact between you and the Respondent include:
  - a divorce judgment or decree,
  - a judgment establishing parenting rights and responsibilities, or
  - a paternity judgment.

**Paragraph 11:**

- Checkmark  the first box if there are **no other civil or criminal cases besides those listed in Paragraph 10 in the past or present** that involve you, Respondent, or any minor child(ren) listed in Paragraph 4;
- Checkmark  the second box if **there's any civil or criminal cases besides those listed in Paragraph 10 in the past or present** that involve you, Respondent, or any minor child(ren) listed in Paragraph 4. List every current case, the type of case, case number, and the court.

**Paragraph 12 (read the tips on page 6 of the Petition):**

- Describe the **most recent incidents** that took place between you (and the child(ren)) and the Respondent. Start with the most recent incident.
  - Be as specific and descriptive as possible. **Remember:** The Judge or Judicial Referee decides whether to grant you a Temporary Civil Protection Order based **only** on what you write in your Petition.
  - If you need more room, use separate sheets of paper to type or write the incidents.
  - Type or write on only one side of the separate sheets of paper.
  - Don't write on the back of the form.
  - Checkmark  "Additional sheets of paper are attached for Paragraph 12."

**Paragraph 13 (read the tips on page 6 of the Petition):**

- Describe the **past incidents** that took place between you (and the child(ren)) and the Respondent.
  - Be as specific and descriptive as possible. **Remember:** The Judge or Judicial Referee decides whether to grant you a Temporary Civil Protection Order based **only** on what you write in your Petition.
  - If you need more room, use separate sheets of paper to type or write the incidents.
  - Type or write on only one side of the separate sheets of paper.
  - Don't write on the back of the form.
  - Checkmark  "Additional sheets of paper are attached for Paragraph 13."

**Paragraph 14:**

- Temporary Domestic Violence Protection Order** – If you checkmarked "Domestic Violence Protection Order in Paragraph 2, Checkmark  this box and review and complete Paragraphs 1 through 6.
  - Paragraph 1 of Temporary Domestic Violence Protection Order Section:** Review.

- **Paragraph 2 of Temporary Domestic Violence Protection Order Section:** Fill in the addresses for each of the places you want to have the Respondent excluded from. Write “*does not apply*” if one of the places doesn’t apply – **don’t** leave any blanks!
  - If you checkmarked the second box to withhold the address, write “*address withheld*”.
  - If you ask to have an address withheld from the Respondent, the order can’t protect the place. Protection is based on the person.
- **Paragraph 3 of Temporary Domestic Violence Protection Order Section:** If you’re requesting temporary primary residential responsibility (custody) be awarded for your and the Respondent’s minor child(ren), list the initials of each child. You fill out the entire name on the Confidential Information Form. If this doesn’t apply write “*does not apply*”.
- **Paragraph 4 of Temporary Domestic Violence Protection Order Section:** If you’re requesting temporary parenting time (visitation) be awarded for your and the Respondent’s minor child(ren), list the initial of each minor child and your proposed visitation plan. If this doesn’t apply write “*does not apply*”.
- **Paragraph 5 of Temporary Domestic Violence Protection Order Section:** If you’re requesting the Respondent surrender any firearm or other dangerous weapons, give as much information as possible. If you don’t know if the Respondent has firearms or dangerous weapons, write “*unknown*”. If this doesn’t apply write “*does not apply*”.
- **Paragraph 6 of Temporary Domestic Violence Protection Order Section:** Checkmark  whether you request the temporary order stop the Respondent from removing, transferring, injuring, concealing, harming, attacking, mistreating, threatening to harm, or other disposing of any animal. **If you request:**
  - Describe the animal to be protected.
  - Explain **in detail** why you’re requesting this protection. **Remember**, you must convince the Judge or Judicial Referee that protection is necessary.

**Temporary Sexual Assault Restraining Order** – If you checkmarked “Sexual Assault Restraining Order in Paragraph 2, Checkmark  this box and review and complete Paragraphs 1 through 3.

- **Paragraph 1 of Temporary Sexual Assault Restraining Order Section:** Review.
- **Paragraph 2 of Temporary Sexual Assault Restraining Order Section:** Fill in the addresses for each of the places you want to have the Respondent excluded from. Write “*does not apply*” if one of the places doesn’t apply – **don’t** leave any blanks!
  - If you checkmarked the second box to withhold the address, write “*address withheld*”.

- If you ask to have an address withheld from the Respondent, the order can't protect the place. Protection is based on the person.
- **Paragraph 3 of Temporary Sexual Assault Restraining Order Section:** Review.

**Temporary Disorderly Conduct Restraining Order** – If you checkmarked "Disorderly Conduct Restraining Order in Paragraph 2, Checkmark  this box and review and complete Paragraphs 1 through 3.

- **Paragraph 1 of Temporary Disorderly Conduct Restraining Order Section:** Review.
- **Paragraph 2 of Temporary Disorderly Conduct Restraining Order Section:** Fill in the addresses for each of the places you want to have the Respondent excluded from. Write "*does not apply*" if one of the places doesn't apply – **don't** leave any blanks!
  - If you checkmarked the second box to withhold the address, write "*address withheld*".
  - If you ask to have an address withheld from the Respondent, the order can't protect the place. Protection is based on the person
- **Paragraph 3 of Temporary Disorderly Conduct Restraining Order Section:** Review.

**Paragraph 15:**

Review.

**Paragraph 16:**

Checkmark  the box indicating whether you want to be notified when Respondent is served.

**Paragraph 17 and Signature Block:**

**Read Paragraph 17 carefully!** When you date and sign the petition, you're telling the Judge or Judicial Referee, under penalty of perjury, everything you wrote in your completed Petition is true and correct.

Fill in the following:

- The date you signed the petition; and
- The City, County, State and Country where you signed the petition;

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

**Caution!** If you asked to leave your address blank in Paragraph 6, don't fill in your address or telephone number. Put this information in the Confidential Information Form.

## Confidential Information Form

You're responsible for making sure confidential information doesn't appear in the documents you prepare.

Confidential includes:

- Social security numbers
- Taxpayer identification numbers
- Birthdates
- Financial-account numbers

Documents filed with references to confidential information must include only:

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

### Caption (top of form):

Fill in the Caption exactly as you filled in the Caption of your Petition.

### Full Information:

Fill in the full information. Don't leave blanks. Write "*does not apply*" if a line doesn't apply – **don't** leave any blanks!

### Redacted Information:

Fill in the redacted information. Don't leave blanks. Write "*does not apply*" if a line doesn't apply – **don't** leave any blanks!

### Addresses and Telephone Number:

If you asked to have any addresses or your telephone number withheld, fill in the full information. Don't leave blanks. Write "*does not apply*" if an address or telephone number line doesn't apply – **don't** leave any blanks!

### Respondent Information:

Fill in the full and redacted information. Don't leave blanks. Write "*does not apply*" if a line doesn't apply – **don't** leave any blanks!

**Date and Signature:**

- Date and sign the form.
- Fill in the information below the signature line.

**Make 1 copy of each of the following completed forms:**

1. Petition for Civil Protection Order
2. Confidential Information Form

Keep the copies for your records.

**File the following original completed forms with the Clerk of District Court of the County you listed in the caption of your Petition:**

1. Petition for Civil Protection Order
2. Confidential Information Form

You won't be charged a filing fee. There's **no** filing fee to petition for a civil protection order.

**Step 2 – The Judge or Judicial Referee **May** Issue a **Temporary Civil Protection Order.****

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

The Judge or Judicial Referee reviews your petition to decide if the information you included shows you, and/or the minor child(ren) you want to protect, qualify for one of the three types of temporary civil protection orders you selected in your Petition.

**If you checkmarked more than one type of civil protection order in your Petition, the Judge or Judicial Referee can only order one type of temporary civil protection order. The Judge or Judicial Referee orders the **one** type of temporary civil protection order with the most protection for which your Petition qualifies.**

The three types of temporary civil protection orders are:

1. Temporary Domestic Violence Protection Order
2. Temporary Sexual Assault Restraining Order
3. Temporary Disorderly Conduct Restraining Order

**The Temporary Civil Protection Order is in place until a new order is issued after the hearing.**

**If the Judge or Judicial Referee decides your Petition doesn't qualify for any order you checkmarked, your case is dismissed. You don't move forward to a hearing.**

## Step 3 – The Hearing is Scheduled; Notice of Hearing is Served on the Respondent.

**After a Temporary Civil Protection Order is issued, the District Court schedules a time and date for the hearing on your Petition for Civil Protection Order.**

The hearing is scheduled within 14 days after the Judge or Judicial Referee issues the Temporary Civil Protection Order. However, the Judge or Judicial Referee can schedule the hearing later than 14 days for good cause.

The Respondent must be served by the sheriff at least 5 days before the hearing. The Respondent must be served with a copy of the Temporary Civil Protection Order and notice of the date, time, and location of the hearing.

If the Respondent can't be served, the Judge or Judicial Referee may schedule a new hearing date.

**The District Court arranges for the sheriff to serve copies of the following on the Respondent:**

- The Notice of Hearing; and
- The Temporary Civil Protection Order.
  - The Notice of Hearing may be combined with the Temporary Order.

If the Respondent is a minor (less than 18 years old), the Respondent's parents must also be served.

**If the Respondent can be served in North Dakota**, you won't be charged service fees.

**If the Respondent can't be served in North Dakota**, you'll be charged service fees.

## Step 4 – Attend the Hearing.

**You must attend at the hearing.** If you're working with a Certified Domestic Violence Sexual Assault Advocate, the advocate is allowed to attend the hearing with you.

At the hearing, you must prove the facts you included in your Petition for Civil Protection Order.

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 their side of the story and present their evidence and witnesses to the facts you included in your Petition.

After the hearing, the Judge or Judicial Referee decides if you've proven there's sufficient evidence to grant a Civil Protection Order.

## Step 5 – The Judge or Judicial Referee Decides Whether to Grant a Permanent Civil Protection Order.

After the hearing is held, the Judge or Judicial Referee decides whether you proved enough evidence to qualify for a permanent Civil Protection Order.

**If the Judge or Judicial Referee decides that you didn't prove enough evidence to qualify for a permanent Civil Protection Order, the case is dismissed.** Your Temporary Order is no longer valid or effective.

**If the Judge or Judicial Referee decides you proved enough evidence, the Judge or Judicial Referee issues a Civil Protection Order, including the length of time the Order is effective.**

- If you were issued a Temporary Domestic Violence Protection Order, you're issued a **Domestic Violence Protection Order** after the hearing.
  - There's no limit in [Chapter 14-07.7](#) on the length of time a Domestic Violence Protection Order may last. It's the Judge's or Judicial Referee's decision.
- If you were issued a Temporary Sexual Assault Restraining Order, you're issued a **Sexual Assault Restraining Order** after the hearing.
  - A Sexual Assault Restraining Order can't last more than 2 years.
- If you were issued a Temporary Disorderly Conduct Restraining Order, you're issued a **Disorderly Conduct Restraining Order** after the hearing.
  - A Disorderly Conduct Restraining Order can't last more than 2 years.

The Clerk of Court sends a copy of the Civil Protection Order to the local law enforcement agency with jurisdiction over the residence of the Protected Individual(s).

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

Either the Petitioner or the Respondent may make a motion to amend (modify) the Civil Protection Order.

- General information and forms to make a motion are available at [ndcourts.gov/legal-self-help/making-a-motion](#).
- General information and forms to answer a motion are available at [ndcourts.gov/legal-self-help/answering-a-motion](#).