

**PROTECTION / DISORDERLY CONDUCT RESTRAINING ORDER
COVER SHEET**

THIS INFORMATION IS INTENDED FOR LAW ENFORCEMENT USE ONLY

To be delivered to the responsible Law Enforcement Agency along with the Order

ALL AREAS WITH * MUST BE COMPLETED.

PETITIONER

* Last Name _____ * First Name _____ * Middle Initial _____ * Date of Birth _____

Address (Street, City & State) _____ () _____
Phone Number

Place of Employment / Education (Street, City & State) _____ () _____
Phone Number

Does petitioner have children living with him / her?

_____ No _____ Yes Please list ages: _____

Is there to be notification of service?

_____ No _____ Yes Phone Numbers: _____

RESPONDENT

(This section must be completed by the Petitioner in order to enter the Restraining Order in the Statewide System.)

* Last Name _____ * First Name _____ * Middle Initial _____

Also Known As: Last Name _____ First Name _____ Middle Initial _____

* Date of Birth _____ Social Security Number _____ * Sex _____ Race _____ * Height _____ Weight _____ Eyes _____ Hair _____

Other identifying characteristics: (glasses, long hair, beard, tattoos, etc.) _____

Last known address: (Street, City & State) _____ () _____
Phone Number

Other address where respondent may be found: (Street, City & State) _____ () _____
Phone Number

Place of employment: (Name of Business, Street, City & State) _____ () _____
Phone Number

Description of respondent's vehicle: (Year, Make, Model, License #, Color) _____

Is respondent known to possess any firearms?
_____ No _____ Yes Indicate number of each: _____ Pistol _____ Rifle _____ Shotgun

Is respondent known to possess a N.D. concealed Weapon Permit?
_____ No _____ Yes _____ Unknown

Is respondent known to be violent towards persons other than the petitioner?
_____ No _____ Yes Explain _____

~~For Court Use Only:~~

Eviction: _____ No _____ Yes

STATE OF NORTH DAKOTA
Petition for Protective Relief
SFN 51566 (09/08)

STATE OF NORTH DAKOTA
COUNTY OF _____

IN THE DISTRICT COURT
Case
No. _____

Petitioner

vs.

**Petition for
Protective Relief**

Respondent,

I _____, being sworn, apply for protective relief under the Domestic
Violence Chapter of the North Dakota Century Code, Ch. 14-07.1.

I am a resident of _____ County and currently live at (optional):

I have _____ child[ren] living with me, whose names and ages are:

Name	DOB	Respondent's child (yes/no)
_____	_____	_____
_____	_____	_____
_____	_____	_____

I am asking the court for protective relief from: _____
(Please include full name)

Relationship to respondent: _____

Respondent's place of residence is: _____

Respondent may also be found at: _____

Respondent is employed at: (name, address, phone number of employer)

Description of respondent: Height ____ Weight ____ Age ____ DOB ____ Sex ____
Special Identifying Marks: _____

General Appearance: _____

I want the Respondent to be restrained from harassing, threatening, molesting, or injuring me.

I want the Respondent to be restrained from having contact with me in person, by phone, by mail, by any electronic means, or through third parties.

I want the respondent to be excluded from:

- a) Petitioner's residence (optional) _____

- b) Petitioner's work (optional) _____

- c) Petitioner's day care (optional) _____

- d) Other (optional) _____

I (want) (do not want) custody of my child(ren) at this time.

I (am) (am not) willing to grant respondent visiting rights with regard to the children.

Visitation Proposal: _____

I also ask that the respondent surrender the following property: _____

I will need further financial assistance from the respondent at this time.

I request further relief as follows: _____

There is an outstanding court Order that addresses visitation, custody, or contact between the Respondent and me.

I believe there exists an immediate and present danger that the domestic violence described below will continue against me, if the Respondent has contact with me.

Recently the following incidents have taken place involving the respondent and me: (Describe briefly what took place, including dates, places, times, how long the incidents lasted, any witness, what the results of the incidents were. Start with the most recent incidents. See attached sheets.

Respondent has used, displayed, or threatened to use a firearm or other dangerous weapon in acts of violence against me: (Describe briefly what took place, including dates, places, and times. Start with the most recent incident). See attached sheets.

The following is a listing of any civil or criminal actions involving both me and the person from whom I am seeking relief, as required by subsection 8 of section 14-07.1-02 of the ND Century Code.

I have read and understand the above statement, and to the best of my knowledge I believe that the facts stated above are true. I make this statement voluntarily.

Date this _____ day of _____, _____.

Signature of Petitioner

Attorney Name Address Telephone

Signature

Bar ID#

Subscribed and sworn before me on this
_____ day of _____, _____.

Notary Public /Clerk of District Court
Notary Commission Expires _____

CHAPTER 14-07.1
DOMESTIC VIOLENCE
14-07.1-01. Definitions.

1. "Department" means the state department of health.
2. "Domestic violence" includes 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.
3. "Domestic violence sexual assault organization" means a private, nonprofit organization whose primary purpose is to provide emergency housing, twenty-four-hour crisis lines, advocacy, supportive peer counseling, community education, and referral services for victims of domestic violence and sexual assault.
4. "Family or household member" means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.
5. "Health officer" means the state health officer of the department.
6. "Law enforcement officer" means a public servant authorized by law or by a government agency to enforce the law and to conduct or engage in investigations of violations of law.
7. "Predominant aggressor" means an individual who is the most significant, not necessarily the first, aggressor.
8. "Willfully" means willfully as defined in section 12.1-02-02.

14-07.1-02. Domestic violence protection order.

1. An action for a protection order commenced by a verified application alleging the existence of domestic violence may be brought in district court by any family or household member or by any other person if the court determines that the relationship between that person and the alleged abusing person is sufficient to warrant the issuance of a domestic violence protection order. An action may be brought under this section, regardless of whether a petition for legal separation, annulment, or divorce has been filed.
2. Upon receipt of the application, the court shall order a hearing to be held not later than fourteen days from the date of the hearing order.
3. Service must be made upon the respondent at least five days prior to the hearing. If service cannot be made, the court may set a new date.
4. Upon a showing of actual or imminent domestic violence, the court may enter a protection order after due notice and full hearing. The relief provided by the court may include any or all of the following:
 - a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other person.
 - b. Excluding either the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of another person against whom the domestic violence is occurring, or from a domestic violence care facility, if this exclusion is necessary to the physical or mental well-being of the applicant or others.

c. Awarding temporary custody or establishing temporary visitation rights with regard to minor children.

d. Recommending or requiring that either or both parties undergo counseling with a domestic violence program or other agency that provides professional services that the court deems appropriate. The court may request a report from the

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designated agency within a time period established by the court. The costs of the court-ordered initial counseling assessment and subsequent reports must be borne by the parties or, if indigent, by the respondent's county of residence.

e. Requiring a party to pay such support as may be necessary for the support of a party and any minor children of the parties and reasonable attorney's fees and costs.

f. Awarding temporary use of personal property, including motor vehicles, to either party.

g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides.

5. A court of competent jurisdiction may issue a dual protection order restricting both parties involved in a domestic violence dispute if each party has commenced an action pursuant to subsection 1 and the court, after a hearing, has made specific written findings of fact that both parties committed acts of domestic violence and that neither party acted in self-defense. The order must clearly define the responsibilities and restrictions placed upon each party so that a law enforcement officer may readily determine which party has violated the order if a violation is alleged to have occurred.

6. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

7. No order or agreement under this section affects title to any real property in any matter.

8. The petition for an order for protection must contain a statement listing each civil or criminal action involving both parties.

9. Upon the application of an individual residing within the state, a court may issue a domestic violence protection order or an ex parte temporary protection order under this chapter even though the actions constituting domestic violence occurred exclusively outside the state. In these cases, a respondent is subject to the personal jurisdiction of this state upon entry into this state. If the domestic violence justifying the issuance of a protection order under this chapter occurred exclusively outside the state, the relief that may be granted is limited to an order restraining the party from having contact