

## **CHAPTER 14-07.7 CIVIL PROTECTION ORDERS**

### **14-07.7-01. Definitions.**

For purposes of this chapter:

1. a. "Civil protection order" means 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 premises;
  - (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.
- b. A civil protection order may be a:
  - (1) Disorderly conduct restraining order;
  - (2) Domestic violence protection order; or
  - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means 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 title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, bodily injury, stalking, 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 member.
5. "Family or household member" means 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 as determined by the court under section 14-07.7-07.
6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.
7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

### **14-07.7-02. Petition for civil protection order.**

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:
  - a. A family or household member who commits an act of domestic violence; or
  - b. An individual who has committed disorderly conduct or sexual assault.
2. The petition must identify which type of civil protection order is sought.
3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney guardian ad litem of the minor is the petitioner and the minor is the protected individual. A minor of sufficient and competent age may petition for a civil protection order on their own behalf.
4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.

5. The petition must allege facts sufficient to show:
  - a. The name of the alleged victim;
  - b. The name of the respondent engaging in the alleged conduct; and
  - c. The respondent engaged in the alleged conduct.
6. The petition must contain:
  - a. A declaration stating the specific facts and circumstances supporting the relief sought; and
  - b. A statement listing each civil or criminal action involving both parties.
7. A petition may be against only one respondent. Dual protection orders in a single action are prohibited.
8. A petition may be brought under this chapter without regard to the commencement of an action for legal separation, annulment, divorce, or parenting rights and responsibilities.
9. A filing fee may not be charged for a civil protection order petition.

**14-07.7-03. Civil protection order - General provisions - Confidentiality.**

1. A civil protection order must contain a conspicuous notice to the respondent providing:
  - a. The specific conduct that constitutes a violation;
  - b. The penalties for violation of the order; and
  - c. A peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent violated the order.
2. The court may amend an order following a motion filed by either party.
3. An order entered under this chapter expires on the expiration date provided in the order at eleven fifty-nine p.m. central standard time.
4. No order under this chapter affects title to real property.
5. A court record maintained in relation to a civil protection order is open to inspection by a law enforcement officer.
6. The name of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential and must be redacted from a record accessible to the public. Any record that may reveal the identity or location of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential.
7. A hearing on a petition for a domestic violence protection order filed under section 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is closed to the public. The court shall allow to be present the parties, the parties' attorneys, the state's attorney, the protected individual, any witness, and a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules. The court may allow to be present any other individual the court determines has a proper interest in the hearing.

**14-07.7-04. Temporary disorderly conduct restraining order.**

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
  - a. Against the respondent named in the petition; and
  - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

**14-07.7-05. Disorderly conduct restraining order.**

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:

- a. The petitioner files a petition under section 14-07.7-02;
  - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
  - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
  - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.
2. If a respondent claims to have engaged in constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
  3. Relief granted by the restraining order may not exceed two years.

**14-07.7-06. Temporary domestic violence protection order.**

1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in domestic violence, the court, pending a full hearing, may grant a temporary domestic violence protection order that may include provisions:
  - a. Restraining the respondent from having contact with or committing acts of domestic violence on another individual.
  - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
  - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
  - d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, which is in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence.
2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
  - a. The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
  - b. The chief of police, or the chief's designee, of the city in which the respondent resides.
3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.
4. A temporary domestic violence protection order may be entered only against the respondent named in the petition.
5. The court may issue a temporary domestic violence protection order without giving notice to the respondent.
6. Unless otherwise terminated by the court, the temporary domestic violence protection order is in effect until a protection order issued under section 14-07.7-07 is served.

**14-07.7-07. Domestic violence protection order.**

1. The court may enter a domestic violence protection order if:
  - a. The petitioner files a petition under section 14-07.7-02;
  - b. The sheriff serves the respondent with a copy of the temporary domestic violence protection order issued under section 14-07.7-06 and with notice of the time and place of the hearing;
  - c. The court sets a hearing for no later than fourteen days after issuance of the temporary domestic violence protection order or at a later date if good cause is shown; and
  - d. The court finds after the hearing that:

- (1) The relationship between the respondent and protected individual is sufficient to warrant protection; and
  - (2) There was a showing of actual or imminent domestic violence.
2. The relief provided in the domestic violence protection order may include:
  - a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other individual.
  - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
  - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
  - d. Recommending or requiring that the respondent complete a domestic violence offender assessment and attend a domestic violence intervention program as determined appropriate by the court. The court may request a report from the designated program within a time period established by the court. The costs of the court-ordered assessment and subsequent reports must be borne by the respondent or, if indigent, by the respondent's county of residence.
  - e. Requiring a party to pay any support necessary for the support of a party and any minor children of the parties and reasonable attorney 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 possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
    - (1) The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
    - (2) The chief of police, or the chief's designee, of the city in which the respondent resides.
3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.

**14-07.7-08. Temporary sexual assault restraining order.**

1. If the petition for relief alleges reasonable grounds to believe an individual has committed sexual assault, the court, pending a full hearing, may grant a temporary sexual assault restraining order.
2. A temporary restraining order may be entered only against the individual named in the petition. The order must include provisions prohibiting the individual from:
  - a. Harassing, stalking, or threatening the protected individual;
  - b. Appearing at the residence, school, and place of employment of the protected individual; and
  - c. Contacting the protected individual.

**14-07.7-09. Sexual assault restraining order.**

1. The court may grant a sexual assault restraining order if:
  - a. The petitioner files a petition under section 14-07.7-02;
  - b. The sheriff serves the respondent with a copy of the temporary sexual assault restraining order issued under section 14-07.7-08 and with notice of the time and place of the hearing;

- c. The court sets a hearing for no later than fourteen days after issuance of the temporary sexual assault restraining order or a later date if good cause is shown; and
  - d. The court finds after the hearing there are reasonable grounds to believe the respondent committed sexual assault.
2. The order must include provisions prohibiting the respondent from:
  - a. Harassing, stalking, or threatening the protected individual;
  - b. Appearing at the residence, school, and place of employment of the protected individual; and
  - c. Contacting the protected individual.
3. The relief granted by the sexual assault restraining order may not exceed two years.

**14-07.7-10. Assistance of state's attorney or domestic violence sexual assault advocate.**

1. Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a state's attorney staff member may assist an individual in preparation of documents necessary to secure a civil protection order under this section.
2. Notwithstanding section 27-11-01, a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules, may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

**14-07.7-11. Notification of stalking law.**

When an order is issued under this chapter, the order must include or have attached to it a copy of section 12.1-17-07.

**14-07.7-12. Service.**

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit a copy of the order to the sheriff of the county in which the respondent resides for service on the respondent.
2. If the respondent cannot be served, the order may be served on the respondent by publication under rule 4 of the North Dakota Rules of Civil Procedure.
3. Service must be made on the respondent at least five days before the hearing. If service cannot be made or if additional time is required to complete service by publication, the court may set a new date for the hearing.
4. No service fee may be charged to the petitioner.

**14-07.7-13. Right to apply for relief.**

An individual's right to apply for relief under this chapter is not affected if the individual leaves the residence or dwelling to avoid domestic violence. The court may not require security or bond from any party unless the court deems it necessary in exceptional cases.

**14-07.7-14. Appointment of guardian ad litem of minor.**

1. The court, upon the request of either party or upon its own motion, may appoint an attorney guardian ad litem in an action for a civil protection order to represent a minor if either party or the court has reason for special concern for the immediate future of the minor.
2. A guardian ad litem may be appointed at the time of a temporary civil protection order or any time before the full hearing.
3. The role of the guardian ad litem consists of investigation and making a recommendation and report to the court. At no time may the involvement of the guardian ad litem alter the requirements set forth in section 14-07.7-02.

4. Appointment of the guardian ad litem expires immediately after the full hearing unless the court retains the right, upon specific finding of need, to continue the appointment of a guardian ad litem to represent a minor in matters concerning parenting time.
5. The guardian ad litem shall have access to records before the court, except as otherwise provided by law.
6. The court may direct either or both parties to pay the guardian ad litem fees established by the court. If neither party is able to pay the fees, the court, after notice to the state's attorney of the county of venue, may direct the fees to be paid, in whole or in part, by the county of venue. The court may direct either or both parties to reimburse the county, in whole or in part, for the payment.

**14-07.7-15. Nonexclusive remedy.**

Any proceeding under this chapter may be in addition to other civil or criminal remedies.

**14-07.7-16. Transmittal to bureau of criminal investigation.**

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau of criminal investigation shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with the bureau of criminal investigation and federal requirements.
4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau of criminal investigation, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

**14-07.7-17. Penalty for violation of a civil protection order.**

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, the first violation of an order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following a conviction, a second or subsequent violation under this chapter is a class C felony.

**14-07.7-18. Arrest without warrant.**

1. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under subsection 1 of section 14-07.7-03, regardless of whether the violation was committed in the presence of the officer.
2. A law enforcement officer may not be held criminally or civilly liable for making an arrest under this section if the officer acts in good faith on probable cause without malice.

**14-07.7-19. Assistance of law enforcement.**

When an order is issued upon request of the petitioner, the court shall order the sheriff or other appropriate law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution of the protection order, which may include referral to a domestic violence shelter care facility.

**14-07.7-20. Orders issued before January 1, 2026.**

An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.