



## Domestic Violence

Domestic Violence is an act of violence or threatened act of violence by a family or household member. A family or household member is any person with a sufficient relationship to the victim, which includes someone with whom the victim is or has been related to, lived with, or been involved in a relationship with.

### *Domestic Violence Criminal Statute*

North Dakota's criminal law defines Domestic Violence and allows Domestic Violence to be a criminal charge by itself. Anyone can be a victim or an abuser regardless of their gender.

### [North Dakota Century Code Chapter 14-07.1](#)

### *Domestic Violence Protection Order*

People who are afraid for their safety because of a recent event of actual domestic violence or a threat that domestic violence is about to happen can ask the court for a domestic violence protection order. Such events include pushing, shoving, grabbing, slapping, punching, pulling hair, or threatening with a weapon. The order tells the Respondent not do certain things, such as not to contact the victim or go to the victim's home.

The victim who asks for the protection order is called the Petitioner or Protected Party. The person who the order is against is called the Respondent or Restrained Party.

The court may grant other relief such as temporary decisions on custody, temporary decisions on property, requiring counseling, or support payments for victim and minor child. The court may also require the Respondent to surrender firearms or other dangerous weapons.

### [North Dakota Century Code Chapter 14-07.1](#)

### [Legal Self Help Form](#)

### *Ex Parte Temporary Protection Order (subcategory of DVPO subcategory)*

An ex parte temporary protection order (temporary order) can be filed when a person fears that she or he is in immediate and present danger of domestic violence. The temporary order can be granted without a hearing or the other side even knowing about the request. However, a full hearing must be scheduled no later than fourteen days from the day the temporary order is signed by the judge. If a hearing is not scheduled in those fourteen days, then there must be good cause shown as to why the full hearing was not in that time frame.

The temporary order will remain in effect until the order is dismissed by the court or a permanent protection order is entered and served on the other party. "Served" means that an adult who is not part of the case, usually a Sheriff's deputy, gives a copy of the application and notice of a hearing to the Respondent. This must be done at least five days before the hearing.

*Permanent Domestic Violence Protection Order (subcategory of DVPO subcategory)*

In order for a permanent domestic violence protection order (permanent order) to be granted, the court has to find a recent event of actual domestic violence or a threat that domestic violence is about to happen. This is applied in the same way the temporary order was done. There is no time limit on the permanent order and, therefore, the time limit will be up to the judge to decide.

If the court grants the permanent order, the order will be served on the Respondent. The temporary order will remain in effect until the permanent order has been served.

Once the permanent order is served on the Respondent, they can be arrested immediately if they violate the order.

The Respondent can be restricted from possessing or obtaining any firearms if there is a permanent order. They may also be required to surrender firearms or dangerous weapons to law enforcement.

*Domestic Violence Occurring Outside of North Dakota (subcategory of DVPO subcategory)*

North Dakota law allows victims to seek protection orders in North Dakota even if the incident occurred in another state. A victim who has just moved to North Dakota may ask a court to grant a protection order against another party. However, the relief granted for an out of state incident of domestic violence will only be limitations on the Respondent such as no contact with Petitioner. The court will not grant any decisions on custody, visitation, property, or child support when the domestic violence incident occurred outside of North Dakota.

*Out of State Orders – Full Faith & Credit (subcategory of DVPO subcategory)*

If a victim has a protection order from another state, the victim does not have to register this protection order when they move. The limits on the other party will be honored through Full Faith and Credit, which is required by federal law. Though the victim does not have to register the protection order, certain provisions in the protection order may not be enforced by local law enforcement unless the order is registered within the state court system. These provisions may include things like custody and/or visitation.

If the victim wishes to register the protection order from another state, the victim will need to take the protection order to the Clerk of Court and they will have a judge review the protection order. Then they will take the necessary steps to register the protection order. Having a protection order registered in North Dakota will not cost the victim any money.