



SEXUAL ASSAULT RESTRAINING ORDER

A victim of sexual assault may ask the court for a sexual assault restraining order (SARO).

Sexual assault means non-consensual sexual contact. This is when there is unwanted sexual contact or behavior when a victim did not consent or was unable to consent.

Parents, stepparents, or guardians of a minor who believe the minor is a victim of sexual assault may also ask for a SARO. The SARO tells the Respondent not to do certain things, such as not to harass, stalk, or threaten the victim. The SARO also prohibits the Respondent from contacting the victim or going to their home, school, or place where they work.

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

A temporary SARO may be granted by the court if the court finds that the Petitioner alleges reasonable grounds to believe the sexual assault was committed by the Respondent. This temporary SARO can be done without the other side knowing.

The temporary SARO will remain in effect until the order is dismissed by the court or a permanent SARO 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. The Respondent will be served with the temporary SARO and given notice of time and place for the hearing on a permanent SARO.

This hearing will be set within 14 days after the temporary SARO is granted, unless in writing the parties agree to extend the hearing date past the 14 days or if the court is shown that the Respondent was not served with the temporary SARO. The court can also extend the hearing past 14 days if there is good cause shown.

In order for a permanent SARO to be granted, the Petitioner must show the court that there are reasonable grounds for the court to believe the sexual assault was committed by the Respondent. This is applied in the same way the temporary SARO was done. If the permanent SARO is granted by the court it can only be in place for two years or less.

[North Dakota Century Code Section 12.1-31-01.2](#)

[Legal Self Help Form](#)