

WHAT IS A DISORDERLY CONDUCT RESTRAINING ORDER?

A petition for relief must present facts sufficient to show the name of the victim, the name of the perpetrator and a description of the unwanted acts or behaviors. An written affidavit made under oath stating the specific facts supporting the relief sought must accompany the petition.

The petition must be filed with the Clerk of Court's office for consideration by a judge. If the court finds upon review that an individual has engaged in disorderly conduct, pending a full hearing the court may grant an order against the individual to cease and to have no contact with the person requesting relief.

A hearing will be set within 14 days of issuance of the temporary order. After the court finds reasonable grounds to believe that the respondent has engaged in disorderly conduct, a restraining order, will be issued.

The order will be served upon the respondent with notice that the respondent may be arrested, without warrant, for a violation of the order if probable cause exists.

Penalty for violation is a Class A misdemeanor punishable by up to one year in jail and/or \$2,000 fine.

Disorderly conduct does not include constitutionally protected activities such as picketing.

FIND HELP IN NORTH DAKOTA

If you are or have been a victim of any of the following:

- Domestic Violence
- Sexual Assault
- Stalking
- Dating Violence

and you have questions about which order to apply for call the crisis intervention center nearest you. An advocate will gladly discuss these options with you and answer any questions you may have.



For a directory of state crisis intervention centers, scan this code with a smartphone.

FOR MORE INFORMATION



521 E Main, Suite 250
Bismarck, N.D. 58501
PH: 888.255.6240
FAX: 701.255.1904
TTY: 800.366.6888

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09/2018

Understanding Disorderly Conduct Restraining Orders



DISORDERLY CONDUCT RESTRAINING ORDER DEFINED

According to the North Dakota Century Code (NDCC) 12.1-31.2-01, Disorderly Conduct Restraining Orders are orders that address "Disorderly Conduct" which is defined as:

"Intrusive or unwanted acts, words or gestures that are intended to adversely affect the safety, security, or privacy of another person. Disorderly conduct includes human trafficking or attempted human trafficking."

This process was established in 1993 by the North Dakota Legislature as a companion to the stalking law (NDCC 12.1-17-07.1)

WHO CAN APPLY?

Any person who is a victim of disorderly conduct, or a parent or guardian of a minor who is a victim of disorderly conduct.

HOW TO APPLY

There are multiple ways to apply for a Disorderly Conduct Restraining Order. If you prefer, you may obtain a lawyer (for a fee) to help file the application.

Forms can be obtained through your county courthouse.

-OR-

The forms can be completed online by visiting:
www.ndcourts.gov/ndlshc/DCRO/DCRO.aspx

Then scroll to **Disorderly Conduct Restraining Order**, where you can review **Instructions** or select the **Petition for Disorderly Conduct Restraining Order** and **Disorderly Conduct Restraining Order Cover Sheet**.

This project was supported by Grant Number 2015-MU-AX-0013, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

NORTH DAKOTA ORDERS DEFINED

There are three types of orders that address contact in North Dakota: Domestic Violence Protection Order (DVPO), Disorderly Conduct Restraining Order (DCRO) and Order Prohibiting Contact (No Contact Order). It is important to know the differences between the three; please review the following chart below for more information regarding each order.

Type of Order	Domestic Violence Protection Order (DVPO)	Disorderly Conduct Restraining Order (DCRO)	Order Prohibiting Contact (No Contact Order)
North Dakota Statute	14-07.1-02	12.1-31.2-01	12.1-31.2-02
Who obtains the order?	The petitioner (victim) applies for the order through civil court.	The petitioner (victim) applies for the order through civil court.	The state/court orders it through a criminal court appearance.
How is the order obtained?	An order is obtained by a victim who can show actual or imminent domestic violence—must be a family, household member or any other person who can establish the relationship between the person and abuser is sufficient to issue a DVPO.	A victim who is seeking relief from disorderly conduct as defined by statute (unwanted acts, words or gestures that are intended to adversely affect the safety, security or privacy of another person) may obtain an order. This order does not require a relationship.	The court may order a defendant who is charged with a crime of or threat of violence, stalking, harassment or sexual offenses.
What relief is available?	Additional relief may be included, such as temporary custody/visitation and possession or return of property.	This order only addresses contact between the two parties.	This order only addresses contact between the two parties.
Is there a hearing?	There is a hearing in civil court where the judge hears from both parties and makes a decision. An advocate may accompany you to the hearing.	There is a hearing in civil court where the judge hears from both parties and makes a decision.	The order is included in a criminal proceeding to address the defendant's bond conditions.
Are firearms or other weapons removed through this order?	Respondents may be restricted from possessing or obtaining any firearms if there is a DVPO in place and the surrender of all firearms or dangerous weapons to law enforcement for the length of the order. Failure to surrender firearm is a violation of DVPO and subject to warrantless arrest.	There is no requirement for the removal of weapons.	The state/court can require firearms or other weapons to be surrendered.
How long does the order last?	There is no length of time specified for the order. It is determined by each individual judge in ND.	A DCRO can be granted for up to two years.	This order is most commonly in place through the length of the criminal case.
Violation of the order	A respondent may be subject to immediate arrest or arrest upon the establishment of probable cause.	A respondent may be subject to immediate arrest or arrest upon the establishment of probable cause.	If a defendant violates the order, he/she may face revocation of bond or arrest.
Is there a charge for applying for the order?	There are no filing or service fees for a DVPO.	There is an \$80 filing fee for a DCRO, which may be waived in special circumstances, such as domestic violence.	There are no fees associated with this order.