

North Dakota's Protection, Restraining, and No Contact Orders

| Type of Order | Domestic Violence Protection Order (DVPO) | Sexual Assault Restraining Order (SARO) | Disorderly Conduct Restraining Order (DCRO) | Order Prohibiting Contact and No Contact Order |
|----------------------------|--|---|---|--|
| North Dakota Statute | <p>Temporary Domestic Violence Protection Order: N.D.C.C. § 14-07.7-06</p> <p>Domestic Violence Protection Order: N.D.C.C. § 14-07.7-07</p> | <p>Temporary Sexual Assault Restraining Order: N.D.C.C. § 14-07.7-08</p> <p>Sexual Assault Restraining Order: N.D.C.C. § 14-07.7-09</p> | <p>Temporary Disorderly Conduct Restraining Order: N.D.C.C. § 14-07.7-04</p> <p>Disorderly Conduct Restraining Order: N.D.C.C. § 14-07.7-05</p> | <p>Order Prohibiting Contact: N.D.C.C. § 12.1-31.2-02</p> <p>No Contact Orders: N.D.R.Crim.P46(A)(2)(e)</p> |
| Who can get the order? | <p>Any adult who is a victim of domestic violence, or the parent, stepparent, or guardian of a minor who reasonably believes the minor is a victim of domestic violence may seek a DVPO. A minor of sufficient and competent age may apply for a DVPO on their own behalf (N.D.C.C. § 14-07.7-02).</p> <p>You can also apply for a DVPO if you're experiencing stalking.</p> | <p>Any adult who is a victim of sexual assault, or the parent, stepparent, or guardian of a minor who reasonably believes the minor is a victim of sexual assault may seek a SARO. A minor of sufficient and competent age may also apply for a SARO on their own behalf (N.D.C.C. § 14-07.7-02).</p> | <p>Any adult who is a victim of disorderly conduct, or the parent, stepparent, or guardian of a minor who reasonably believes the minor is a victim of disorderly conduct may seek a DCRO. A minor of sufficient and competent age may also apply for a DCRO on their own behalf (N.D.C.C. § 14-07.7-02).</p> | <p>A state's attorney requests this order from a judge.</p> |
| How is the order obtained? | <p>The victim applies for the order through civil court.</p> | <p>The victim applies for the order through civil court.</p> | <p>The victim applies for the order through civil court.</p> | <p>Order Prohibiting Contact: The state/court orders it through a criminal court appearance.</p> <p>No Contact Order: A No Contact Order is often part of bond conditions.</p> |

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| <p>What conditions determine if someone qualifies for the order?</p> | <p>Domestic violence or stalking must be happening now or likely to happen soon.</p> <p>The offender must be a family or household member of the victim. This could be:</p> <ul style="list-style-type: none"> • A current or former spouse • A family member (by blood or marriage) • A parent or child • Someone they are or were dating • Someone they live with or used to live with • Someone they share a child with • Anyone else the court decides has a close enough relationship | <p>Sexual contact happened without consent. This includes contact that was unwanted, forced, or coerced.</p> <p>This order does not require a specific type of relationship between the victim and the offender.</p> | <p>A person is using unwanted acts, words, or gestures to threaten your safety, security, or privacy.</p> <p>This order does not require a specific type of relationship between the victim and the offender.</p> | <p>A defendant is charged with a crime.</p> <p>These orders do not require a specific type of relationship between the victim and the offender.</p> |
| <p>Is there a temporary order issued?</p> | <p>Yes.</p> | <p>Yes.</p> | <p>Yes.</p> | <p>No.</p> |

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| What relief is available? | <p>A DVPO may:</p> <ul style="list-style-type: none"> ● Restrain the offender from threatening, molesting, injuring, harassing, or having contact with any other person. ● Exclude the offender from the residence of another individual or from a place necessary to ensure the safety of the protected individual. ● Award temporary primary residential responsibility (custody) or establish temporary parenting time with minor children. ● Recommend or require the offender to complete a domestic violence offender assessment and attend a domestic violence intervention program. ● Require payment of child support or other support, and/or payment of attorney's fees. ● Award temporary use of personal property, | <p>A SARO prohibits the offender from:</p> <ul style="list-style-type: none"> ● Harassing, stalking, or threatening you ● Appearing at your residence, school, and place of employment ● Contacting you, including calling, writing, or having messages delivered to you | <p>A DCRO orders the offender to:</p> <ul style="list-style-type: none"> ● Stop the disorderly conduct ● Stop contacting you, including calling, writing, or having messages delivered to you | <p>Orders Prohibiting Contact and No Contact Orders require the offender to avoid all contact with the victim.</p> |

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| | <p>including a vehicle, to either party.</p> <ul style="list-style-type: none"> Require the offender to surrender firearms or other dangerous weapons to law enforcement. | | | |
| <p>Are firearms or other specified weapons removed through this order?</p> | <p>Firearms or other specified weapons <i>may</i> be ordered to be removed, but not all DVPOs have this as a requirement.</p> <p>Respondents may be restricted from possessing or obtaining any firearms if there is a DVPO in place. They may be ordered to surrender all firearms or dangerous weapons to law enforcement for the length of the order.</p> <p>If the offender is ordered to surrender a firearm or other dangerous weapon and fails to do so within 24 hours, a law enforcement officer shall arrest the offender in accordance with N.D.C.C. § 14-07.7-18 and take possession of the firearm or dangerous weapon.</p> | <p>No, firearms or weapons cannot be removed through a SARO.</p> | <p>No, firearms or weapons cannot be removed through a DCRO.</p> | <p>As part of bond conditions, the state/court can require firearms or other weapons to be surrendered.</p> |

















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| <p>Is there a hearing?</p> | <p>Yes. You must attend the hearing to be granted a DVPO. If the offender does not show up, the hearing still proceeds without them.</p> <p>During the hearing, the judge hears from both parties and makes a decision. If the offender does not attend the hearing, the judge only hears from you.</p> <p>An advocate can attend the hearing with you and sit with you.</p> | <p>Yes. You must attend the hearing to be granted a SARO. If the offender does not show up, the hearing still proceeds without them.</p> <p>During the hearing, the judge hears from both parties and makes a decision. If the offender does not attend the hearing, the judge only hears from you.</p> <p>An advocate can attend the hearing with you and sit with you.</p> | <p>Yes. You must attend the hearing to be granted a DCRO. If the offender does not show up, the hearing still proceeds without them.</p> <p>During the hearing, the judge hears from both parties and makes a decision. If the offender does not attend the hearing, the judge only hears from you.</p> <p>An advocate can attend the hearing with you, but they cannot sit with you.</p> | <p>Yes, but the order is often included in the defendant's bond conditions. The victim does not need to be present for this hearing.</p> <p>Speak with an advocate on how they can support you during this.</p> |
| <p>How long does the order last?</p> | <p>The length of the order is determined by the judge or judicial referee.</p> | <p>The length of the order is determined by the judge or judicial referee. A SARO can be granted for up to two years.</p> | <p>The length of the order is determined by the judge or judicial referee. A DCRO can be granted for up to two years.</p> | <p>These orders are most commonly in place through the length of the criminal case.</p> |
| <p>Can a certified domestic violence/sexual assault advocate assist you in preparing the application forms?</p> | <p>Yes.</p> | <p>Yes.</p> | <p>No.</p> | <p>No. A state's attorney requests this order from a judge.</p> |





















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| Is there a charge for applying for the order? | There are no filing or service fees for a DVPO. | There are no filing or service fees for a SARO. | There are no filing or service fees for a DCRO. | There are no fees associated with this order. |
| What happens if the offender violates the order? | The first violation is a Class A misdemeanor with a maximum penalty of one year in jail, a \$3,000 fine, or both. A violation also constitutes contempt of court, meaning the offender could face additional penalties for the act of disobeying the court order. Any second or additional violation is a Class C felony with a maximum penalty of five years in jail, a \$10,000 fine, or both. | The first violation is a Class A misdemeanor with a maximum penalty of one year in jail, a \$3,000 fine, or both. A violation also constitutes contempt of court, meaning the offender could face additional penalties for the act of disobeying the court order. Any second or additional violation is a Class C felony with a maximum penalty of five years in jail, a \$10,000 fine, or both. | The first violation is a Class A misdemeanor with a maximum penalty of one year in jail, a \$3,000 fine, or both. A violation also constitutes contempt of court, meaning the offender could face additional penalties for the act of disobeying the court order. Any second or additional violation is a Class C felony with a maximum penalty of five years in jail, a \$10,000 fine, or both. | A violation of the order is a Class A misdemeanor with a maximum penalty of one year in jail, a \$3,000 fine, or both. |
| If the offender violates the order, can an arrest be made without a warrant? | <p>Yes. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a DVPO, regardless of whether the violation was committed in the presence of the officer (N.D.C.C. § 14-07.7-18).</p> <p>A law enforcement officer may not be held criminally or civilly liable for making an arrest if the officer acts in good faith on probable cause without malice.</p> | <p>Yes. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a SARO, regardless of whether the violation was committed in the presence of the officer (N.D.C.C. § 14-07.7-18).</p> <p>A law enforcement officer may not be held criminally or civilly liable for making an arrest if the officer acts in good faith on probable cause without malice.</p> | <p>Yes. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a DCRO, regardless of whether the violation was committed in the presence of the officer (N.D.C.C. § 14-07.7-18).</p> <p>A law enforcement officer may not be held criminally or civilly liable for making an arrest if the officer acts in good faith on probable cause without malice.</p> | <p>Yes. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating an order prohibiting contact, whether or not the violation was committed in the presence of the officer (N.D.C.C. § 12.1-31.2-02).</p> <p>A law enforcement officer who acts in good faith on probable cause and without malice is immune from any civil or criminal liability for making an arrest.</p> |









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| Is the order enforceable in other states, territories, or tribal jurisdictions? | Yes. Under federal and state Full Faith & Credit laws, DVPOs granted in North Dakota must be honored in other states, territories, and tribal jurisdictions. Likewise, North Dakota state and tribal courts must honor a protection order issued by another state or tribal court. | Yes. Under federal and state Full Faith & Credit laws, SAROs granted in North Dakota must be honored in other states, territories, and tribal jurisdictions. Likewise, North Dakota state and tribal courts must honor an order issued by another state or tribal court. | Yes. Under federal and state Full Faith & Credit laws, DCROs granted in North Dakota must be honored in other states, territories, and tribal jurisdictions. Likewise, North Dakota state and tribal courts must honor an order issued by another state or tribal court. | Yes. Under federal and state Full Faith & Credit laws, an order granted in North Dakota must be honored in other states, territories, and tribal jurisdictions. Likewise, North Dakota state and tribal courts must honor an order issued by another state or tribal court. |
| Notes | If you're married, you do not need to file for divorce or separation to get a DVPO. The court may not issue a mutual protection order unless both you and the respondent have filed separate applications. | If you're married, you do not need to file for divorce or separation to get a SARO. The court may not issue a mutual restraining order unless both you and the respondent have filed separate applications. | If you're married, you do not need to file for divorce or separation to get a DCRO. The court may not issue a mutual restraining order unless both you and the respondent have filed separate applications. | The court may only issue a no contact order against the defendant. The court cannot issue an order prohibiting contact or no contact order against the victim. |



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| The petitioner (victim) applies for the order. |  |  |  |  |
| Can a certified domestic violence/sexual assault advocate assist you in preparing the application forms? |  |  |  |  |
| There are no filing or service fees for this order. |  |  |  |  |
| The offender must be a family or household member. |  |  |  |  |

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| Is there a hearing? |  |  |  |  Victim does not need to be present |
| Can an advocate sit with you during the hearing? |  |  |  An advocate can attend with you, but they cannot sit with you. |  |
| Can firearms or other specified weapons be removed through this order? |  |  |  |  |
| Is there a temporary order? |  |  |  |  |
| Is there a time limit on the length of the order? |  The length of the order is determined by the judge or judicial referee. |  A SARO can be granted for up to two years. |  A DCRO can be granted for up to two years. |  These orders expire when the court case is closed. |

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| If the offender violates the order, can an arrest be made without a warrant? |  |  |  |  |
| Is the order enforceable in other states, territories, or tribal jurisdictions? |  |  |  |  |



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