

NOTICE:

Please be aware that if your situation involves domestic violence, if you have not already done so, you need to contact the **Domestic Violence Crisis Center (DVCC)** in **Minot at 701-852-2258 or Williston at 701-572-0757 or Watford City at 701-444-7569 or Stanley at 701-628-3233**. In a domestic violence situation another order exists. A **Domestic Violence Protection Order** is different from the attached **DISORDERLY CONDUCT RESTRAINING ORDER.**

If you are unsure if your situation is a domestic violence matter, please contact DVCC before filling out the attached Disorderly Conduct Restraining Order.

CHECKLIST FOR DISORDERLY CONDUCT ORDERS

1. _____ Read and complete the entire packet.
2. _____ Take petition to the Clerk's Office to be reviewed by a judge.
3. _____ If the Order is granted, go to the Clerk's Office to obtain a hearing date and file number.
4. _____ Take all of the copies of the *Disorderly Conduct Restraining Order* for service (See #7 in the beginning instructions), including a completed cover sheet form.
5. _____ You may request the Sheriff's Department to notify you when service upon the Respondent is completed. If so, you must leave them a phone number where you will be available and they will make attempts to contact you.

DISORDERLY CONDUCT RESTRAINING ORDER INSTRUCTIONS

THINGS YOU MUST KNOW BEFORE REQUESTING A DISORDERLY CONDUCT RESTRAINING ORDER ***YOU MUST READ THE FOLLOWING INFORMATION.***

1. In order to receive a Disorderly Conduct Restraining Order the Applicant **MAY BE REQUIRED** to pay certain fees as follows:

Filing fee: \$80.00

2. You will need either cash, money order, or debit/credit card and you will be required to pay upon filing. **PERSONAL CHECKS WILL NOT BE ACCEPTED.**
3. **YOU MUST COMPLETE THE ENTIRE PETITION FORM.**
4. **THERE IS NO GUARANTEE THAT THE ORDER WILL BE GRANTED.**
5. When you complete the petition, you must then sign it before a notary public. The notary **MUST SEE YOU SIGN THE PETITION** and will require some form of picture identification from the applicant.
6. Once you have fully completed the Petition, take the Petition to Court Administration or Clerks Office, to be reviewed by a judge. The judge will read your petition to determine if you qualify under the [N.D.C.C. Section 12.1-31.2-01](#), which defines disorderly conduct and details the requirements needed to obtain a Disorderly Conduct Order. If the judge finds you eligible for relief under this statute, a hearing date will be scheduled by the Clerk's Office. If you are not eligible no relief can be granted.
7. If the Order is signed by a judge, you will need at least three copies(to be obtained in the Clerk of Courts Office) for the following parties:

Petitioner (you); Respondent (offending party); Sheriff's Department

8. You are responsible for service of the Order.
 - A. The County Sheriff's Office will serve the Order, you will take two copies to their office: one for the service on the Respondent, one for the Sheriff's Department. You must complete the Information Cover Sheet for the Sheriff to serve.
9. Once the papers are signed by the judge, they are in effect. However, the Respondent cannot be arrested until he/she has been served. If the Respondent should violate prior to being served, you should call the authorities, so the Respondent can be served at that time.
10. By law the Respondent must have an opportunity to give his/her side of the story to the Judge. The Clerk will schedule a hearing within 14 days of the Order being signed. You must be present at this hearing. You may have an attorney present, or you can represent yourself. This will be the time to bring any witnesses and/or evidence you have. The Judge will hear both parties testimony, and determine if the Order should continue. If it is continued, the Judge will issue the Order for a specified amount of time.
11. Do not call the Judge for information, to ask questions, or to request that he modify the Order. If you have any other questions or additions, save them for the hearing. If you decide at any time throughout the proceeding you wish to dismiss the Order, or want to modify it after the hearing, you must let the Judge know in writing.

DO NOT CALL THE JUDGE. HE IS NOT PERMITTED TO TALK TO YOU

12. If you cannot afford the cost of filing, you may complete the enclosed Affidavit of Financial Resources for the Judge to review. **This does not guarantee that the waiver will be approved.**
13. Keep your application as brief and to the point as possible. Include only those events that are pertinent to the allegations and to the Order, including dates and times.
14. **YOU NEED TO WRITE LEGIBLY – IF THE COURT CANNOT READ THE APPLICATION IT WILL BE DENIED.**

APPLICABLE NORTH DAKOTA LAW

12.1-31.2-01. Disorderly Conduct.

1. An individual is guilty of a class A misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the individual's behavior, the individual:
 - A. Engages in fighting, or in violent, tumultuous, or threatening behavior;
 - B. Make unreasonable noise;
 - C. In a public place, uses abusive or obscene language, knowingly exposes that individual's penis, vulva, or anus, or makes an obscene gesture;
 - D. Obstructs vehicular or pedestrian traffic or the use of a public facility;
 - E. Persistently follows a person in or about a public place or places;
 - F. While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
 - G. Creates a hazardous, physically offensive, or seriously alarming condition by any act that serves no legitimate purpose; or
 - H. Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.
 - I. Uses a fixed optical device that enhances or records a visual occurrence to view through any window of another person's property; or uses a surveillance camera to capture an image from the dwelling or accessory structure of another person; however, an individual using a surveillance camera has seven days from notice by law enforcement office to direct or shield the camera so as to not capture an image from another person's dwelling or accessory structure before there is an offense.
2. This section does not apply to constitutionally protected activity. If any individual claims to have been engaged in a 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.

DISORDERLY CONDUCT RESTRAINING ORDER

12.1-31.2-01. Disorderly Conduct Restraining Order.

1. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.
Disorderly conduct does not include constitutionally protected activity.

2. A person who is a victim of disorderly conduct or the parent or guardian of a minor who is a victim of disorderly conduct may seek a disorderly conduct restraining order from any court of competent jurisdiction in the manner provided in this section.
3. A petition for relief must allege facts sufficient to show the name of the alleged victim, the name of the individual engaging in the disorderly conduct, and that the individual engaged in disorderly conduct. An affidavit made under oath stating the specific facts and circumstances supporting the relief sought must accompany the petition.
4. If the petition for relief alleges reasonable grounds to believe that an individual has engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the individual to cease or avoid the disorderly conduct or to have no contact with the person requesting the order. A temporary restraining order may be entered only against the individual named in the petition. The court may issue the temporary restraining order without giving notice to the respondent. Unless otherwise terminated by the court, the temporary restraining order is in effect until a restraining order issued under subsection 5 is served.
5. The court may grant a disorderly conduct restraining order ordering the respondent to cease or avoid the disorderly conduct or to have no contact with the applicant if:
 - A. A person files a petition under subsection 3;
 - B. The sheriff serves the respondent with a copy of the temporary restraining order issued under subsection 4 and with notice of the time and place of hearing;
 - C. The court sets a hearing for not later than fourteen days after issuance of the temporary restraining order unless the time period is extended upon written consent of the parties, or upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence; and
 - D. The court finds after the hearing that there are reasonable grounds to believe that the respondent has engaged in disorderly conduct. If a person claims to have been engaged in a 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.
6. A restraining order may be issued only against the individual named in the petition. Relief granted by the restraining order may not exceed a period of two years. The

restraining order may be served on the respondent by publication pursuant to Rule 4 of the North Dakota Rules of Civil Procedure.

7. A disorderly conduct restraining order must contain a conspicuous notice to the respondent providing:
 - A. The specific conduct that constitutes a violation of the order;
 - B. Notice that violation of the restraining order is punishable by imprisonment of up to 360 days in jail or a fine of up to three thousand dollars or both; and
 - C. Notice that 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 has violated an order issued under this section.
8. If the respondent knows of an order issued under subsection 4 o 5, violation of the order is a class A misdemeanor. If the existence of an order issued under subsection 3 or 4 can be verified by a peace officer, the officer, without a warrant, may arrest and take into custody an individual whom the peace officer has probable cause to believe has violated the order.
9. The clerk of court shall transmit a copy of a restraining order by the close of business day on which the order was granted to the local law enforcement agency with jurisdiction over the residence of the alleged victim of disorderly conduct. Each appropriate law enforcement agency may make available to its officers current information as to the existence and status of any restraining order involving disorderly conduct.
10. Notwithstanding subsection 5 of section 11-16-05, a state's attorney may advise and assist any person in the preparation of documents necessary to secure a restraining order under this section.
11. Fees for filing and service of process may not be charged to the petitioner in any proceeding seeking relief due to domestic violence under this chapter.

_____,)
Petitioner,)
_____,)
(if a minor) Parent,)
vs.)
_____,)
Respondent,)
_____,)
Parent,)

**PETITION FOR DISORDERLY
CONDUCT RESTRAINING ORDER**

Civil No. _____

[1] The undersigned Petitioner, being first duly sworn upon oath, states as follows:

[2] My address is _____, Age: _____
Parent's address is _____, Age: _____
The Respondent's address is _____, Age: _____
Parent's address is _____, Age: _____

[3] The Respondent is: () friend () stranger () co-worker () acquaintance
() ex- spouse/boyfriend/girlfriend

[4] I ask that a temporary restraining order be given requiring the Respondent to cease the disorderly conduct directed at me. I ask that he/she shall have no contact with me. I also request that a hearing be scheduled by the Court and a permanent order be issued.

[5] Beginning with the most recent event that supports your petition for a restraining order, include the date and what happened. (Please add more pages, if necessary, so the judge has the complete picture):

[6] Date of Event: _____ Event: _____

[7] Witnesses to Event: _____

Signed on _____, 20____ in _____ (City),
_____, County, _____ (State),
_____ (Country).

(Petitioner's Signature)

(Petitioner's Printed Name)

THE FOLLOWING MUST BE COMPLETED IF THE RESTRAINING ORDER IS REQUESTED BY OR AGAINST A MINOR CHILD

If a restraining order is sought by or against a minor child (younger than 18 years old), he or she must be represented by a Guardian ad Litem. The Petitioner must identify all minors named as parties by age, address, name of parent or guardian, and telephone number. A minor's parent may be appointed as his or her Guardian ad Litem. Service of the Order must be made on the minor as well as his or her Guardian ad Litem. A Petition to Appoint Guardian ad Litem is below and **must** be completed prior to meeting with the judge.

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
 Petitioner,)
 _____,)
 Parent,)
 vs)
 _____,)
 Respondent,)
 _____,)
 Parent,)

**PETITION FOR APPOINTMENT OF
 GUARDIAN AD LITEM**

Civil No. _____

[1] The above action will be commenced in District Court for the purpose of obtaining a Disorderly Conduct Restraining Order.

[2] The following named person(s) who is/are the named Petitioner/Respondent(s) in this legal action are not yet 18. I understand that a person who is a juvenile must be represented by a Guardian ad Litem while a party to a court proceeding. I nominate as the Guardian ad Litem of such persons the following parents:

 Juvenile

 Address

 Address

 Parent

 Telephone

 Telephone

Respectfully submitted this _____ day of _____, 20____.

 Signature of Petitioner

The petitioner's request for appointment of guardian ad litem is (____granted) (____denied)

Dated this _____ day of _____, 20____.

 District Court Judge/Judicial Referee

_____,)
Petitioner,)
_____,)
(if a minor) Parent,)
vs)
_____,)
Respondent,)
_____,)
Parent,)

**TEMPORARY DISORDERLY CONDUCT
RESTRAINING ORDER**

Civil No. _____

[1] Petitioner has requested a Restraining Order against you. For the next 30 days or until a hearing is held, you are ordered not to have any contact with the Petitioner. You must immediately stop any disorderly conduct directed at the Petitioner. Violation of this Order is a class A misdemeanor and is punishable by up to 360 days in jail and a fine of up to \$3,000. "Disorderly Conduct" means intrusive or unwanted acts, words, gestures that are intended to adversely affect the safety, security or privacy of another person. Disorderly conduct does not include constitutionally protected activity.

[2] YOU VIOLATE THIS ORDER:

1. **IF YOU** call, write or visit the Petitioner, regardless of where this takes place, or have messages delivered to the Petitioner through anyone except your attorney;
2. **IF YOU** enter or come within 50 (feet) of the residence located at _____;
3. **IF YOU** enter or come within 50 (feet) of the place of employment located at _____;
4. **IF YOU** take or damage any of the Petitioner's property; and/or
5. **IF YOU** have any physical contact with or threaten the Petitioner;
6. **IF YOU** come within 50 (feet) of _____.

[3] Any peace officer may arrest you with or without a warrant and take you into custody if the officer believes probable cause exists to believe you have violated this Order.

[4] You shall appear on the _____ day of _____, 20____, at _____ a.m./p.m. before the Honorable _____, and show cause why the Petitioner's request should not be granted. The hearing will be held in the _____ County Courthouse. You are further informed that pursuant to Administrative Rule 13, any party to a proceeding before a judicial referee is entitled to have the matter heard by a district court judge, if written request therefore is filed by the party within seven (7) days after service of either initiating documents or other notice which shall inform them of this right. If you fail to appear at the hearing, the Petitioner's request may be granted by default. Failure to appear is not a defense to a violation of any part of this Order.

[5] It is further ordered that the Clerk of Court shall give a copy of this Order to the law enforcement agency which has jurisdiction over the residence of the Petitioner. The Order is based on information in the Petition for Disorderly Conduct Restraining Order, which satisfied the Court that reasonable grounds exist to believe that the Respondent has engaged in disorderly conduct.

Dated this _____ day of _____, 20_____.

BY THE COURT:

_____ Check if Petition Contains
Domestic Violence

Judge of the District Court/Judicial Referee

COUNTY OF _____

_____ JUDICIAL DISTRICT

_____,)
 Petitioner,)
 _____,)
 (if a minor) Parent,)
 vs.)
 _____,)
 Respondent,)
 _____,)
 Parent,)

ORDER DENYING PETITION FOR DISORDERLY CONDUCT RESTRAINING ORDER

Civil No. _____

[1] The Court having reviewed the petition, now issues this **Order Denying Petition for Disorderly Conduct Restraining Order** for the following reason(s):

- Petitioner has not established that the alleged conduct justifies issuance of a disorderly conduct restraining order.
- Other:

[2] **IT IS HEREBY ORDERED** that this Petition is **DENIED** without prejudice and the filing fee waived.

Dated: _____

BY THE COURT:

 District Judge/Judicial Referee

PROTECTION/DISORDERLY CONDUCT RESTRAINING ORDER COVER SHEET
THIS INFORMATION IS INTENDED FOR LAW ENFORCEMENT USE ONLY
To be delivered to the responsible Law Enforcement Agency along with the Order

PETITIONER			
Last Name:	First Name:	Middle Initial:	*Date of Birth: Or *SSN:
Address (Street, City & State):			Phone Number:
Place of Employment/Education (Street, City & State):			Phone Number:
Does Petitioner have children living with him/her? <input type="checkbox"/> No <input type="checkbox"/> Yes			
*Name & DOB:	*Name & DOB:	*Name & DOB:	
Is there to be notification of service? <input type="checkbox"/> No <input type="checkbox"/> Yes Phone Number:			

RESPONDENT					
Last Name:		First Name:		Middle Initial:	
Last Name(also known as):		First Name:		Middle Initial:	
*Date of Birth:		*Or Social Security Number:			
*Sex:	*Race:	Height:	Weight:	Eyes:	Hair:
Other identifying characteristics, i.e., glasses, long hair, beard, tattoos, etc.					
Last known address (Street, City & State):				Phone Number:	
Other address where Respondent may be found(Street, City & State):				Phone Number:	
Place of Employment (Name of Office, Street, City & State):				Hours of Employment:	
*Description of Vehicle (Color, Year, Make, Model & License No.): *Or Complete Driver's License or Complete License Plate:					
Is Respondent known to possess any Firearms? <input type="checkbox"/> No <input type="checkbox"/> Yes			Please indicate the number of each:		
			Pistol:	Rifle:	Shotgun:
Is Respondent known to possess a ND Concealed Weapon Permit? <input type="checkbox"/> No <input type="checkbox"/> Yes					
Is Respondent known to be violent towards person other than the Petitioner? <input type="checkbox"/> No <input type="checkbox"/> Yes Please explain:					

PLEASE FILL IN REQUIRED INFORMATION MARKED WITH AN *

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Petitioner,)
vs)
_____,)
Respondent,)

**AFFIDAVIT OF FINANCIAL
RESOURCES**

Civil No. _____

[1] The Petitioner in the above named matter hereby petitions the Court for a waiver of any and all filing and service of process fees in the above action pursuant to Section 27-01-07 of the North Dakota Century Code, on grounds that the Applicant is indigent and payment of the above mentioned fees would impose an undue financial burden on the Petitioner. This Petition is based on the sworn Financial Affidavit submitted with this Petition.

[2] FULL NAME: _____
TELEPHONE NUMBER: _____
FULL ADDRESS: _____
EMPLOYER: _____
SPOUSE EMPLOYER: _____
ALL DEPENDENTS & AGES: _____

[3] INCOME: Take Home Pay _____
Spouse's Pay _____
TANF _____
SSI or SSD _____
Unemployment _____
Pension _____
Military Allotment _____
Child Support _____
Alimony _____
Cash on Hand _____

Total Income _____

[4] LIST OF ASSETS AND PROPERTY:

Property	Make/Model	Cost When Bought	Present Value	Money Owed
Car				
Second Car				
Pick-up				
Motorcycle				
Recreation Vehicles				
House or Mobile Home				
Other Real Estate				

I have answered all questions honestly and truthfully to the best of my knowledge and am requesting that my fees be waived.

Signed on _____, 20____ in _____ (City),
 _____, County, _____ (State),
 _____ (Country).

 (Petitioner's Signature)

 (Petitioner's Printed Name)

THE PETITIONER'S REQUEST FOR WAIVER OF FILING/SERVICE OF PROCESS FEES IS

_____ *granted* _____ *denied*

NOTE: If the allegations in the PETITION FOR DISORDERLY CONDUCT RESTRAINING ORDER involve domestic violence, the Petitioner cannot be charged filing/service of process fees. N.D.C.C. 12.1-31.2-01(11)

Dated this _____ day of _____, 20_____.

 District Court Judge/Judicial Referee