

## INSTRUCTIONS: HOW TO GET A DISORDERLY CONDUCT RESTRAINING ORDER

1. Fill out the form called "Petition for Disorderly Conduct Restraining Order and Affidavit". This form is attached to these instructions. When you do this, include as many details and facts as you can to show why you need a restraining order.
  - a. You are the Petitioner.
  - b. The other person is the Respondent.
  - c. This form must be signed in front of a notary public. They must witness your signature and may require some form of identification.
  - d. Please try to use full complete names, not nicknames.
  
2. Take the completed "Petition" form to the Clerk of Court, located on the second floor of the County Courthouse. A clerk will take your petition (or have you take it) to a available judge. It may be a good idea to call ahead to make sure a judge will be available. The Clerk's number is 252-9042.
  
3. If the judge believes it is appropriate, he/she will sign the Temporary Disorderly Conduct Restraining Order. After signing this Order, the judge will give this document and the "Petition" to you and ask you to take them to the Clerk of Court.
  
4. The Clerk will make at least four certified copies that go to the following::  
    You  
    Sheriff's Office (3 copies: one for them, one to serve on the Respondent and one for police dispatch.)  
    The original stays with the Clerk of Court for filing.
  
5. There is a eighty (\$80) dollar filing fee. If you feel you can not afford the fee, complete the attached forms entitled "Affidavit in Support of Petition for Waiver of Fees". The Judge will determine if you need to pay the fee or not.
  
6. Try to fill out as much information as you can on the form called a "Protection/Disorderly Conduct Order Cover Sheet". It is designed to help law enforcement enforce the judge's order. Give this form to the Clerk of Court at the same time as delivering the Order signed by the judge.
  
7. The Sheriff's Office will personally serve the Respondent with the Order. Once he/she is served, the Order is in effect and any violation should be reported to police and could result in their arrest.
  
8. Come to the Courthouse on the day and time listed in the Temporary Order. If you have any witnesses to the facts you put in your "Petition", you may bring them with you to the hearing.
  
9. At this hearing, the judge may enter a new restraining order good for a longer period of time. This hearing gives the Respondent the opportunity to give his/her side of the story and to present any witnesses to the facts.
  
10. Report any violations of any order immediately to the police or sheriff's office.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

Case No. \_\_\_\_\_

**PETITION FOR  
DISORDERLY CONDUCT  
RESTRAINING ORDER**

\_\_\_\_\_  
Petitioner,

vs.

\_\_\_\_\_  
Respondent.

The undersigned Petitioner states as follows:

- I am the victim of the conduct complained of in this petition.
- I am the [parent] [guardian] of \_\_\_\_\_, who is the victim of the conduct complained of in this petition.  My [child's] [ward's] age is: \_\_\_\_\_

My address is: (Petitioner may ask the court to leave this line blank) \_\_\_\_\_

The respondent's address is: \_\_\_\_\_

My age is: \_\_\_\_\_ The respondent's age is: \_\_\_\_\_

My relationship to respondent is: Underline the appropriate word (stranger, spouse, ex-spouse, friend, other relative, acquaintance, other.)

I ask that a temporary restraining order be given requiring the respondent to stop the disorderly conduct directed at  me  my child  my ward. I also ask that the respondent have no contact with \_\_\_\_\_. I request that a hearing be scheduled and that a more permanent restraining order be given after that hearing.

Beginning with the most recent event, these are the actions that support my request for a restraining order (include dates). This is what happened: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Use additional sheet if necessary]

People who witnessed these events are: Name(s): \_\_\_\_\_

[If there are other events which support your petition, describe them on an additional sheet of paper. Include the date of the event and the name of any witness(es).]

Dated this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
(Signature of Petitioner)

Subscribed and sworn before this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_ County, North Dakota

\_\_\_\_\_  
Clerk or Notary Public

If notary, my commission expires: \_\_\_\_\_



STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT  
Case No. \_\_\_\_\_

<p>_____,  <b>Petitioner,</b>  <b>vs.</b>  _____,  <b>Respondent.</b></p>
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**TEMPORARY  
DISORDERLY CONDUCT  
RESTRAINING ORDER**

To the above-named Respondent:

A Petition for a Disorderly conduct Restraining Order has been filed in District Court alleging that you have engaged in disorderly conduct. "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.

On the basis of the Petition in this case, the Court concludes there are reasonable grounds to believe you have engaged in disorderly conduct.

You violate this order if you:

1. You engage in any disorderly conduct toward the petitioner.
2. You have any contact with petitioner except through an attorney.
3. \_\_\_\_\_

**You may appear** on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_ at \_\_\_\_\_ (a.m.)(p.m.) and show cause why this temporary order should not be extended. The hearing will be held in the county courthouse for this county. If you fail to appear at the hearing this temporary order may be extended and if you are charged with violating a restraining order, it is no defense that you were not present at the hearing. Unless otherwise terminated, this order shall be effective until a regular order, if issued, is served upon you.

**Violation of this order is punishable by up to one year in jail and a fine of up to \$2,000. Any peace officer may arrest you with or without a warrant and take you into custody if the peace officer has probable cause to believe you have violated this order.**

Dated this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
Judge of the District Court

STATE OF NORTH DAKOTA  
COUNTY OF

IN DISTRICT COURT

_____	Petitioner,
vs.	
_____	Defendant.

**AFFIDAVIT IN SUPPORT  
OF PETITION TO WAIVE  
PAYMENT OF FEES**

Case No. \_\_\_\_\_

Petitioner, \_\_\_\_\_, being first duly sworn, states as follows:

1. My present gross monthly income from employment is \$\_\_\_\_\_.
2. I receive \$\_\_\_\_\_ each month for child support. I receive \$\_\_\_\_\_ each month in AFDC or other welfare benefits. I receive \$\_\_\_\_\_ each month in spousal support (alimony). I receive \$\_\_\_\_\_ each month from other sources (List the source: \_\_\_\_\_).

3. Besides clothing, ordinary household goods, and inexpensive personal possessions, the only assets or property I own are:

<i>Item of property</i>	<i>Value of item</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Use the back of this sheet if necessary to list more items)

4. My monthly expenses for each of the following are:  
 Rent \$ \_\_\_\_\_ Food \$ \_\_\_\_\_ Heat \$ \_\_\_\_\_  
 Electricity \$ \_\_\_\_\_ Phone \$ \_\_\_\_\_ Water \$ \_\_\_\_\_  
 Medical \$ \_\_\_\_\_ Transportation \$ \_\_\_\_\_  
 Other \$ \_\_\_\_\_ (List what this expense is for: \_\_\_\_\_)

5. I owe the following debts:

<i>Person or Company you owe</i>	<i>Amount owed</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. I am unable to pay the required filing fee and sheriff's costs of service and could not start this action without depriving myself and/or those dependent on me for support of the necessities of life.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Petitioner

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

STATE OF NORTH DAKOTA  
COUNTY OF

IN DISTRICT COURT

	Petitioner,
vs.	
	Defendant.

**PETITION TO WAIVE  
PAYMENT OF FEES**

Case No. \_\_\_\_\_

Petitioner, \_\_\_\_\_, requests this court to waive the filing fees in this action. This request is made pursuant to North Dakota Century Code Section 27-01-07.

Petitioner has insufficient income and resources to proceed without such a waiver as shown by the attached Affidavit in Support of Petition to Waive Fees.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Attorney for Petitioner

**ORDER WAIVING FEES**

Pursuant to N.D.C.C. Section 27-01-07, and based upon Petitioner's Affidavit in Support of Petition to Waive Fees, the Petition is granted. The Clerk of Court is directed to file this action without collection of fees from Petitioner.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.

BY THE COURT:

\_\_\_\_\_  
Judge of the District Court