

CIVIL PROTECTION ORDERS

DEFINITIONS

BENCH CARD

This Bench Card has been created by the Administrative Office of the Court as a resource for judges. Bench Cards do not represent statements of law by the Idaho Supreme Court and do not constitute legal advice.

DEFINITIONS - I.C. § 39-6303

Domestic violence: Physical injury, sexual abuse, or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

Dating relationship: A social relationship of a romantic nature. Factors that the court may consider in making this determination include:

- (a) The nature of the relationship;
- (b) The length of time the relationship has existed;
- (c) The frequency of interaction between the parties; and
- (d) The time since termination of the relationship, if applicable.

Family member: Spouses, former spouses and persons related by blood, adoption, or marriage.

Family dwelling: Any premises in which the petitioner resides.

Household member: Persons who reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

Immediate and present danger: Includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily harm or engaged in domestic violence against the petitioner or where there is reasonable cause to believe bodily harm may result. As described in I.C. § 39-6306(2).

Irreparable injury: Includes, but is not limited, to situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner. As described in I.C. § 39-6308(3).

DEFINITIONS- I.C. § 18-7907

Contact: Any actual physical contact; contact or attempted contact, directly or indirectly, by telephone, pager, e-mail, facsimile or other oral, written, or electronic means of communication.

Stalking: Repeated acts of nonconsensual contact that seriously alarms, annoys, or harasses a person causing a reasonable person substantial emotional distress; to be in fear of death or physical injury; or fear of death or physical injury of a family or household member. As described in I.C. § 18-7905 and I.C. § 18-7906.

Telephone Threats: Telephones another with the intent to terrify, threaten, or intimidate and threatens to inflict injury or physical harm to the person addressed or any member of their family.

Threats Based on a Person's Race, Color, Religion, Ancestry, or National Origin: Intimidates or harasses another or causes or threatens to cause physical injury to another person or damage to any real or personal property of another person based upon a person's race, color, religion, ancestry, or national origin.

Timing and Basis for Grant: Must be a victim of stalking or threats within 90 days immediately preceding the petition and show conduct is likely to occur in the future.

CIVIL PROTECTION ORDERS RISK INDICATORS

BENCH CARD

RISK INDICATORS

HISTORY OF DOMESTIC VIOLENCE

- Attempted strangulation
- Forced sex
- Recent escalation of violence
- Stalking behaviors
- Threatened abuse or allegations of abuse to animals
- Access to/possession of firearms (prior use to threaten or injure, firearms moved)

THREATS TO KILL VICTIM OR CHILDREN

- Specific threats to kill victim and/or children
- Displaying weapons at time of threat

THREATS OF SUICIDE

- Suicidal/attempted
- Depression or mental illness
- Other stressors

SEPARATION

- Recent separation
- Loss of employment
- Recent or imminent court action

COERCIVE/CONTROLLING BEHAVIOR

- Extreme possessiveness
- Threats and intimidation
- Isolating of victim
- Destruction of property or pets

PRIOR POLICE CONTACT

- Prior civil protection orders or no-contact orders
- Violation of orders
- Prior criminal history

ALCOHOL OR DRUG ABUSE

- Drug and/or alcohol abuse
- Under influence during current altercation

CIVIL PROTECTION ORDERS

EX PARTE TEMPORARY REVIEW/HEARING

BENCH CARD

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PURPOSE:

To determine whether:

1. irreparable injury¹ could result from domestic violence² if a protection order is not issued immediately without prior notice to the respondent;³ and/or
2. stalking,⁴ telephone threats,⁵ or threats based on a person's race, color, religion, ancestry, or national origin⁶ has occurred in 90 days immediately preceding the filing of the petition and present harm could result if a protection order is not immediately issued without prior notice to the respondent.⁷

BEST PRACTICES TO ENHANCE SAFETY:

- *Require certified interpreters when any party is limited English proficient*
- *Record all ex parte hearings and hold hearings in the courtroom*
- *Explain reason(s) for not granting immediate relief and/or not scheduling a full hearing*
- *Consider allowing petitioner to amend or supplement petition to provide additional facts in writing*
- *Identify all criminal charges or pending civil cases and address any conflicts in orders*
- *Allow the petitioner to have someone accompany them for support*

WHEN:

I.C. § 39-6308: The court may grant an ex parte temporary protection order based upon the petition **or otherwise shall hold** a hearing which may be ex parte on the day a petition is filed or on the following judicial day⁸ to determine whether the court should grant an ex parte temporary protection order, pending a full hearing.⁹

I.C. § 18-7908: The court may grant an ex parte temporary protection order based upon the petition **or may hold** an ex parte hearing on the day a petition is filed or on the following judicial day to determine whether the court should grant an ex parte temporary protection order pending a full hearing, **dismiss the verified petition, or deny the ex parte temporary protection order and set the matter for a full hearing.**¹⁰

Note: *Bolded text in Bench Cards are to show differences in Statutes.*

WHERE:

The petition shall be filed in the county of the respondent's residence, petitioner's residence, or where the petitioner is temporarily residing.¹¹

CIVIL PROTECTION ORDERS

EX PARTE TEMPORARY REVIEW/HEARING

BENCH CARD

WHO:

A person may seek relief from domestic violence¹² alleging that the person or a family or household member, whether an adult or child, is a victim of domestic violence.¹³ The right to petition shall not be affected by having left the residence to avoid abuse.¹⁴

A person may seek relief from stalking,¹⁵ telephone threats,¹⁶ or threats based on a person's race, color, religion, ancestry, or national origin.¹⁷

A custodial or noncustodial parent or guardian may file a petition on behalf of a minor child or ward.¹⁸

Who may be present at the hearing?

- *Petitioner and respondent*
- *Attorney(s) for petitioner and/or respondent*
- *Advocate or support person for petitioner*
- *The court may exclude all persons from the courtroom except officers of the court, the parties, their witnesses and counsel, provided that in any cause the court may exclude witnesses as provided in the Idaho Rules of Evidence¹⁹*

WHAT TO CONSIDER:

Who is the protected person(s)? Petitioner, minor children, family or household member, or ward?

What is the relationship between the protected person(s) and the respondent?

Are there any current orders or pending cases involving the parties or their children?

- Criminal no contact orders or civil protection orders
- Custody proceedings
- Divorce proceedings
- Other custody orders
- Child protection, guardianship, or adoption proceedings

What is the relief requested (e.g., stay-away order, move-out order, child custody, other)?

EVIDENCE:

The court may grant a temporary protection order based upon the petition or testimony given.

I.C. § 18-7907: The court must rely on evidence based on specific facts that a person was the victim of conduct **within the 90 days immediately preceding the filing of the petition** and present harm could result if a protection order is not immediately issued without prior notice to the respondent. Such evidence occurring prior to such 90 day period may be admissible to show a course or pattern of conduct.²⁰

CIVIL PROTECTION ORDERS

EX PARTE TEMPORARY REVIEW/HEARING

BENCH CARD

FINDINGS:

The court may issue a protection order without notice to the respondent, not to exceed 14 days, upon a showing:²¹

1. if a protection order is not issued immediately that irreparable injury could result from domestic violence;²² and/or
2. the respondent intentionally engaged in stalking,²³ telephone threats,²⁴ or threats based on a person's race, color, religion, ancestry, or national origin ²⁵and present harm could result if a protection order is not immediately issued.

Relief shall not be denied because:

1. petitioner used reasonable force in self-defense;²⁶ and/or
2. petitioner or respondent was a minor at the time of incident.²⁷

ORDER:

The court may grant such relief as the court deems proper, including:²⁸

- ✓ Personal Conduct Order (including exceptions for contact)
- ✓ Stay-Away Order (including distance and location restrictions)
- ✓ **Move-Out Order (including law enforcement assistance)**
- ✓ **Temporary Child Custody**
- ✓ Other relief as the court deems necessary/proper

Note: *Bolded relief only addressed in I.C. § 39-6308.*

Consider RISK INDICATORS when determining exceptions and child visitation/exchange

EX PARTE

Ex parte temporary protection order shall be effective for a fixed period not to exceed 14 days.²⁹

A full hearing shall be set no later than 14 days from issuance of the ex parte protection order.³⁰

An ex parte order may be reissued for period(s) not to exceed 14 days.³¹ An ex parte protection order may be reissued and the full hearing rescheduled to allow for service.

Use Idaho Supreme Court approved forms and orders.³²

If child physical or sexual abuse is alleged, the court shall order an investigative report through the Department of Health and Welfare.³³ It can be requested that this report be submitted to the court in time for the full hearing to allow it to be reviewed by the judge and parties.

If the ex parte protection order substantially affects the respondent's rights to enter the domicile or the respondent's right to custody or visitation, the respondent may motion for an order shortening time.³⁴

CIVIL PROTECTION ORDERS

EX PARTE TEMPORARY REVIEW/HEARING

BENCH CARD

SERVICE:

The ex parte protection order along with a copy of the petition shall be personally served upon the respondent.³⁵

The clerk of the court shall forward a copy of the ex parte protection order, petition, and law enforcement service information sheet to the sheriff's office in the county in which the order was originally issued, or as specified in the order, for immediate entry into record systems and to facilitate service in the jurisdiction in which the respondent resides.³⁶

FULL FAITH AND CREDIT:

All civil protection orders issued in Idaho meet "full faith and credit" requirements of the Violence Against Women Act (VAWA), 18 U.S.C. § 2265, upon service of the respondent and are entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions.

ENDNOTES

¹ I.C. § 18-7907(11)(b), § 39-6308(3).

² I.C. § 39-6303(1).

³ I.C. § 39-6308(1).

⁴ As described in I.C. § 18-7905, § 18-7906.

⁵ I.C. § 18-7907(1)(b).

⁶ I.C. § 18-7907(1)(c).

⁷ I.C. § 18-7908(1).

⁸ I.C. § 39-6303.

⁹ I.C. § 39-6308(1) emphasis added.

¹⁰ I.C. § 18-7908(1) emphasis added.

¹¹ I.C. § 18-7907(9), § 39-6304(6).

¹² I.C. § 39-6303(1).

¹³ I.C. § 39-6304(2).

¹⁴ I.C. § 39-6304(3).

¹⁵ As described in I.C. § 18-7905, § 18-7906.

¹⁶ I.C. § 18-7907(1)(b).

¹⁷ I.C. § 18-7907(1)(c).

¹⁸ I.C. § 18-7907(2), § 39-6304(2).

¹⁹ IRFLP 113; IRE 615.

²⁰ I.C. § 18-7907(2) emphasis added.

²¹ I.C. § 18-7908(1)(3), § 39-6308(1)(5) emphasis added.

²² I.C. § 39-6303(1).

²³ As described in I.C. § 18-7905, § 18-7906.

²⁴ I.C. § 18-7907(1)(b).

²⁵ I.C. § 18-7907(1)(c).

²⁶ I.C. § 39-6306(4).

²⁷ I.C. § 39-6306(4).

²⁸ I.C. § 18-7907(4), § 39-6308(1).

²⁹ I.C. § 18-7908(3), § 39-6308(5).

³⁰ I.C. § 18-7908(3), § 39-6308(5).

³¹ I.C. § 18-7908(3), § 39-6308(5).

³² I.C. § 39-6311.

³³ I.C. § 32-717C, § 16-1605.

³⁴ I.C. § 39-6308(5).

³⁵ I.C. § 39-6310(1) emphasis added.

³⁶ I.C. § 39-6310, § 39-6311.

CIVIL PROTECTION ORDERS

FULL (14-DAY) HEARING

BENCH CARD

This Bench Card has been created by the Administrative Office of the Court as a resource for judges. Bench Cards do not represent statements of law by the Idaho Supreme Court and do not constitute legal advice.

PURPOSE:

To determine whether to issue a protection order, for a period not to exceed 1 year, upon a showing:¹

1. of immediate and present danger² of domestic violence³ to the petitioner; and/or
2. that a person was the victim of stalking,⁴ telephone threats,⁵ or threats based on a person's race, color, religion, ancestry, or national origin⁶ within the 90 days immediately preceding the filing of the petition and that such conduct is likely to occur in the future.

BEST PRACTICES TO ENHANCE SAFETY:

- *Provide enhanced courthouse and courtroom security for protection order cases*
- *Schedule court and calendar cases for maximum effectiveness and efficiency*
- *Allow the petitioner to have someone accompany them for support*
- *Require parties sit on opposite sides of the courtroom*
- *Staggered departures- respondent remains in courthouse 10-15 minutes after petitioner leaves*
- *Strategic placement of court officers/bailiff/courtroom security*
- *Use standard courtroom announcements to set tone and rules*
- *Advise parties of their rights*
- *Identify all criminal charges or pending civil cases and address any conflicts in orders*

WHEN:

Upon filing of a petition, the court shall hold a hearing, within 14 days, to determine whether the relief sought shall be granted.⁷

If either party is represented by counsel at a hearing, the court shall permit a continuance, if requested, so that counsel may be obtained by the other party.⁸

If the court finds that it is necessary for both parties to be represented by counsel, the court shall enter appropriate orders to ensure that counsel is retained.⁹

WHERE:

The petition shall be filed in the county of the respondent's residence, petitioner's residence, or where the petitioner is temporarily residing.¹⁰

Motions seeking an order shortening the time period must be served upon the petitioner at least 2 days prior to the hearing on the motion.¹¹

CIVIL PROTECTION ORDERS

FULL (14-DAY) HEARING

BENCH CARD

WHO:

A person may seek relief from domestic violence¹² alleging that the person or a family or household member, whether an adult or child, is a victim of domestic violence.¹³ The right to petition shall not be affected by having left the residence to avoid abuse.¹⁴

A person may seek relief from stalking,¹⁵ telephone threats,¹⁶ or threats based on a person's race, color, religion, ancestry, or national origin¹⁷ occurring in the 90 days immediately preceding the filing of the petition.

A custodial or noncustodial parent or guardian may file a petition on behalf of a minor child or ward.¹⁸

Who may be present at the hearing?

- *The court may exclude all persons from the courtroom except officers of the court, the parties, their witnesses and counsel, provided that in any cause the court may exclude witnesses as provided in the Idaho Rules of Evidence¹⁹*
- *Petitioner and respondent*
- *Attorney(s) for petitioner and/or respondent*
- *Advocate or support person for petitioner*

WHAT TO CONSIDER:

Who is the protected person(s)? Petitioner, minor children, family or household member, or ward?

What is the relationship between the protected person(s) and the respondent?

Are there any current orders or pending cases involving the parties or their children?

- Criminal no contact orders or civil protection orders
- Custody proceedings
- Divorce proceedings
- Other custody orders
- Child protection, guardianship, or adoption proceedings

What is the relief requested (e.g., stay-away order, move-out order, child custody, other)?

EVIDENCE:

Explain ground rules for presentation of evidence (no interruptions, time limits, prevent respondent from directly addressing petitioner in court, etc.).

I.C. § 18-7907: The court must rely on evidence based on specific facts that a person was the victim of conduct **within the 90 days immediately preceding the filing of the petition** and that such conduct is likely to occur in the future. Such evidence occurring prior to such 90 day period may be admissible to show a course or pattern of conduct.²⁰

The evidentiary standard is preponderance of evidence.²¹

Note: *Bolded text in Bench Cards are to show differences in Statutes.*

CIVIL PROTECTION ORDERS

FULL (14-DAY) HEARING

BENCH CARD

FINDINGS:

The court may issue a protection order, not to exceed 1 year, upon a showing:²²

1. of immediate and present danger²³ of domestic violence²⁴ to the petitioner; and/or
2. that a person was the victim of stalking,²⁵ telephone threats,²⁶ or threats based on a person's race, color, religion, ancestry, or national origin²⁷ within the 90 days immediately preceding the petition and that such conduct is likely to occur in the future.

Relief shall not be denied because:

1. petitioner used reasonable force in self-defense;²⁸ and/or
2. petitioner or respondent was a minor at the time of incident.²⁹

If a protection order is not granted at the full hearing, the court shall issue a dismissal order for the ex parte order or if an order is terminated before its expiration date, the court shall issue a dismissal order.³⁰

The court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.³¹

ORDER:

The court may grant such relief as the court deems proper, including:³²

- ✓ Personal Conduct Order (including exception for contact)
- ✓ Stay-Away Order (including distance and location restrictions)
- ✓ **Move-Out Order (including law enforcement assistance)**
- ✓ **Child Custody (including visitation, exchange, and communication)**
- ✓ **Respondent to participate in treatment or counseling services**
- ✓ **Respondent be required to reimburse the petitioner for costs incurred in bringing the action, including attorney's fees**
- ✓ Other relief as the court deems necessary/proper

Consider RISK INDICATORS when determining exceptions, child visitation/exchange, and length of Order

Note: *Bolded relief only addressed in I.C. § 39-6306.*

An ex parte order may be reissued and the full hearing rescheduled to allow for service.

Use Idaho Supreme Court approved forms and orders.³³

The order entered may require the petitioner or respondent, or both, to pay for costs of counsel.³⁴

BEST PRACTICES TO ENHANCE SAFETY:

- *Instruct both parties about specifics of the order and that the petitioner cannot give permission to the respondent to violate the order*
- *Couples therapy and/or joint parenting classes should NOT be ordered*
- *Do NOT enter a mutual protection order. Each party must file their own petition/case*

CIVIL PROTECTION ORDERS

FULL (14-DAY) HEARING

BENCH CARD

Child Custody

Where requested by the petitioner, judges may include temporary custody and visitation provisions.

Temporary custody of the minor children of the petitioner or of the parties may be awarded to the petitioner or respondent if:³⁵

1. exercise of such jurisdiction is consistent with the provisions of I.C. § 32-11-204; and
2. consistent with prior custody orders entered by a court of competent jurisdiction unless grounds exist pursuant to I.C. § 32-717.

If child physical or sexual abuse is alleged, the court shall order an investigative report through the Department of Health and Welfare.³⁶

BEST PRACTICE TO ENHANCE SAFETY:

- *If custody/visitation is not ordered, the order should address specific forms of communication allowed regarding the children (e.g., text, email, etc.)*
- *If visitation is ordered, explicitly articulate the day, time, and location for visitation or exchange. Do not order visitation as “reasonable” or “mutually agreeable.” Consider supervised access/exchange or a neutral drop off/pick up location*

SERVICE:

A protection order shall be personally served upon the respondent,³⁷ except as follows:

1. If an order entered by the court recites that the respondent appeared in person before the court and receives a copy of the order, the necessity for further service is waived and proof of service of that order is not necessary;³⁸ or
2. If a party has appeared in person before the court and has waived personal service, the clerk of the court shall complete service of any notice of hearing, orders, or modifications by certified mail to the party's address.³⁹

Note: *Service upon an attorney of record is not a substitute for personal service or certified mail.*

Following the entry of a protective order, the clerk of the court shall forward a copy of the protection order to the Sheriff's Office in the county in which the order was originally issued, or as specified in the order, for immediate entry into record systems and to facilitate service in the jurisdiction in which the respondent resides, if not previously served.⁴⁰

VIOLATION OF THE ORDER:

Instruct parties that a violation of the protection order is a criminal offense.

A violation of the provisions of a protection order shall be a misdemeanor punishable by up to one year in jail and a fine not to exceed \$5,000. A peace officer may arrest without a warrant.⁴¹

CIVIL PROTECTION ORDERS

FULL (14-DAY) HEARING

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FULL FAITH AND CREDIT:

All civil protection orders issued in Idaho meet “full faith and credit” requirements of the Violence Against Women Act (VAWA), 18 U.S.C. § 2265, upon service of the respondent and are entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions.

FEDERAL FIREARMS PROHIBITIONS:

Federal firearms prohibitions may apply to protection orders issued under I.C. § 39-6306 or I.C. § 18-7907.

It is unlawful for the respondent to purchase or possess a firearm or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8), if:

1. The order was issued after the respondent had notice and opportunity to participate; and
2. The relationship between the parties is spouse, former spouse, child in common, intimate partner, or child, as defined by federal law.

Note: *The nature of the relationship between the protected person(s) and the respondent determines the federal firearms restriction (check all that apply to the relationship on the order).*

Note: *Judges cannot make exceptions to the federal firearms prohibition (e.g., allowing firearms during hunting season, is not a permitted exception).*

ENDNOTES

¹ I.C. § 18-7907(4), § 39-6306(1) emphasis added.

² I.C. § 39-6306(2).

³ I.C. § 39-6303(1).

⁴ As described in I.C. § 18-7905, § 18-7906.

⁵ I.C. § 18-7907(1)(b).

⁶ I.C. § 18-7907(1)(c).

⁷ I.C. § 18-7907(3), § 39-6306(1).

⁸ I.C. § 18-7907(3), § 39-6306(1) emphasis added.

⁹ I.C. § 39-6306(1).

¹⁰ I.C. § 18-7907(9), § 39-6304(6).

¹¹ I.C. § 18-7908(3), § 39-6308(5).

¹² I.C. § 39-6303(1).

¹³ I.C. § 39-6304(2).

¹⁴ I.C. § 39-6304(3).

¹⁵ As described in I.C. § 18-7905, § 18-7906.

¹⁶ I.C. § 18-7907(1)(b).

¹⁷ I.C. § 18-7907(1)(c).

¹⁸ I.C. § 18-7907(2), § 39-6304(2).

¹⁹ IRFLP 113; IRE 615.

²⁰ I.C. § 18-7907(2) emphasis added.

²¹ I.C. § 18-7907(4).

²² I.C. § 18-7907(4), § 39-6306(1).

²³ I.C. § 39-6306(2).

²⁴ I.C. § 39-6303(1).

²⁵ As described in I.C. § 18-7905, § 18-7906.

²⁶ I.C. § 18-7907(1)(b).

²⁷ I.C. § 18-7907(1)(c).

²⁸ I.C. § 39-6306(4).

²⁹ I.C. § 39-6306(4).

³⁰ I.C. § 39-6313.

³¹ I.C. § 39-6306(6).

³² I.C. § 18-7907(4), § 39-6306(1).

³³ I.C. § 39-6311.

³⁴ I.C. § 18-7907(3), § 39-6306(1).

³⁵ I.C. § 39-6306(1)(a).

³⁶ I.C. § 32-717C, § 16-1605.

³⁷ I.C. § 39-6310(1)(2) emphasis added.

³⁸ I.C. § 39-6310(6).

³⁹ I.C. § 39-6310(7) emphasis added.

⁴⁰ I.C. § 39-6310, § 39-6311.

⁴¹ I.C. § 18-7907(8), § 39-6312.

CIVIL PROTECTION ORDERS

TERMINATION, MODIFICATION, AND RENEWAL

BENCH CARD

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TERMINATION OF A CIVIL PROTECTION ORDER:

Orders issued under I.C. § 39-6306: Upon motion and after a hearing or by stipulation, a protection order may be terminated by the court.¹ In any situation where an order is terminated before its expiration date the court shall issue a dismissal order.²

Orders issued under I.C. § 18-7907: Upon motion and good cause shown, a protection order may be terminated with notice to all parties and after a hearing or written stipulation filed with the court.³

BEST PRACTICE TO ENHANCE SAFETY:

When a petitioner is requesting a dismissal/termination of a protection order:

- *Make inquiry into petitioner's motivation for request of dismissal; document reason*
- *Suggest petitioner to meet with an advocate to assist with safety planning and other*

MODIFICATION OF A CIVIL PROTECTION ORDER:

Orders issued under I.C. § 39-6306: Upon application, with notice to all parties and after a hearing or by stipulation, the court may modify the terms of an existing protection order.⁴

Orders issued under I.C. § 18-7907: Upon motion and good cause shown, a protection order may be modified with notice to all parties and after a hearing or written stipulation filed with the court.⁵

RENEWAL OF A CIVIL PROTECTION ORDER:

Orders issued under I.C. § 39-6306: Without a hearing, if not timely objected to by the respondent, the court may renew a protection order, upon good cause shown, for additional terms not to exceed 1 year each or be made permanent.⁶

Note: *The respondent should be served a copy of the application to renew and opportunity to object.*

Orders issued under I.C. § 18-7907: Upon motion and good cause shown, a protection order may be renewed with notice to all parties and after a hearing or written stipulation filed with the court in increments not to exceed 1 year.⁷

FOREIGN PROTECTION ORDERS:

Registration of a protection order is not required for the enforcement of a valid foreign protection order.⁸ To register an individual shall present a copy of a certified protection order to a court and file an affidavit.⁹

If a foreign protection order is registered with the court, do not notify the respondent that a protection order has been registered (18 U.S.C. § 2265(d)(1)).

ENDNOTE

¹ I.C. § 39-6306(5), § 39-6313.

² I.C. § 39-6313.

³ I.C. § 18-7907(7).

⁴ I.C. § 39-6306(5), § 39-6313.

⁵ I.C. § 18-7907(7).

⁶ I.C. § 39-6306(5), § 39-6311(4).

⁷ I.C. § 18-7907(7).

⁸ I.C. § 39-6306A(4)(d).

⁹ I.C. § 39-6306A(5)(a)(b).