

# CIVIL PROTECTION ORDERS

## TERMINATION, MODIFICATION, AND RENEWAL

BENCH CARD

### 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.<sup>1</sup> In any situation where an order is terminated before its expiration date the court shall issue a dismissal order.<sup>2</sup>

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.<sup>3</sup>

#### *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.<sup>4</sup>

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.<sup>5</sup>

### 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.<sup>6</sup>

**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.<sup>7</sup>

### FOREIGN PROTECTION ORDERS:

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

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

<sup>1</sup> I.C. § 39-6306(5), § 39-6313.

<sup>2</sup> I.C. § 39-6313.

<sup>3</sup> I.C. § 18-7907(7).

<sup>4</sup> I.C. § 39-6306(5), § 39-6313.

<sup>5</sup> I.C. § 18-7907(7).

<sup>6</sup> I.C. § 39-6306(5), § 39-6311(4).

<sup>7</sup> I.C. § 18-7907(7).

<sup>8</sup> I.C. § 39-6306A(4)(d).

<sup>9</sup> I.C. § 39-6306A(5)(a)(b).