



# Idaho Supreme Court

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**To:** Magistrate Judges  
Clerks of the District Court  
Court Assistance Officers  
Trial Court Administrators  
Children and Family Service Coordinators

**Subject:** Revisions to Domestic Violence Protection Order Forms

**Date:** June 27, 2006

The Standard Forms Committee completed revisions to the domestic violence protection forms, reflecting recent amendments to Idaho Code §39-6306 (Senate Bill 1356, as amended), and incorporating other recommended changes, effective immediately.

Some of the changes include:

- Recognizable First Page: In collaboration with the National Center for State Courts, the National Center on Full Faith and Credit, the National Criminal Justice Association, the Conference of State Court Administrators, and the Conference of Chief Justices, the Standard Forms Committee approved a "Recognizable First Page" for use on all Civil Protection Orders. This page is designed to improve recognition and enforcement of orders of protection within and between states and tribes by including common elements and format. This format has been adopted by several other states and efforts are underway to ask Indian Tribes within the state of Idaho to adopt the same format.
- New Protection Order Forms: The new protection order forms:
  - place "Brady Bill" identifiers on the first page
  - place the expiration date on the first page of the order.  
Note: Recent legislation allows a protection order, upon renewal, to be made "permanent." Upon such a renewal, the judge can write "PERMANENT" in the boxes.
  - Allow the court, with the stipulation of the parties, to enter two separate orders, with or without an additional hearing by attaching a second RFP changing the respondent to the petitioner and attaching it as a cover page to a copy of the first order. See *Suggested Clerk Procedures* attached to this memo.
  - Clarify that the respondent is subject to the most restrictive terms of any court order, including criminal orders and prior orders with more restrictive terms.  
Note: If, subsequent to the issuance of the Domestic Violation Civil Protection Order, another court issues an order affecting child custody, visitation, or support, the DV Order will nonetheless control *unless* it is amended. This places the burden on the parties to petition for amendment of the protection order. If there is a no-contact order in a criminal case, the respondent will be held to the more restrictive terms concerning contact. Prior orders too will control if they are more restrictive.

3. CAO Form Numbers: Court Assistance Office numbers and revision dates have been added, consistent with other statewide court-approved forms.
4. Inventory of Forms: Below is a complete list of the domestic violence protection order forms currently approved and available on the court's website at <http://www.isc.idaho.gov/rulesfrm.htm#violence>, including those which have been revised effective this date.

CAO DV 1-1 Sworn Petition for Protection Order  
CAO DV 1-2 Law Enforcement Service Information Sheet  
CAO DV 4-1 Temporary/Amended Ex-Parte Protection Order with Notice of Hearing *(revised 6/2006)*  
CAO DV 4-2 Order Setting or Resetting Hearing on Petition for Protection Order *(revised 6/2006)*  
CAO DV 4-3 Notice of Hearing on Modification, Termination or Objection to Renewal of a Protection Order  
CAO DV 4-4 Reissuance of Temporary Protection Order and Notice of Hearing *(revised 6/2006)*  
CAO DV 8-1 Civil Protection Order – Long Form *(revised 6/2006)*  
CAO DV 8-2 Civil Protection Order – Short Form *(revised 6/2006)*  
CAO DV 9-1 Application to Modify, Terminate, or Renew Protection Order *(revised 6/2006)* CAO DV 9-2 Notice of Hearing on Application to Modify, Terminate, or Renew Protection Order *(revised 6/2006)*  
CAO DV 9-3 Order on Application to Modify, Terminate, or Renew Protection Order *(revised 6/2006)*  
CAO DV 9-4 Order for Temporary Extension of Protection Order on Motion to Renew and Notice of Hearing *(revised 6/2006)*  
CAO DV 9-5 Order Dismissing Protection Order Action

Forms which contain revisions are identified with a revision date of June 2006 in the document footer. Forms which were not revised have their most recent revision date also identified in the document footer.

5. ISTARS Forms: Julie Cottrell, the statewide ISTARS Coordinator, will insert the ISTARS merge codes that are currently available and designed to pull case-specific ISTARS data into the protection orders, and provide these documents to all courts. It is anticipated that the Clerks of the District Court will enter into ISTARS the information provided by the Law Enforcement Service Information sheet, before transmittal to law enforcement. A number of other merge codes and data elements will be incorporated into a future release of ISTARS. At that point, a new set of ISTARS documents will be made available for insertion into ISTARS, which will automatically insert more ISTARS data into the document.

I want to especially thank Judge David Day, Chair – Standard Forms Committee, and Judge Michael Dennard, Director – Court Assistance Offices, as well as Judge Gaylen Box, Senior Judge Michael Redman, Julie Cottrell, Viki Howard, Corrie Keller, and the many others who have worked hard to develop these forms and procedures. Please let us know of additional refinements that may need to occur.

PT/st

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Attachment

cc: Administrative District Judges

## Multiple Civil Protection Orders

Suggestions for Clerks of the District Court when multiple Civil Protection Orders are filed simultaneously involving the same parties or when there are cross allegations and the judge enters 2 orders based on Respondent testimony without a petition having been filed by Respondent:

### SINGLE PROTECTION ORDER PETITION, ONE CASE:

1. Upon receipt of a "Sworn Petition for Protection Order", the "Law Enforcement Service Information Sheet", and the "Family Law Case Information Sheet", and other accompanying documents, the clerk will use civil filing code 9CDV and proceed with the normal case processing to obtain a case number and create a new case file. The person seeking the protection order shall be entered as the petitioner. The person who will be restrained will be entered as the respondent.
2. The court will review the petition and associated documentation to determine if criteria have been met, to issue a "Temporary Ex-Parte Order". If the court determines that criterion has been met a "Temporary Ex-Parte Order" will be issued.

The clerk will then schedule a hearing within fourteen (14) days to determine whether the relief sought shall be granted. The respondent shall receive notice of the hearing when delivered to the respondent by the appropriate Law Enforcement agency.

### 3. Realignment Of Parties

In providing relief the court may find that the original petitioner is the abuser and the original respondent is the victim of domestic abuse. If this is determined at any point, the court may realign the designation of the parties on the case as "petitioner" and "respondent". Realignment does not require a new petition to be filed. The case would proceed under the original case number.

The Clerk would then delete the original petitioner and respondent in ISTARs and reinsert them in their new designation. Documentation of this change should be inserted in the comment box for both parties in the ISTARs case and in the register of actions.

Created by: SYSTEM on 03/02/2004 08:00 AM		Updated by: ISC on 06/06/2006 10:12 AM			
1 Plaintiff	1 Defendant	0 Subjects	0 Other Parties	Ledger	Compliance
<b>Plaintiff 1 of 1</b>					
	<b>Doe, Jack</b> Attorney: [none]				
Comment:		Send notices: <input checked="" type="checkbox"/>			
<b>Jack Doe was originally the respondent in this case. The court realigned the parties, so Jack is now the petitioner/plaintiff, and Jill Doe is now the defendant/respondent.</b>					
Counter claimant:	<input type="checkbox"/>	Third party plaintiff:	<input type="checkbox"/>	Interpleador:	<input type="checkbox"/>
Counter defendant:	<input type="checkbox"/>	Third party defendant:	<input type="checkbox"/>	Non party:	<input type="checkbox"/>
Cross claimant:	<input type="checkbox"/>	Intervenor:	<input type="checkbox"/>	Other party:	<input type="checkbox"/>
Cross defendant:	<input type="checkbox"/>	Amicus curiae:	<input type="checkbox"/>		
Amount claimed:	<input type="text" value=".00"/>				
Created by: ISC on 06/06/2006 10:13 AM		Updated by: ISC on 06/06/2006 10:14 AM			

A new ROA code may be entered to assist in tracking those cases which have had parties realigned, and to make the insertion of that information in the register of actions easier. See recommended verbiage below. The code will be PARR. The text will say “Case Parties Realigned – Per Order of the Court.”

The screenshot shows a software window titled "ROA Codes Maintenance". It contains several input fields and checkboxes. The "Code" dropdown is set to "PARR". The "Code" field also contains "PARR". There is an "Exclude from internet" checkbox which is unchecked. The "Text" field contains "Case Parties Realigned- Per Order of the Court". Under "Automatic processing", the "Civil" checkbox is checked, while others are unchecked. The "Auto appeal" section has radio buttons for "None", "Appeal to District Court", "Appeal to Supreme Court", "Remand from District Court", and "Remand from Supreme Court". The "Case status" dropdown menu is set to "None". At the bottom, there are buttons for "Print", "Find", "Find Next", "New", "Save", "Delete", and "Close".

#### 4. SECOND PROTECTION ORDER PETITION, SECOND CASE

If at any time prior to the 14 day hearing, the “respondent” on the previously stated petition submits a “Sworn Petition for Protection Order” and accompanying documents to the court the clerk representing themselves as a petitioner, the clerk will follow the same protocol as listed in number one above. The “respondent” on the former petition will now be entered as the “petitioner” on this petition. The former “petitioner” will be entered as the respondent on the second petition.

A new case number will be assigned.

If the court finds good cause to enter a “Temporary Ex-Parte Order” for the second petition the clerk will then schedule a hearing within fourteen (14) days to determine whether the relief sought shall be extended/changed.

Notice of the hearing will be delivered to the respondent by the appropriate Law Enforcement agency. If there is adequate time to permit service on the respondent regarding the second case, to conserve court time and for the convenience of the parties involved, the two 14 day hearings may be set at the same time and place.

#### 5. SECOND PROTECTION ORDER CASE CREATED WITHOUT A PETITION

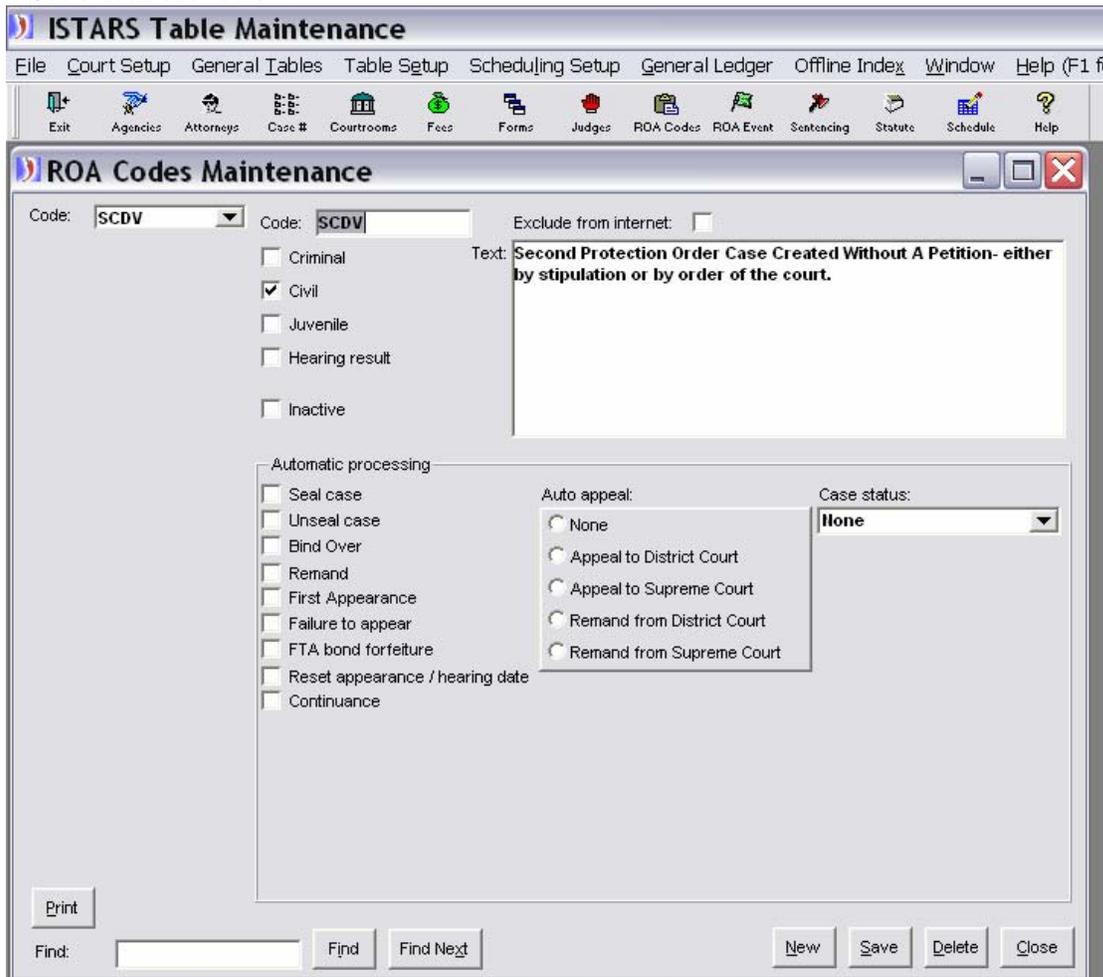
If no subsequent petition is filed by the respondent in the first case, but at the fourteen (14) day hearing for the first case (or other hearing) it is substantiated that there has been violence committed on the part of the petitioner in the first case against the respondent of that case, OR if parties or counsel stipulate that an additional order should be issued, and no petition has been filed by the respondent requesting this order, the court may issue a separate protection order protecting the respondent from the petitioner.

This order will initiate a second case filing. The respondent of the first action will be entered as the petitioner or person seeking relief in the second case. The petitioner of the first action will be entered as the respondent in the second case.

The clerk will create a new Domestic Violence Case, using the same filing code 9CDV, and will obtain a new case number for this matter. A copy of the Court minutes or the signed stipulation will take the place of a petition in this 2nd action, unless the Court instructs the respondent of the first action to fill out a new petition for this file.

In order to track the number of cases which will be created from the above scenario a new ROA code will be created, which the clerk will need to insert after the NCDV code which automatically inserts for domestic violence cases. This new code will be inserted for the cases which are without an initiating petition only. That code will be SCDV (Secondary Case Domestic Violence). The verbiage which will insert in the ROA will be, "Second Protection Order Case Created Without a Petition- either by stipulation or by order of the court."

See screen shot below:



6. In the event of any of the above scenarios, the clerk will certify copies of all orders, and distribute copies to the participants in court and to Law Enforcement.
7. These or other cases also may be consolidated in ISTARs under the direction of the Judge presiding over the cases. Case consolidation in ISTARs will preserve both cases and case numbers.
8. In the event of either 2 or 3 above, each case will proceed according to normal rules governing domestic violence cases.