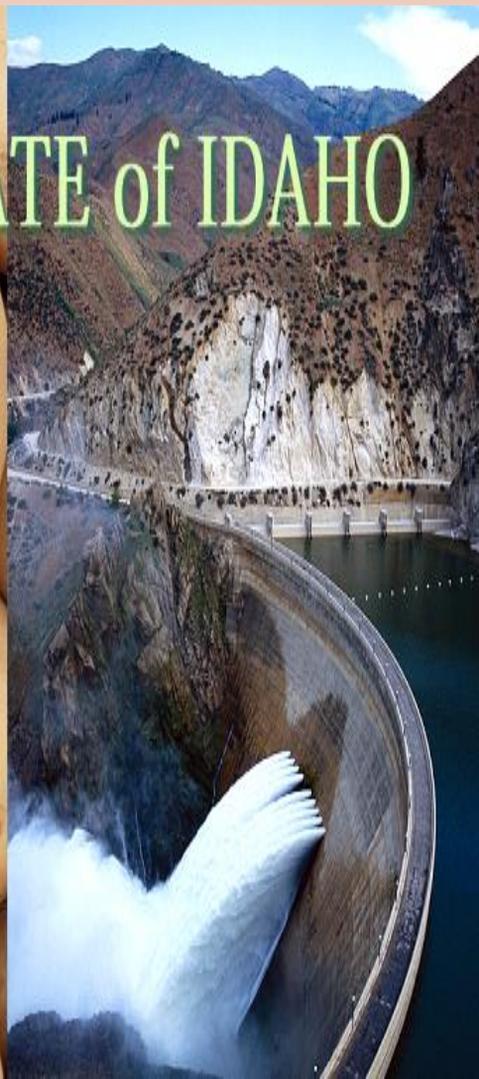


Effective Use of Civil Protection Order Forms



Presented by:
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Civil Protection Order Forms

Focus of Today's Presentation:

- Why and how CPO forms were developed
- The importance of using current approved forms
- How to identify court approved CPO forms
- Where to find current versions and obtain more information

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How and why were CPO forms
created?

- ✓ Domestic Violence Crime
Prevention Act

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How and why were CPO forms
created?

- ✓ Domestic Violence Crime
Prevention Act
- ✓ Sup. Ct.'s Administrative
Authority

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Idaho Code Section 1-212:
Rule-making power recognized—
The inherent power of the
supreme court to make rules
governing procedure in all the
courts of Idaho is hereby
recognized and confirmed.

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Idaho Code Section 1-213:

Duty to make rules—

Limitations.—**The Supreme Court shall prescribe, by general rules, for all the courts of Idaho, the forms of process, writs, pleadings and motions, the manner of service, time for appearance, and the practice and procedure in all actions and proceedings.**

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Court Clerk's Responsibility:

Idaho Code Section 1-1001. Duties of clerk:

The clerk of the district court must perform such duties as are prescribed in the Code of Civil Procedure and in the Penal Code, and such duties as may be required of him by the rules and practice of the court.

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How and why were CPO forms
created?

- ✓ Domestic Violence Crime
Prevention Act
- ✓ Sup. Ct.'s Administrative
Authority
- ✓ Domestic Violence Forms
Committee

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Why is it important to use the most recent approved form?

- ✓ Federal Violence Against Women Act
- ✓ Interstate enforcement
- ✓ Because of Sup. Ct. Order

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Federal Grants - Violence Against Women Act

- Idaho receives federal grant funds for a number of different purposes
- Provides support for shelters, DV Counsel, courts
- Requires compliance with federal requirements enforced by the Department of Justice's Office of Violence Against Women (OVW)
- CPO Forms must comply to receive funds

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Why is it important to use the most recent approved form?

- ✓ Federal Violence Against Women Act
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- ✓ Because of Sup. Ct. Order

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Section 2265 of the Violence Against Women Act requires full faith and credit be given to sister states' protection orders if:

- The respondent had reasonable notice and opportunity to be heard; and
- The issuing court had jurisdiction;
- The order is not a mutual protection order in favor of the respondent unless the respondent filed a petition and the entitlement to a protection order is supported by written findings of the court.

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Recognizable Front Page:

- “Project Passport”
- Model Template for RFP
- Design Considerations

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By Order of the Supreme Court:

“It is Further Ordered, that such uniform forms shall be used by all of the courts of the state of Idaho.”

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How to identify court
approved forms?

- Consolidation of CAO and Statutory forms
- CAO Nomenclature
 - Case type, e.g. “DV”
 - First number indicates timing of use
 - Second number separates forms

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CAO DV 1-1 Sworn Petition for
Protection Order 2/12 2008

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Where can I find the most current version of a form?

- ✓ District or County Court Assistance Officer
- ✓ Supreme Court Self-Help Center (not all forms are available)
- ✓ Keri Parks at the Administrative Office of the Courts (email: kparks@idcourts.net)

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Filing Stage:

- ✓ *CAO DV 1-1 Sworn Petition for Protection Order (2-12-2008)*
- ✓ *CAO DV 1-2 Law Enforcement Service Inf. Sheet (2002)*
- ✓ *CAO Fl 1-1 Family Case Information Sheet (2-02-2010)*

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Ex-Parte Stage:

- ✓ *CAO DV 4-1 Temporary Ex Parte Order and Notice of Hearing or Amended Order and Notice of Hearing (2-12-2008)*
- ✓ *CAO DVPi 4-2 Order Setting or Resetting Hearing on Protection Order (2-12-2008)*
- ✓ *CAO DV 4-4 Reissuance of Temporary Protection Order (2-12-2010)*

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14 Day Hearing Stage:

- ✓ *CAO DV 8-1 Protection Order (Long Version 2-10-2007)*
- ✓ *CAO DV 8-2 Protection Order (Short Version 2-10-2007)*
- ✓ *CAO DV 9-5 Order Dismissing Protection Order Action (2-12-2008)*
- ✓ *CAO DV 4-4 Reissuance of Temporary Protection Order (2-12-2010)*

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Post 14 Day Hearing Stage:

- ✓ CAO DV 9-1 Application to Modify, Terminate, Renew, or Change Hearing on Protection Order (2-12-2008)
- ✓ CAO DV 9-4 Temporary Ex-Parte Extension of Protection Order and Notice of Hearing on Motion to Renew (12-10-2007)
- ✓ CAO DV 9-2 Notice of Hearing on Application to Modify, Terminate, Renew, or Make Protection Order Permanent (2-12-2008)

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Post 14 Day Hearing Stage (cont):

- ✓ *CAO DV 9-3 Order for Modification, Termination, or Denial of Motion (2-12-2008)*
- ✓ *CAO DV 9-6 Amended or Renewed Protection Order (Long Version 12-10-2007)*
- ✓ *CAO DV 9-7 Amended or Renewed Protection Order (Short Version 12-10-2007)*

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Public Access to CPOs:

- Governed by Rule 32(g)(16)
- “Domestic abuse files maintained pursuant to domestic violence crime prevention acts, except orders of the court”
- Questionable practices

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Public Access to CPOs:

The request must clearly identify each record requested so that the custodian can locate the record without doing extensive research...

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Public Access to CPOs:

The custodian may provide the requester information to help the requester narrow the scope of the request or help the requester make the request more specific when the request is likely to be voluminous.

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Summary:

- Use of approved CPO forms is mandatory
- Make sure you are using most current version
- Using unapproved versions threatens funding of critical services and could impact interstate enforcement

Questions