

# The Process to Obtain a Civil Protection Order

*This project was supported by Grant No. 15JOVW-21-GG-00801\_RURA awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice*

## STEP 1:

### Collect & Fill Out Paperwork

- Sworn Petition for a Protection Order
- Law Enforcement Service Information Sheet
- Family Law Case Information Sheet



## STEP 2:



### File the Paperwork with the Court

- In the county in which you currently live, or
- In the county where the respondent currently lives.
- If you are unsure where your county courthouse is located, please view the Idaho State Court Directory
- Filing these forms is available at no cost

## STEP 3:



### Attend the Ex Parte Hearing

- The clerk will schedule the hearing, which is where you have the opportunity to explain to the judge why you are seeking the protective order. The respondent will not be present for this hearing



### Outcomes:

The judge will either:

1. Authorize a Temporary Civil Protection Order (typically lasts up to 14 days) to protect you;
2. Reset to another date, or
3. Dismiss the petition

If granted or reset, a Notice of Hearing will be sent out to notify the respondent of the next hearing.



## STEP 4:



### Attend the 14-Day Hearing

If a Temporary Civil Protection Order is issued:

- Another hearing (“14-day Hearing”) will be scheduled for a later date
  - At this hearing, both you and the abuser will have a chance to present your case to the Judge about whether the Temporary Civil Protection Order should be extended past the initial 14-days and why. You may represent yourself or hire an attorney for this hearing.

## **Practical Tips for the Hearing**

**It is difficult to share enough information in this guide to prepare for a hearing, however, some practical tips for your hearing include:**

- **Before your hearing, write down in bullet points any information you think is important for the Judge to hear.**
- **If you have a witness to the abuse you or your family experienced, notify that person to appear for the hearing.**
- **Collect and bring any documents that will help prove that you are in need of a Civil Protection Order. This may include police reports, photographs, hospital reports, recorded audio messages, or text messages.**
- **Show up early to the courthouse so you can make sure you are on time for your hearing. Be prepared to wait, as there may be multiple cases scheduled.**
- **Dress respectfully for the court. As a rule of thumb, dress like you would if you were going to a formal event, for example, like church.**
- **Although difficult, remain calm. Focus on being truthful about your story. If you do not understand something, let the judge know.**
- **If possible, do not bring children to the hearing. You may bring someone for emotional support to the courthouse, although they may not be allowed into the hearing or courtroom.**

**Once a Temporary Civil Protection Order or a Long-Term Protection Order is obtained for you or your family member(s), your next steps are:**

- **Keep a copy of the Order with you and any family member(s) the Civil Protection Order is meant to protect.**
- **Provide a copy of the Order to staff at protected locations named in the Civil Protection Order (children's school(s), your place of work, daycare(s), etc.).**
- **If the Civil Protection Order is violated, call the local police immediately.**
- **If you are traveling to another state, consider sending a copy to the local police in the area you intend to travel before your trip**
- **If you would like to renew the Civil Protection Order once it expires, file a request (called a "motion") with the Clerk of the Court at least a week or two before Civil Protection Order expires.**