



What is a Civil Protection Order?



What is a Civil Protection Order?

Civil protection orders are a legal tool available within the Idaho court system to restrict an abuser's contacts with a person or persons for a period of time. The civil protection order is a document issued by a civil court that orders the person who is abusing or stalking you to stop doing so. There is no cost to apply for a civil protection order.

If the abuser violates the Civil Protection Order, he/she may be criminally punished by the court. Idaho Code § 39-6301.

Note: This guide is intended to provide general legal advice. If you need specific legal advice regarding your situation, please contact Idaho Legal Aid Services, Inc.'s Domestic Violence Advice Line at: (208) 746-7541.

Who Can File for a Civil Protection Order?

Civil Protection Orders can be Obtained for the Following:

1 For Victims of Domestic Violence

(A) To obtain a Civil Protection Order for Domestic Violence, you and the abuser must have, or have had, a specific kind of relationship. The abuser must currently be, or formerly was, one of the following:

- Your spouse or former spouse;
- You and the abuser reside together or formerly resided together;
- You and the abuser have a child in common;
- You and the abuser currently are, or formerly were, intimate partners;
- You and the abuser have a parent relationship;
- You and the abuser are related by blood, adoption, or marriage; or
- You and the abuser are currently dating or formerly dated. ID Code § 18-7907; 39-6303; **AND**,

(B) The abuser must have committed one of the behaviors listed in the chart(s): "Behavior that Qualifies as Domestic Violence" or "Behavior that Qualifies as 'Malicious Harassment'" on page 2 of this guide. ID Code § 39-6304; 18-7907.

Note: Your right to petition for relief from domestic violence is not affected if you left the residence or household to avoid abuse. ID Code § 39-6304(3).

2 For Victims of Malicious Harassment

To obtain a Civil Protection Order for Malicious Harassment, you do not need to have a specific kind of relationship with your abuser. However, the abuser must exhibit one of the behaviors listed in the "What Qualifies as 'Malicious Harassment' chart on page 2 of this guide. ID Code § 18-7907.

Note: You may file for a Civil Protection Order whether or not criminal charges have been filed against the person harassing you or your family or household member(s).

Behavior that Qualifies as “Domestic Violence”

ID Code § 39-6304

Domestic Violence

Either you, a family member, or a minor child, experienced actual physical injury, sexual abuse, or forced imprisonment, or a threat of physical injury, sexual assault, or forced imprisonment, by a person the minor child has had or is having a dating relationship with, or of an adult person with whom the adult has had or is having a dating relationship. ID Code § 39-6304(2). Please see the “Who Can Obtain a Civil Protection Order” chart on Page 1.

Behavior that Qualifies as “Malicious Harassment”

ID Code § 18-7907

Conduct experienced by Victim(s)

Definition

Stalking

Within the last 90 days, the abuser must have *repeatedly* contacted you, a family member, or a household member, without permission. The contact must: (A) alarm, annoy, harass, or scare this person, AND (B) cause emotional distress, fear of death, or fear of injury to that person or a family or household member of that person. ID Code § 18-7907(a).

Telephone Threats

Within the last 90 days, the abuser telephoned another with the intent to terrify, threaten, or intimidate such other person and addresses to such other person any threat to inflict injury or physical harm to the person addressed or any member of his family and engages in such conduct with any device that provides transmission of messages, signals, facsimiles, video images, or other communication by means of telephone, telegraph, cable, wire, or the projection of energy without physical connection between persons who are physically separated from each other § 18-7907(b).

Threats Based on Race, Color, Religion, Ancestry, or National Origin

Within the last 90 days, the abuser intimidated, threatened, harassed, or causes physical injury to the victim or the victim’s property. The threats and/or harassment must be based upon the victim’s race, color, religion, ancestry, or national origin. ID Code § 18-7907(c).

Who Can File for a Civil Protection Order?

For Victims of Domestic Violence

1 An adult may file for a civil protection order for him/herself. ID Code § 39-6304(2).

2 An adult may file a civil protection order for a family or household member, including a minor. ID Code § 39-6304(2).

For Victims of Stalking, Telephone Threats, and/or Threats Based on Race, Color, Religion, or National Origin

1 An adult may file for a civil protection order for him/herself and must allege specific facts that occurred within the last 90 days. ID Code § 18-7907.

2 An adult may file a civil protection order for a family or household member and must allege specific facts that occurred within 90 days. ID Code § 18-7907.

3 A parent or guardian may file for a civil protection order on behalf of his/her children and must allege specific facts that occurred within 90 days. ID Code § 18-7907.

The Process to Obtain a Civil Protection Order

Step #1: Collect & Fill out Paperwork

If you have decided you or a family member needs a Civil Protection Order, the first step is to gather and fill out all the required paperwork. You will need the following documents:

- Sworn Petition for a Protection Order, which can be found [here](#) or at the [Idaho Court Assistance Website](#).
- Law Enforcement Service Information Sheet, which can be found [here](#) or at the [Idaho Court Assistance Website](#).
- Family Law Case Information Sheet, which can be found [here](#) or at the [Idaho Court Assistance Website](#).

Each of these forms is available at no cost at the above links.

Step #2: File the Paperwork with the Court

Once your paperwork is complete, take a copy of it with you to the clerk's office at one of the following courthouses:

- The courthouse in the county in which you currently live, or
- The courthouse in the county where your abuser currently lives.

If you are unsure where your county courthouse is located, please view the Idaho State Court Directory [here](#).

Step #3: Ex Parte Hearing & Delivery of Documents

Once your paperwork is filed, the clerk will schedule an "ex parte hearing," which is a hearing where you can explain to the judge why you are seeking a civil protection order, without the abusive person being present.

If the judge determines protection is necessary, he/she will: (1) authorize a Temporary Civil Protection Order to protect you; (2) schedule another hearing (also known as a "14-Day Hearing") to determine whether the Temporary Civil Protection Order should be extended beyond 14 days, and (3) issue a Notice of Hearing to notify the abuser of the next hearing. The Temporary Protection Order is valid for 14 days, or until after the hearing to determine whether the civil protection order should be continued beyond the 14-day period, whichever comes later.

If the abuser lives in Idaho, the court will automatically send notice of the Temporary Protection Order and the 14-day hearing to the local police who will serve it on the abuser. If the abuser does not live in Idaho, the Court's Clerk's Office could either: (1) work with local law enforcement in the state and/or county where the abuser resides to serve the abuser, OR (2) request that you obtain copies of the Temporary Protection Order and the Notice of Hearing from Court's Clerk's Office for you to arrange service on the abuser. Many states will have the local sheriff's office serve the documents for no fee when the case involves domestic violence. Please ask your court clerk's office about their process if the abuser lives out-of-state.

The Process to Obtain a Civil Protection Order

Step #4: Hearing (14-Day Hearing)

If a Temporary Civil Protection Order is issued, another hearing (also known as a “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. If you need assistance finding an attorney, the following organizations may be able to help you:

- [Idaho Legal Aid Services, Inc.](#)
- [Idaho Volunteer Lawyers Program](#)
- [University of Idaho College of Law Family Justice Clinic](#)
- [Faces of Hope](#)
- [Idaho State Bar Association Attorney Referral Service](#)

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. 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.

You have a Civil Protection Order... Now What Should You Do?

Once either 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.

**Note: If your courthouse is holding online video hearings, you may have to provide evidence to the court at least a day before your hearing. Contact your local courthouse for more information on how to submit evidence.*

Additional Resources for Victims of Domestic Violence

Name or Organization or Resource (and link)	About the Organization or Resource	Contact Information of Organization or Resource
<u>Idaho Legal Aid Services Domestic Violence Hotline</u>	Idaho Legal Aid Services, Inc. is a nonprofit statewide organization dedicated to providing equal access to justice for low-income people through quality advocacy and education.	Domestic Violence Legal Advice Line: 1-208-746-7541.
<u>Idaho Hope Card Program</u>	Allows anyone with a long-term Civil Protection Order (at least 6 months) to request a laminated card with essential information about your valid CPO. These cards are free.	Office of the Attorney General P.O. Box 83720 Boise, Idaho 83720 Phone: (208)334-6512
<u>Idaho Domestic Violence 24 Hour Hotline</u>	Advocates will listen without judgment and help address your situation.	1-(800)-669-3176
<u>National Domestic Violence 24 Hour Hotline</u>	Advocates will listen without judgment and help address your situation.	1-(800)-799-SAFE (7233)
<u>Idaho Coalition Against Sexual and Domestic Violence</u>	The Idaho Coalition Against Sexual & Domestic Violence works to be a leader in the movement to end violence against women and girls, men, and boys.	Linen Building 1402 W Grove St Boise, Idaho 83702 (208) 384-0419 info@engagingvoices.org
<u>Idaho Council on Domestic Violence and Victim Assistance</u>	The Council serves as the advisory body for programs in Idaho that involve victims of crime.	PO Box 83720 Boise, ID 83720-0036 (208) 332-1540
<u>Idaho Domestic Violence Courts</u>	Idaho Domestic Violence Courts seek to improve the civil and criminal justice systems response to domestic violence by enhancing victim safety and offender accountability through effective case management.	For more information or to comment, contact: Amber Moe, Statewide Domestic Violence Courts Manager, at: amoe@idcourts.net
<u>Idaho Court Self-Help Website</u>	The Idaho Court Assistance Office (CAO) provides resources, court forms, document review, and legal information.	https://courtsselfhelp.idaho.gov/
<u>Local Domestic Violence Court Coordinator</u>	The Domestic Violence Court partners with local government and community agencies to build a strong domestic violence court model based on offender accountability.	For more information, please contact your local domestic violence court coordinator using the <u>Idaho Court Directory</u> .