

Interjurisdictional Service in Idaho

A Resource from the
Pandemic Rapid Response Team

December 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	Idaho Code § 39-63	
Terminology	Ex Parte Temporary Protection Order	Final Protection Order
Length of Order	Up to 14 days, it but may be reissued.	Up to 1 year. Order may be renewed for an appropriate time period or be made permanent.
Available Relief	<p>Order the respondent to:</p> <ul style="list-style-type: none"> • Refrain from committing acts of domestic violence • Refrain from entering the shared residence • Refrain contacting, molesting, interfering with or menacing minor children • Refrain from taking more than personal clothing, toiletries, and other items ordered by the court <p>Order either party to refrain from interfering with custody of minor children or removing the children for the jurisdiction of the court</p> <p>Other relief as ordered by the court</p>	<p>In addition to relief available in a temporary order:</p> <p>Order the respondent to:</p> <ul style="list-style-type: none"> • Refrain from harassing, annoying, disturbing, telephoning, contacting, or otherwise communicating, directly or indirectly, with the petitioner or family/household members • Refrain from coming within 1,500 feet of the petitioner, their residence/school/workplace, or any specified place frequented by the petitioner or family member • Participate in treatment or counseling services • Reimburse petitioner’s costs for service fees/costs to bring this case to the court

Available Relief		<p>The court may also:</p> <ul style="list-style-type: none"> • Establish temporary custody and visitation rights • Order a wireless telephone provider to transfer a shared account or phone number(s) for the petitioner and minor children • Other relief as ordered by the court
Protected Parties	<ul style="list-style-type: none"> • Current or former spouse • Related by blood, adoption, or marriage • Currently or formerly in a dating relationship • Currently or formerly reside together • Have child in common 	
Requirements for Service	<ul style="list-style-type: none"> • The court will send law enforcement the petition and order for personal service on the respondent, unless respondent was present in court and received a copy of the order. If respondent appears in court and waives personal service, then the court can mail the order to the respondent by certified mail. • Upon receipt, law enforcement will enter the order into Idaho public safety and security information system. • Law enforcement will personally serve the respondent unless the petitioner elects to have a private party serve the respondent. • If law enforcement is unsuccessful after 10 days, law enforcement will notify the petitioner. • Law enforcement will file a return of service with the court. 	
Registration Required for Enforcement	Not required.	
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 124 FW • Mountain Home AFB <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>	

<p><u>Tribal Jurisdictions</u></p>	<p>Federally Recognized Tribes located in Idaho:</p> <ul style="list-style-type: none"> • Coeur d’Alene Tribe • Kootenai Tribe • Nez Perce Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes <p>State Recognized Tribes: None</p> <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p>
<p>Other Information</p>	<p>Relief shall not be denied if petitioner used reasonable force in self-defense and/or if the petitioner or respondent was a minor at the time of the incident.</p> <p>The court may re-identify the designation of the parties as "petitioner" and "respondent" when the court finds that the original petitioner is the respondent and the original respondent is the victim of domestic violence.</p>

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Amber Moe (amoe@idcourts.net).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCcGK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.