

Interjurisdictional Service in
North Dakota
A Resource from the
Pandemic Rapid Response Team

December 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	North Dakota Century Code § 14-07.1	
Terminology	Ex Parte Temporary Protective Order	Protection Order
Length of Order	Up to 14 days after application submission.	As determined by the court.
Available Relief	<p>Order the defendant to:</p> <ul style="list-style-type: none"> • Refrain from contacting or committing acts of domestic violence • Leave the shared residence, residence of the petitioner, or a domestic violence shelter care facility • Surrender firearms or other dangerous weapons <p>Grant petitioner:</p> <ul style="list-style-type: none"> • Temporary custody of children <p>The court order may also:</p> <ul style="list-style-type: none"> • Establish temporary visitation rights 	<p>In addition to relief provided by a temporary protective order:</p> <p>Order the defendant to:</p> <ul style="list-style-type: none"> • Refrain from threatening, molesting, injuring, harassing or having contact with another person • Pay spousal / child support <p>The court order may also:</p> <ul style="list-style-type: none"> • Grant temporary use of personal property (e.g., automobiles) • Recommend or require either or both parties undergo counseling with a domestic violence program or other agency

Protected Parties	<ul style="list-style-type: none"> • Spouse/former spouse • Family member • Parent • Child • Related by blood or marriage • Currently in a dating relationship • Presently or formerly residing together • Have a child in common
Requirements for Service	<ul style="list-style-type: none"> • The court will electronically send the order to: <ul style="list-style-type: none"> ○ The Bureau of Criminal Investigations <ul style="list-style-type: none"> ▪ The Bureau will enter the order into the national crime information center database. ○ Local law enforcement agencies where the parties reside by the close of business on the day the order was issued. • The petitioner will serve the order on the defendant by: <ul style="list-style-type: none"> ○ Delivering to the defendant personally ○ Leave a copy at the defendant’s dwelling/residence ○ Delivering to the defendant via a third party authorized by the court ○ Mailing to the defendant (requiring a receipt of delivery) • If requested by the petitioner, local law enforcement will serve the defendant. • Service must be made at least 5 days prior to the hearing. If unable to do so, the court may reschedule the hearing.
Registration Required for Enforcement	Not required.
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • Grand Forks AFB • Minot AFB <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>

Tribal Jurisdictions	<p>Federally Recognized Tribe:</p> <ul style="list-style-type: none"> • Spirit Lake Tribe • Standing Rock Sioux Tribe (North Dakota and South Dakota) • Three Affiliated Tribes of the Fort Berthold Reservation • Turtle Mountain Band of Chippewa Indians of North Dakota <p>State Recognized Tribes:</p> <ul style="list-style-type: none"> • Sisseton Wahpeton Oyate Tribe <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p>
Other Information	None

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Cathy Ferderer (CFerderer@ndcourts.gov).

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.