

The protection order may be reset for another hearing date (and the protection will continue) if any of the following apply;

One party attends with an attorney and the other wishes to also be represented

The respondent has not been served and the sheriff's department needs more information to serve him/her.

The judge needs more information to make a decision on a particular part of the CPO

**Important** – two weeks **before** the Protection Order is set to expire, you **must** return to the Court House and fill out an application to extend. If you do not, the order will expire and you will have to begin the process over again. To have the CPO extended for one year or longer, simply fill out the Modification form at the Court House. The Respondent will be served with the extension and may object. If he/she objects, another hearing will be set. If he/she does not object, the CPO will automatically be extended for one year. The CPO may be extended indefinitely, one year at a time, by following the same procedure again. **If you allow the CPO to expire, you will have to begin the process over again.**

**BOTH PARTIES NEED TO ABIDE BY THE TERMS OF THE CPO.** A violation of a protection order occurs when any term of the CPO is violated by **either** of the parties. In public places, the first party at a location has the primary rights to the space. The second party should leave the premises as soon as he/she becomes aware of the other's presence to avoid violating the CPO. Violations should be immediately reported to law enforcement and a personal log kept of both the details of the violation and the police report number assigned to each violation. A violation is considered a misdemeanor, with a possible penalty of up to one year in jail and/or a \$5,000 fine.

**CONTACT:**

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Office Open:

Monday through Thursday

9 am to 4:30 pm

Friday

9 am to Noon

**24 Hour Emergency Number**  
**208.870.5532**

**Call and report abuse immediately:**

**Emergency                    911**

# Civil Protection Orders



Living With Purpose & Dignity

*Help for:*

*Victims of Crime*

*Domestic Violence*

*Sexual Assault*

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*City Life*

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Under certain circumstances related to domestic violence, a Civil Protection Order (CPO) may be obtained. The intent of the CPO is to provide protection for victims of domestic violence from further or future injury. Protection orders do not, however, guarantee safety. Each individual victim needs to learn about CPO's and decide if obtaining one would increase or decrease the likelihood of being harassed or harmed by an abuser. A CPO differs from a restraining order and can be obtained by victims without an attorney if certain criteria are met. To file for a protection order, a victim can go to his/her county court house or a local shelter and obtain a form called a petition. When filling out the petition, it is best to be as specific as possible and keep in mind the two conditions the judge will be looking for:

The petitioner must have a **domestic relationship** with the respondent (abusive person). A domestic relationship includes any family or household member that is related by blood or marriage, or who resides or has resided with, or has been married to the person committing the domestic violence. As of July 2000, protection orders can also be obtained in situations where domestic violence takes place against a minor child by a person with whom the minor child has a dating relationship.

An **act of violence** or a **threat of violence** must have been committed against the victim by the respondent recently. An **act of violence** would include physical injury, sexual abuse, or forced imprisonment (restricting free movement of another adult, not letting them leave the house or room, blocking movement or exits). A **threat** of physical injury, sexual abuse, or forced imprisonment is also grounds for a CPO.

The judge is looking for evidence that the victim needs physical protection. **Verbal abuse that does not include threats of physical harm, sexual abuse, or forced imprisonment does not by itself constitute grounds for granting a CPO**, no matter how demeaning or insulting it is. A victim needs to establish and show reasons why, if they do not receive a protection order, they will be in danger. Being specific and sticking with the three areas mentioned (physical injury, sexual abuse, forced imprisonment), as well as explaining what has happened in the recent past that makes the victim feel vulnerable now, are all important aspects of filing for a CPO.

After filling out and returning (filing) the petition to the court house, the Protection Order will be shown to the judge. The judge will read the order and, if he/she feels there is sufficient cause, one of two things may happen:

- ◆ If the judge is unsure about the information, he/she may order a hearing to show cause as to why the Order should be put in place. This **ex-parte** hearing will take place within seven (7) business days. At this hearing the victim (petitioner) will give testimony to the judge related to the conditions for receiving the protection order. The respondent (abusive individual) can be present at this hearing.
- ◆ If the Judge deems that a temporary protection order is necessary, a temporary order will be entered. A time and date will be set for another hearing within fourteen (14) business days. The time and date for this second hearing will be on the copy the petitioner receives and copies of the order should be made and kept one with him/her at all times. The sheriff's department of the county in which the respondent **resides** will serve the CPO within 24 hours provided the petitioner was able to provide accurate information about the location of the respondent. It is the petitioner's responsibility to keep in touch with law enforcement as to the whereabouts of the respondent until he/she can be served.

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**The CPO is not in effect until the respondent is served.**

At the second hearing, if both parties agree or if the judge finds sufficient risk, then a Protection Order will be issued for 90 days or up to one year. The length of time for the Protection Order will be at the discretion of the Judge. At the hearing, both the petitioner and the respondent will have opportunity to give testimony to the judge. Both parties may bring evidence (photographs, phone messages, letters, physician and hospital records, etc.). If the respondent is contesting the CPO, or if there is a discrepancy on the visitation rights or other issues, the judge will listen to both sides and make a decision based on the evidence presented. Both sides will have a fair and equal opportunity to present their case. Several situations could arise during this hearing:

The protection order may be dismissed if any of the following apply;

- The respondent appears in court, but the petitioner doesn't
- Both the petitioner and the respondent fail to appear
- The petitioner requests that the CPO be dismissed

The protection order may be granted for 90 days or longer if;

- The judge finds that the petitioner or the respondent is in need of a protection order
- The respondent doesn't appear in court after being served and the petitioner still requests the order.