

Western States Protective Order Statute Comparison

Utah	AZ	CA	CO	ID	MT	NM	NV	OR	WA	WY
Cohabitant Protective Order										
Cohabitant includes person 16 or older 30-6-1(2) and spouse 30-6-1(2)(a)	X	X	X	X	X	X	X	X	X	X
Living as a spouse 30-6-1(2)(b) related by blood or marriage 30-6-1(2)(c)	X	X	X	X	X	X	X	X	X	
children in common w/ other party 30-6-1(2)(d)	X	X	X	X	X	X	X	X	X	X
biological parent of other party's unborn child 30-6-1(2)(e)										
resides or resided in same residence 30-6-1(2)(f)	X	X	X	X	X	X	X	X	X	
Ex Parte Protective Order	X	X	X	X	X	X	X	X		X
Can be issued after domestic violence or abuse 30-6-4.2(1)	X	X				X				
Requires a hearing w/in 20 days 30-6-4.3(1)(a)			X	X	X	X	X	X		X
Ex parte order remains effective until a hearing or other order is in place. 30-6-4.3(1)			X	X	X		X	X		
A respondent can file a motion to vacate and have a hearing on it before a hearing on the ex parte order. 30-6-4.3(4)					X		X			
Can be filed regardless of divorce proceeding 30-6-2(2)		X	X		X		X		X	X
A petition may not be withdrawn without permission of the court 30-6-2(3)										
Fees waived 30-6-4(3)	X	X	X	X	X		X	X	X	X
Assistance given by way of forms and clerical help for a petitioner without an attorney. 30-6-4(2)	X				X	X	X		X	X
A petition must be in writing and must be verified. 30-6-4(4)	X			X	X	X	X	X	X	X
Parties have a continuing duty to inform the court of other divorce proceedings, criminal proceedings, etc. 30-6-4.1(1)		X	X	X	X	X		X	X	
Not affected by other civil or criminal actions 30-6-4.1(2)(a)	X	X		X		X	X	X	X	X

Utah	AZ	CA	CO	ID	MT	NM	NV	OR	WA	WY
Cannot be delayed pending another action 30-6-4.1(2)(c)	X									
civil and criminal portions of order separated 30-6-4.2(5)(a)										
Petitioner may omit address 30-6-4.1(3)			X		X			X	X	X
An order may prohibit respondent from purchasing, possessing, or using a firearm if the court finds such possession or use would pose a threat. 30-6-4.2(2)(d)	X	X								
An order can allow a party to retrieve property and require an officer to accompany the party retrieving belongings. 30-6-4.2(2)(e)	X		X	X	X	X			X	X
Order may include parent-time w/ child of respondent after notice and hearing w/ or w/o respondent 30-6-4.2(3)(b)		X	X				X	X		X
Civil portion expires after 150 days, but may be extended 30-6-4.2(6)(a)		X	X				X	X		X
Criminal portion can be dismissed after 2 years 30-6-4.2(6)(c)(i)										
After grant of an order after a hearing, the order is submitted to a statewide network. 30-6-4.2(4)(d)	X	X	X	X			X	X	X	X
If served on jailed respondent, petitioner notified of respondent's release 30-6-4.2(9)(a)			X			X				
Court cannot deny petition based on lapse of time between abuse and filing 30-6-4.4										X
Mutual orders not granted unless each side petitions and both are justified 30-6-4.5(1)		X	X		X					X
Foreign protective order recognized 30-6-1(7)	X	X	X	X	X	X	X		X	X
Issuing court must provide due process 30-6-1(7)(a)			X	X	X		X		X	X
Respondent must have reasonable notice 30-6-1(7)(b)	X	X	X	X	X		X		X	X
Respondent had opportunity for hearing 30-6-1(7)(c)	X	X	X	X	X		X		X	X
mediation cannot be ordered 30-6-4.6						X				

Arizona: §§ 13-3601 to 13-3624, 25-315

- If victim cannot file petition for protective order, temporarily or permanently, a third party may file the petition. 13-3602(A)
 - The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and counseling services that are available in the local area. 13-3602(D)
 - An order can require defendant to complete a domestic violence offender treatment program if order issued after a hearing. 13-3602(G)
 - An order must be served on defendant within 1 year or it expires. 13-3602(K)
 - Service of the order must be recorded within 7 business days. 13-3602(L)
 - An officer with probable cause may arrest a person violating an order with or without a warrant. 13-3602(M)
 - Release of a person arrested for violation of such an order requires conditions necessary to protect the victim which may include counseling. 13-3602(N)
 - After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. 13-3602(O)
 - In counties with a population of more than 150,000, the courts must make available after hours a judge to issue emergency protective orders. 13-3624(A)
 - The emergency order expires at the close of the next day unless otherwise continued. 13-3624(E)
 - Emergency order can be issued orally by the judge. 13-3624(F)
 - Availability of an emergency order is not affected by one party leaving the residence. 13-3624(G)
 - After a divorce or similar proceeding, a restraining order shall be issued that includes, among other things, an order not to harass, assault, etc. the other party and not to remove children. 25-315.
1. Protective orders for adults and children combined.
 2. Domestic violence definition: includes crimes against spouses, relatives, and other cohabitants and crimes against children. 13-3601(A), 13-3602(A)
 3. Also includes relation by court order. 13-3601(A)
 4. No fee for petition or service of process. 13-3601(A). No fee for appeal. 13-3602(O)
 5. No mutual protective orders allowed, but cross orders allowed. 13-3602(H)
 6. Order can be granted for act committed within the last year, or longer with showing of good cause for delay. 13-3602(E)
 - a. Time defendant incarcerated or out of state not counted. 13-3602(F)
 7. Ex parte order allowed by default by complying with requirements of a petition.
 8. Hearing can be requested at any time during order by defendant, is free of charge, and must occur within 10 days of request. 13-3602(I)
 - a. If exclusive use of home awarded, hearing must be held within 5 days of request.
 - b. The hearing shall be held at the earliest possible time.
 - c. Order must state hearing can be requested by defendant.
 9. Superior court shall have exclusive jurisdiction to issue orders of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. Such

- proceedings must be moved to the superior court. 13-3602(O)
10. An order of protection shall not be granted:
 - a. Unless the party who requests the order files a written verified petition for an order.
 - b. Against a person who is less than twelve years of age unless the order is granted by the juvenile division of the superior court.
 - c. Against more than one defendant. 13-3602(B)
 11. Forms are to be provided free of charge to assist petitioner to file an order without an attorney. 13-3602(D)
 12. An order can prohibit defendant from purchasing a firearm and give up any firearms for duration of order. 13-3602(G)
 13. The other party may return with an officer to obtain belongings. 13-3602(G)
 14. The sheriff of each county must maintain a central repository of affidavits and acceptance or return of service of orders. 13-3602(L)
 15. Protective orders issued by another state given full faith and credit. A peace officer may presume the validity of such an order. 13-3602(R)

California: Family Code, Division 10 – Prevention of Domestic Violence, §§ 6200 to 6409

- A petition for an order is valid and enforceable without explicitly stating the address of the petitioner or the petitioner's place of residence, school, employment, etc. 6225
- Law enforcement shall make available a domestic violence incident report upon request by the victim or representative free of charge. 6228
 - Cover page provided within 48 hours of the request.
 - Report provided within 5 days of request.
 - Representative does not include a convicted murder of the victim or a suspect.
- A judge shall be made reasonably available to issue temporary orders. 6241
- A judicial officer may issue an ex parte emergency order where a law officer asserts reasonable grounds that domestic violence is about to occur and the protective order will prevent the violence. 6250, 6251
 - Can be issued to a peace officer if peace officer believes there is a demonstrated threat to campus safety and there is an existing memorandum of understanding between the school or campus police where the peace officer is employed and the local police. 6250.05
 - An emergency order requires: statement of grounds asserted for the order, expiration, superior court address, statements to protected person and person restrained in English and Spanish. 6253
 - The fact that the endangered person has left the household to avoid abuse does not affect the availability of an emergency protective order. 6254
 - An emergency order expires the earlier of the 5th court day after issuance or 7 calendar days. 6256
 - A law enforcement officer that requests an emergency order must reduce it to writing and sign it (6270) and must serve the order, provide a copy to the victim, and must file with the court as soon as possible (6271) and must carry a copy while on duty. 6273
 - A law enforcement officer shall use every reasonable means to enforce an emergency protective order, but is not civilly or criminally liable. 6272.
 - A peace officer may seek an emergency protective order for stalking. 6274
- Issuance of a protective order is not affected by the victim moving out. 6301.
- Victim may designate a support person to give support, advice, etc. 6303

- No specific qualifications necessary for support person.
 - Support person not to give legal advice.
 - Support person may accompany victim in all proceedings.
 - Support person may be asked to leave mediation if disruptive, gives advice, or acts as counsel.
 - Can be removed by the court when support person is prompting, swaying, etc.
 - When making a protective order and when both parties are present in court, the court shall inform both parties of the terms of the order. 6304
 - An ex parte order can be issued to enjoin a party from molesting, attacking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying property, contacting, etc. 6320
 - An ex parte order can exclude a party from a home upon a showing that the other party is entitled to remain in the home, that the party has threatened or engaged in domestic violence, and that harm would result without the order. 6321
 - An ex parte order may enjoin the release of contact information of a party, child, or guardian. 6322.5
 - An ex parte order may be issued for the temporary use of personal property of the parties and the payment of any liens or encumbrances. 6324
 - An ex parte order may be issued to a married person enjoining certain acts in relation to community, quasi-community, and separate property. 6325
 - An ex parte order must be approved or denied on the same day it is submitted. 6326
 - Notice and hearing:
 - All of the orders under the ex parte section may also be issued after notice and hearing. 6340
 - For married parties, an order can be made for child support and spousal support. 6341
 - An order may require restitution. 6342
 - An order may require the respondent to attend a batterer's program and must provide a list of domestic violence support groups to the victim. 6343
 - Attorney's fees may be awarded. If petitioner is successful and cannot pay, respondent may be ordered to pay fees, etc. 6344
 - A protective order may be issued as part of a nullity, divorce, custody, or similar proceeding. 6360
 - An officer serving a respondent is to inform the respondent to obtain a full copy at the court house 6383
 - If a person named in an order has not been personally served, but has been given actual notice of the order's existence and substance through personal appearance in court, no additional proof of service is required for enforcement. 6384
 - If a person is personally served with an emergency order or temporary restraining order and does not show at a hearing and the terms of the order are the same as the emergency or temporary order except duration, the order can be served by mail. 6384
 - No proof of service is required if both parties present at a hearing where the terms were discussed. 6385
 - The court may appoint counsel for the petitioner and may require the respondent to pay. 6386
21. No mention of age when describing a cohabitant. Many statutes mention orders protecting minors.
22. 6211, 6301

23. Limited to consanguinity or affinity within the second degree. 6211, 6301
24. There is a presumption that the male parent is the father of the child under the uniform parentage act. 6211, 6301
25. 6211, 6209, 6301
26. Protective orders fall under the rules of this division regardless of whether the order originated in another proceeding such as a divorce proceeding, uniform parentage act proceeding, etc. 6221, 6301
27. 6222.
28. 6221, 6227, 6406.
29. An order can be issued with or without notice upon submission of an affidavit if there is a showing of reasonable proof of past abuse. 6300. See above for ex parte order details.
30. 6305
31. An ex parte order can be issued determining temporary custody of a child. 6323
 - a. A finding of paternity shall not be made in obtaining such an order.
 - b. The order shall specify time and location of exchange of the child to facilitate a safe transfer and shall take into account non-disclosure of any confidential location of one party
32. The order may be in effect up to 3 years and can be renewed by the petitioner without further showing for another 3 years or permanently. 6345
33. Respondent shall not obtain or possess firearms during term of the order. 6304. Respondent shall relinquish all fire arms and be enjoined from purchasing and possessing a firearm during the period of the restraining order. 6387.
 - a. Any firearm must be relinquished to law enforcement (for a storage fee) or sold to an authorized gun dealer and proof of sale produced within 72 hours of service of the order
 - b. A court may grant use immunity for relinquishment of a weapon if the respondent refuses to surrender the weapon for self-incrimination reasons.
 - c. A respondent may keep a weapon if required for use but must only be in possession of the weapon during work hours.
34. Orders are to be transmitted electronically to other jurisdictions within the state. 6380
 - a. Notwithstanding 6380, an order is enforceable in all jurisdictions in the state. 6381(a)
 - b. An order is not enforceable until the law enforcement agency has a copy of the order. 6381(b)
 - c. Law enforcement agencies shall make available orders to officers responding to the scene of reported domestic violence. 6382
35. A person may seek enforcement of a valid foreign protection order (from another state) through a tribunal. 6402
 - a. The tribunal may order protection for terms not allowable under other protective order laws of the state. 6402
 - b. A tribunal may not enforce a foreign order of a state that does not recognize the standing of a protected individual to seek enforcement of the order. 6402
 - c. The foreign order must have given the respondent reasonable notice and opportunity to be heard. 6402
 - d. A law enforcement officer may enforce a foreign order without approval of a tribunal if there is probable cause. 6403
 - i. If the respondent has not been served, the officer shall serve the respondent and allow a reasonable time to respond before enforcement.
 - e. A petitioner may register a foreign order and the order shall be distributed electronically throughout the state's communication system. 6404

- f. An officer acting in good faith with reasonable cause to enforce a foreign protection order is immune from civil liability.
36. Prior to a hearing, the court shall make a search of the respondent as to any criminal record, outstanding warrant, other protective order, etc. 6306
- a. Information that does not include a conviction shall not be considered.
 - b. Failure to obtain results of the search shall not delay a hearing if delay would endanger the victim.

Colorado: §§ 13-14-101 to 13-14-105, 14-10-107.8, 14-10-123.6, 18-1-1001, C.R.C.P. Rule 365

- "Protection order" means any order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, or touching any protected person, or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises or any other provision to protect the protected person from imminent danger to life or health that is issued by a court. 13-14-101(2.4)(a)
- There shall be two processes for obtaining protection orders within the state of Colorado, a simplified civil process and a mandatory criminal process. 13-14-102(1)
- Any municipal court, county court, and any district, probate, or juvenile court can issue a civil protective order to: prevent assaults and threatened bodily harm, prevent domestic abuse, prevent emotional abuse of the elderly or of an at-risk adult, and prevent stalking. 13-14-102(1.5)
- A judge or magistrate may issue a temporary civil protection order if the judge or magistrate finds an immanent danger exists. 13-14-102(4)(a)
 - A temporary civil protection order may be granted in the name of a business if there is immanent danger to the employees of the business. 13-14-102(4)(b)
- An order may be sought by persons seeking protection or for children, elderly, at-risk adults, etc. 13-14-102(5)
- The order is to be served on the restrained party and the person seeking protection or a guardian and if the restrained party does not appear, a bench warrant will be issued and the temporary order will be made permanent. 13-14-102(6)
- If an order has not been served, an officer responding to a call for help shall serve a copy on the restrained party. 13-14-102(11)
- In addition to protection from assault, battery, molesting, etc., a court may award any relief it deems necessary. 13-14-102(15)(f)
- Both parties can motion for modification, dismissal, etc. of an order, but if made permanent, the restrained party cannot motion for 4 years after the order was made permanent. 13-14-102(17.5)(a)
 - If an order is made permanent and the restrained party is convicted of any domestic violence misdemeanor (other than the original that was the basis of the order) or any felony, the order will remain permanent and shall not be modified or dismissed by the court. 13-14-102(17.5)(b)(I)(A)
 - Notwithstanding the provisions of part (b)(I)(A), the protected party may motion that the order be modified or dismissed. 13-14-102(17.5)(b)(I)(B)
 - If a restrained party makes a motion for modification of an order, he/she must submit to and pay for a fingerprint-based criminal history check against Colorado and FBI records within 90 days of the motion. 13-14-102(17.5)(b)(II)
- Emergency orders:
 - A judge is to be made available to issue emergency orders. 13-14-103(1) (d)

- After court hours, if a peace officer asserts reasonable grounds to believe an adult is in danger of domestic abuse or a child is in danger of sexual assault or domestic abuse, a judge may provide a written or verbal ex parte order. 13-14-103(1)(e)
 - An emergency order expires at the close of the next business day unless continued by the court. A court may continue an emergency order only if the judge is unable to set a hearing on plaintiff's request for a temporary protective order on the day the complaint was filed (except an emergency child protective order may be continued). 13-14-103(1)(f)
 - A verbal emergency order can only be issued only if the judge finds there is imminent danger in close proximity exists to the life or health of one or more persons. The order shall be reduced to writing by the officer and served to the restrained party. 13-14-103(2)(a)
 - The emergency order shall be transferred to the electronic registry. 13-14-103(3)
 - If a person named in an order has not been served but has been notified, any act in violation is subject to the penalties for violation of the order. 13-14-103(4)
 - If law enforcement has cause to believe an order is violated, an officer shall enforce the order. If the order has not been served, the officer shall serve the order. If verbal, the officer shall notify the restrained person. 13-14-103(5)
 - The availability is not subject to the victim leaving the residence. 13-14-103(8)
 - The emergency order is not evidence of wrongdoing. 13-14-103(9)
 - If three emergency orders are issued in a year, the court shall summons the parties to court. 13-14-103(10)
 - There is a mandatory protective order against all defendants charged with a crime to refrain from harassing, molesting, intimidating, etc. a victim. 18-1-1001(1)
 - The defendant may motion for modification of the order. 18-1-1001(3)
 - The trial court shall maintain, modify, or rescind the order. 18-1-1001(3)
12. Domestic abuse includes acts against another person to whom the actor is currently or was formerly related, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship, or against a minor child of either party. 13-14-101(2).
13. Hearings including ex parte hearings are to be done as soon as possible and are to be docketed ahead of all other proceedings except similar proceedings on the docket for a longer period. 13-14-102(3). The petitioner has 14 days to serve the restrained party, but the petitioner can extend the period of service if the restrained party cannot be served. 13-14-102(7).
14. Can be issued as part of a divorce or similar proceeding. 13-14-102(3.3), 14-10-107.8, 14-10-123.6
15. Upon filing of a duly verified complaint, if a judge or magistrate is satisfied that there is sufficient cause for an order, the judge or magistrate may issue a temporary protective order with a date and time that the restrained party must appear to demonstrate why the order should not be made permanent. 13-14-102(5)
16. A protective order may be issued based on a threat. Actual violence need not have occurred. 13-14-101, 13-14-102.
17. 13-14-102(9)(c)
18. Temporary order may only last 120 days, but may be made permanent. See 13-14-102.
19. Temporary orders can award custody for up to 120 days. The restrained party may obtain parental visits, but may be supervised. If the restrained party cannot pay for supervision or the

- court deems supervised visitation will result in harm, the court may deny visitation. 13-14-102(15)(e)(II)
20. A protected party may omit his or her address from service of a motion. 13-14-102(17.5)(d)
21. 13-14-102(18)
22. 13-14-102(21)
23. 18-1-1001(5)
24. At the time of a request for a protective order the court must inquire, and the petitioner and attorney have a duty to disclose, any other protective orders. 13-14-102(3.7), 13-14-102(14)
25. A restrained party may return once to a residence to obtain belongings if a temporary order forbids return, but must be accompanied by a peace officer. 13-14-102(8)(a)
- a. Notice must be given in the order that the restrained party can return once but must be conspicuous in bold letters. 13-14-102(8)(b)
 - b. A person excluded from a shared residence by an order may avail himself or herself of the forcible entry and detainer remedies available by law. 13-14-102(8)(c)
26. On the day the citation is returned or on the day of the hearing, if the judge determines that the restrained party has caused grounds for an order and it should be made permanent, the order will be made permanent. 13-14-102(9)(a).
- a. Failure to appear is grounds to make the order permanent. 13-14-102(9)(a).
 - b. An order need not be reserved unless it has been changed. 13-14-102(9)(a).
 - c. The order may be kept temporary with a new hearing no more than 120 days from the return of citation or first hearing. 13-14-102(9)(b).
 - d. Each party may request a continuance of up to 14 days which may be granted upon showing of good cause. 13-14-102(9)(b).
 - e. The continuance in a divorce or similar proceeding may be extended to the end of the proceeding if both parties agree. 13-14-102(9)(c).
27. The court shall transfer the order to an electronic database. 13-14-102(10)
28. Foreign protection orders
- a. Given full faith and credit if the restrained party has been given due process, had notice, had a hearing. 13-14-105(2)
 - b. A person entitled to protection under a foreign order may register the order so the order is entered into the electronic database. 13-14-105(3)
 - c. An officer shall presume the validity of a foreign order. 13-14-105(4)

Idaho: §§ 39-6301 to 39-6317

- A person's right to a protective order is not affected by leaving the residence. 39-6304(3)
- Hearing:
 - If either party is represented by counsel at the hearing, the other party may request a continuance to obtain counsel. 39-6306(1)
 - The court may require both parties to obtain counsel. 39-6306(1)
 - The order may require petitioner, respondent, or both to pay for counsel. 39-6306(1)
 - Upon a showing of immediate and present danger, the court may grant an order for up to 3 months for: temporary custody of children, restraining a party from domestic violence, excluding a party from a home, etc. 39-6306(1)
 - Immediate and present danger may include threats. 39-6306(2)
 - No order shall affect title to real property. 39-6306(3)
 - Relief shall not be denied because petitioner used reasonable force in self defense. 39-6306(4)

- Foreign protective orders:
 - A tribunal may not enforce a foreign protection order issued by a state that does not recognize the standing of a protected individual to seek enforcement of the order. 39-6306A(3)(b)
 - Absent lack of qualifying criteria, a foreign protection order is an affirmative defense in a action to seek a protective order. 39-6306A(3)(f)
 - A mutual foreign protective order is valid for a respondent only upon demonstration that evidence was presented by the respondent and specific findings in favor of the respondent. 39-6306A(3)(g)
 - A law enforcement officer that has probable cause that a foreign order is valid and violated shall enforce the order. 39-6306A(4)(a)
 - Presentation of a foreign order that states it is currently in effect by a person identified by the order is probable cause that a valid order exists.
 - If no order is presented, other information may be used to establish probable cause. 39-6306A(4)(b)
 - If the respondent has not been served, the officer shall serve the respondent and allow a reasonable time to respond before enforcement. 39-6306A(4)(c)
 - A petitioner may register a foreign order and the order shall be distributed electronically throughout the state's communication system. 39-6306A(5)
 - An officer acting in good faith with reasonable cause to enforce a foreign protection order is immune from civil liability. 39-6306A(6)
- Whenever a protection order is issued, the issuing court may set a security amount for a violation of the order. 39-6307
- An ex parte order may be issued by telephone. 39-6308(2)
- An ex parte hearing (without the respondent) shall be held the day of the petition or the next judicial day. 39-6308(4)
- An officer shall serve an order and accompanying petition unless the petitioner requests private party service paid for by the petitioner. 39-6310(2)
- After an order, the court clerk is to forward an order to law enforcement by the next judicial day. The order is to be served before all other orders of lesser emergency nature. 39-6310(3)
- If the order cannot be served within 10 days, the officer shall notify the petitioner. 39-6310(4)
- If the respondent has appeared in court and waived personal service, an order may be sent by mail. 39-6310(7)
- If a foreign protection order is registered, it need not be served. 39-6310(8)
- An order may be renewed upon motion and good cause shown at the end of its term for periods of up to one year. The motion to renew may be granted without hearing if not timely objected to by the respondent. If the petitioner voluntarily and without duress consents to a waiver, the order may be modified. 39-6011(4)
- Upon application and with notice to all parties, an order may be modified. 39-6313
- No peace officer may be held criminally or civilly liable for actions or omissions in the performance of the duties of his office, including the enforcement of out-of-state protection orders, if the peace officer acts in good faith and without malice. 39-6314
- All training provided to peace officers relating to the handling of domestic violence complaints shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. 39-6316(1)
- Law enforcement shall forward to the prosecutor any report where there is probable cause that an offense has been committed. 39-6316(4)

17. 39-6303. Definitions also include those involved in a dating relationship including with a minor. Includes related by adoption.
18. 39-6303. Indirectly covers those living as husband and wife by including those living or having lived together.
19. A protection order can be issued for threats, harassment, etc. without an act of domestic violence. 39-6303(8), 39-6308(3)
20. 39-6305
21. A petition for a protective order must include a sworn affidavit and can include additional persons covered by the statutes. 39-6304(2)
22. A petitioner must disclose any divorce proceedings or the like. 39-6304(4)
23. After filing a petition, a hearing with the respondent shall be held within 14 days. 39-6306(1)
24. A person authorized to seek a protective order in Idaho may seek enforcement of a foreign protective order in a tribunal. 39-6306A(3)(a)
 - a. A foreign order is valid if respondent given reasonable notice and hearing and due process. 39-6306A(3)(d)(iv)
25. An ex parte order may be entered if the petitioner alleges irreparable injury will result if an order is not issued before a hearing. The ex parte order may be issued based on an affidavit or a hearing held the day the petition is filed or the next day. 39-6308(1)
26. An ex parte order is only valid 14 days, but may be reissued. A full hearing must be held within 14 days. 39-6308(5)
27. If a respondent is barred from his/her home, he/she may seek to shorten the time to the full hearing, but notice must be served on the petitioner at least two days before the hearing. 39-6308(5)
28. Upon issue of an order, a court may direct law enforcement to accompany the petitioner to place the petitioner in possession of the residence or otherwise enforce the order. 39-6309
29. Once an order is received by law enforcement, it shall immediately be entered in the law enforcement telecommunications system. 39-6311(1)
 - a. Law enforcement shall establish procedures reasonably adequate to ensure that officers will be informed of protective orders when responding to a call. 39-6311(3)
30. Any proceedings under this chapter are in addition to other civil or criminal remedies. 39-6315

Montana: §§ 40-15-101 to 40-15-408, 46-6-602

- Healthcare providers that suspect abuse may provide information (defined in statute) outside of the presence of other family members informing the victim of his/her rights to a protective order and other protection. 40-15-103
- There is a partner and family member assault intervention and treatment fund account in the state special revenue fund in the state treasury. 40-15-110
- A temporary order may require the respondent to complete counseling. 40-15-201
- A respondent may request an emergency hearing to be held before the end of the 20-day period by filing an affidavit demonstrating need. The hearing must be set no more than 3 days after filing the affidavit. 40-15-202(2)
- Evidence concerning a victim's sexual conduct is not allowed except to show origin of semen, pregnancy, or disease. 40-15-202(4)
- The right to petition for relief may not be denied because the petitioner has vacated the residence or household to avoid abuse. 40-15-301(5)
- A court of this state may not enforce a foreign protection order issued by a court of a state that does not recognize the standing of a protected individual to seek enforcement of the order. 40-15-403(2)

- Foreign orders:
 - A court of this state may not enforce under this part a provision of a foreign protection order with respect to support. 40-15-403(4)
 - A foreign protection order valid on its face is prima facie evidence of its validity. 40-15-403(6)
 - Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order. 40-15-403(7)
 - Mutual foreign orders may only be enforced in favor of a respondent only if the respondent filed a written pleading seeking a protection order from the court of the issuing state and the court of the issuing state made specific findings in favor of the respondent. 40-15-403(8)
 - An officer, upon determining there is probable cause that a valid foreign protection order exists and the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order identifying both parties and, on its face, is currently in effect constitutes probable cause. 40-15-404(1)
 - If a foreign protection order is not presented, an officer may consider other information to determine probable cause to believe a valid foreign protection order exists. 40-15-404(2)
 - If the respondent has not been served, the officer shall serve the respondent and allow a reasonable time to respond before enforcement. 40-15-404(3)
 - Registration of a foreign order is not required for enforcement. 40-15-404(4)
 - A protected party may register a foreign order and the order shall be entered into the national crime information center. A petitioner must file an affidavit that the information is correct. 40-15-405
 - Officers, prosecuting attorneys, clerks, etc. are immune from civil liability for acts of omission arising out of registering or enforcing a foreign order if done in good faith. 40-15-406
- When an officer arrests a person for partner or family member assault, responds to a call, etc. the officer may inform the victim outside of the presence of the offender of shelters, etc. and the availability of a protective order. 46-6-602
- 10. Chapter covers all victims of partner and family member assault, victims of sexual assault, and victims of stalking. 40-15-101
- 11. "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household, including relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. Relationships continue regardless of the ages of the parties and where they reside. "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex. 45-5-206
- 12. A temporary order may be issued based on a sworn petition for up to 20 days. 40-15-201(4)
 - a. The court may issue a temporary order without notice to the respondent.
- 13. A temporary order may be issued based on a sworn petition that states the petitioner is in reasonable apprehension of bodily injury or is the victim of assault, etc. and has a relationship to the defendant as required and is in danger of harm if an order is not issued. 40-15-201(1)
- 14. A temporary order may prohibit the respondent from possessing or using the firearm used in the assault. 40-15-201(2)(f)
- 15. 40-15-201(2)(h)

16. The order must omit the address of the petitioner if the petitioner has moved out of his/her residence unless good cause is shown why the address must be revealed. 40-15-201(3)
17. A hearing must be held within 20 days of a temporary order but may be continued at the request of either party and good cause shown. If continued, the temporary order is extended. 40-15-202(1)
18. Temporary orders may not be mutual orders. A respondent may also file for a protective order. 40-15-202(3)
19. The attorney general shall make available forms and instructions free of charge. 40-15-203. A petition may be filed free of charge. 40-15-204(8)
20. An order may be made permanent including an order issued as part of a divorce or similar proceeding. 40-15-204(1),(2)
21. An order may be terminated upon petitioner's request. 40-15-204(5)
22. An order of protection must include a section that indicates whether there are any other civil or criminal actions pending involving the parties, a brief description of the action, and the court in which the action is filed. 40-15-204(6)
23. If a divorce, custody, or similar proceeding is pending, an order may only be issued if the judge in the proceeding is unavailable. The petitioner must supply the issuing court copies of all relevant papers of the proceeding. The hearing shall be held in the district court of the proceeding. If one of the parties to an order files for dissolution of marriage or files a parenting action after the order of protection is filed but before the hearing is conducted, the hearing must be conducted in the court in which the order of protection was filed. 40-15-301(2),(3)
24. 40-15-301(7), 40-15-403(1)
25. An order issued by a justice's court, municipal court, or city court pursuant to 40-15-201 is immediately reviewable by the district judge upon the filing of a notice of appeal. 40-15-302(1)
26. An order must be mailed to appropriate law enforcement agencies within 24 hours which shall enter the order in the database of the national crime information center of the United States department of justice within 24 hours of receipt. Law enforcement shall establish procedures to ensure peace officers at the scene of an alleged violation of an order are informed of the existence and terms of the order. 40-15-303
27. 40-15-403(4)(d)

New Mexico: §§ 40-13-1 to 40-13-8

- Emergency ex parte order:
 - The district court may issue an ex parte emergency order when an officer states to the court in person, by telephone, by facsimile and files a sworn written statement indicating the need for an emergency order, and the court finds reasonable grounds to believe the petitioner or petitioner's child is in immediate danger. 40-13-3.2(A)
 - An emergency order of protection expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is latest. 40-13-3.2(E)
 - An officer who receives an order may sign it under judicial approval, immediately serve it upon the respondent, provide a copy to the petitioner, and provide the original order to the court by the end of the next day. 40-13-3.2(B)
 - A district judge shall be available as determined by each judicial district to hear petitions for emergency orders of protection. 40-13-3.2(D)
 - Upon a proper petition, a district court may issue a temporary order of protection that is based upon the same incident of domestic abuse that was alleged in an emergency order of protection. 40-13-3.2(G)
- Temporary order (ex parte):

- Shall be immediately be served on the alleged perpetrator of domestic violence. 40-13-4(B)
 - If a temporary order is not immediately granted, a hearing shall be set and served within 72 hours of filing the petition. If the hearing cannot be served within 72 hours, the temporary order shall be automatically extended for 10 days. 40-13-4(D)
 - Upon finding that domestic abuse has occurred, the court shall enter an order of protection ordering the respondent to refrain from abusing the petitioner or any other household member. 40-13-5(A)
 - An order may grant sole possession of a residence to a petitioner or may direct the respondent to pay for alternative housing for the petitioner and children. 40-13-5(A)(1)
 - An order may prohibit disposing, transferring, concealing, etc. petitioner's property. 40-13-5(A)(4)
 - An order may require respondent to pay costs associate with the abuse. 40-13-5(A)(5)
 - An order may require respondent to undergo counseling. 40-13-5(A)(6)
 - No order under the Family Violence Protection Act shall affect title to any property or allow the petitioner to transfer, conceal, encumber or otherwise dispose of the respondent's property or the joint property of the parties. 40-13-5(D)
 - Either party may request a review hearing to amend the order. An order of protection involving child custody or support may be modified without proof of a substantial or material change of circumstances. 40-13-5(E)
 - An order of protection shall be filed with the clerk of the court and a copy sent to the local law enforcement agency. The order shall be personally served upon the respondent, unless her/his attorney was present at the time the order was issued. 40-13-6(A)
 - An order of protection granted by the court involving custody or support shall be effective for a fixed period of time not to exceed six months, but may be extended for good cause. 40-13-6(B)
 - A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order. 40-13-6(C)
 - Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement. 40-13-6(E)
 - In addition to any other punishment provided in the Family Violence Protection Act, the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and order the person convicted to participate in and complete a program of professional counseling, at his own expense, if possible. 40-13-6(F)
 - A person who allegedly has been a victim of domestic abuse may request the assistance of a local law enforcement agency. 40-13-7(A)
 - Officers responding to a domestic violence call shall do what is reasonably required to protect the victim and inform the victim of rights under the Family Violence Protection Act. 40-13-7(B)
 - Any law enforcement officer responding to the request for assistance under the Family Violence Protection Act is immune from civil liability to the extent allowed by law. Any jail, detention center or law enforcement agency that makes a reasonable attempt to provide notification that an abusing household member is released from custody is immune from civil liability to the extent allowed by law. 40-13-7(D)
 - A pilot program is implemented to have a commissioner oversee domestic violence duties. 40-13-8
15. "Domestic abuse" means any incident by a household member against another household

member. "Household member" means a spouse, former spouse, family member, including a relative, parent, present or former step-parent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member. "Co-parents" means persons who have a child in common, regardless of whether they have been married or have lived together at any time. 40-13-2

16. Domestic abuse can include threats of violence. 40-13-2(C)
17. A petition must be made under oath or be accompanied by a sworn affidavit. 40-13-3(B)
18. The petition shall state whether any other domestic action is pending between the petitioner and the respondent. 40-13-3(C)
19. If any other domestic action is pending between petitioner and respondent, the parties shall not be compelled to mediate any aspect of the case arising from the Family Violence Protection Act unless the court finds that appropriate safeguards exist to protect each of the parties and that both parties can fairly mediate with such safeguards. 40-13-3(D)
20. 40-13-3(E),(F)
21. If the petitioner cannot pay the costs of the proceedings, he/she may proceed as an indigent without payment. Status as indigent is independent of actual income. 40-13-3(G). An alleged victim of domestic abuse shall not be required to bear the cost of filing a criminal charge against an alleged abusing household member, the issuance or service of a warrant, the issuance or service of a witness subpoena, or the issuance or service of a protection order. 40-13-3.1. The petitioner shall not pay cost of service of the order on the respondent. 40-13-6(A)
22. Standard simplified petition forms with instructions for completion shall be available to petitioners not represented by counsel. Law enforcement agencies shall keep such forms and make them available upon request to victims of domestic violence. 40-13-3(H)
23. Upon filing a petition, the court shall immediately grant an ex parte temporary order if there is probable cause from facts in the petition and affidavit. 40-13-4(A)
24. A hearing must be held within 10 days of the issuance of a temporary order. 40-13-4(C)
25. A person may appeal the issuance of an emergency order of protection to the court that issued the order. An appeal may be heard as soon as the judicial day following the issuance of the order. 40-13-3.2(F)
26. State courts shall give full faith and credit to tribal court orders of protection and orders of protection issued by courts of other states. 40-13-6(D)
 - a. A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order, or a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order. 40-13-6(D)
27. The remedies provided in the Family Violence Protection Act are in addition to any other civil or criminal remedy available to the petitioner. 40-13-6(H)
28. An officer shall, upon request, accompany a victim to his/her home to remove personal effects, or place petitioner in possession of his/her residence. 40-13-7(B)(3),(4)
29. The jail or detention center shall make a reasonable attempt to notify the arresting law enforcement agency or officer when the abusing household member is released from custody. The arresting law enforcement agency shall make a reasonable attempt to notify the victim that the abusing household member is released from custody. 40-13-7(C)

Nevada: §§ 33.010 to 33.440

- Family courts have concurrent jurisdiction to issue or extend protection orders. 3.223
- When a defendant is threatening or about to do or procuring to be done some act against a victim of a crime or a witness, a court may issue an injunction. 33.015
- Domestic violence includes compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform, a knowing, purposeful or reckless course of conduct intended to harass the other which includes carrying a concealed weapon without a permit. 33.018(1)(c), (e).
- In an action to issue, dissolve, convert, modify, register or enforce a temporary or extended order, the court may appoint a master to take testimony and recommend orders. The master shall take testimony and establish a record and make findings of fact, conclusions of law and recommendations concerning a temporary or extended order. 33.019
- The court shall rule upon an application for a temporary order within 1 judicial day after it is filed. 33.020(4)
- A victim may request a temporary order by telephone only if the victim says that domestic violence has occurred and the perpetrator is in custody. Law enforcement shall verify that the perpetrator is in custody. The order must be sent to the jail and personally served. 33.020(5)
- A judge shall be made available at all hours to issue temporary orders by phone for counties over 47,000. Smaller counties may make a judge available. 33.020(6), (7)
- Only an extended order may order the adverse party to avoid or limit communication with the applicant or minor child, pay rent or support of the applicant or support of a child, pay costs associated with the order. 33.030(2)
- A temporary or extended order must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after his arrest if the arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm. 33.030(5)
- If an order includes child support, the adverse party shall make an assignment of income for the support unless the court finds good cause for postponement. 33.035
- An application for a temporary or extended order may be consolidated with another civil action if it would prevent an act of domestic violence. 33.040(3)
- The court shall transmit an issued order to the appropriate law enforcement agency by the end of the next business day after the order was issued. 33.060(1), 33.300(1)
- Law enforcement agencies shall, free of charge, serve personally the adverse party and mail proof of service by the end of the next business day after an order is received. 33.060(2), 33.300(2)
- If the current address of the adverse party is unknown and the law enforcement agency has made at least two attempts to serve the adverse party at his/her place of employment, the agency shall personally deliver and mail an application, notice of hearing, and temporary order to the adverse party's place of employment. 33.065
 - The adverse party is deemed to have been served 10 days after delivery. 33.065(4)
 - An employer is immune from civil liability for any act or omission with respect to accepting service of documents, delivering documents to the adverse party, etc. if the employer acts in good faith in accepting and delivering an order to the adverse party. 33.065(6)
- Every temporary or extended order must include a provision ordering any law enforcement officer to arrest an adverse party if the officer has probable cause to believe that the adverse party has violated any provision of the order. 33.070(1)

- If an officer cannot verify that an adverse party has been served, he shall inform the adverse party of the order and advise him that violation will result in arrest. 33.070(2)
- Information regarding service must be provided to the applicant. 33.070(3)
- If a foreign order is mutual, the court shall refuse such order if: no counter or cross-petition or other pleading was filed by the adverse party, or a counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties. 33.085(2)
- An officer shall enforce a foreign order if it contains the names of the parties, information that it is current, and information that the court issuing the order had legal authority to do so as evidenced by a certified copy, a file-stamped copy, etc. 33.085(3)
- In enforcing a foreign order, an officer may rely on a copy of the order, an order in the electronic database, oral or written confirmation from the issuing state, or the totality of the circumstances. 33.085(4)
 - If an order is not entered into the electronic database, it is not grounds for an officer to refuse enforcement. 33.085(5)
 - An officer who enforces or refuses to enforce a foreign order based on a reasonable belief that the order is valid or non-valid is immune from civil and criminal liability. 33.085(6)
- A person may register a foreign order and the order shall be posted to the electronic database. There is no fee for registering the order or serving the adverse party. 33.090
- The court may issue a temporary order for protection against harassment in the workplace. 33.270(1)
 - Harassment is when a person threatens or causes bodily harm, damage to property, or substantial harm to the physical or mental health or safety of a person, the act is committed against an employer or employee while in performance of his duties at the workplace, and the threat would cause the reasonable person to fear that the act will be carried out and the reasonable person would feel terrorized, threatened, etc. 33.240
 - The application must be verified. 33.250
 - If an employer has knowledge of harassment and intends to seek an order, the employer shall make a good faith effort to inform the person who is the target of the harassment that the employer intends to seek such an order. 33.260
 - A temporary order for harassment shall not be issued without notice to the alleged harasser and shall not be issued without the employer paying a security sufficient to cover the costs of the alleged harasser if found to have been wrongfully enjoined. 33.270(2)
 - The court may require the employer or harasser or both to appear in a hearing to determine if an order is granted. 33.270(3)
 - An order for harassment may be issued without notice only with a sworn affidavit showing immediate and irreparable damage or loss before the harasser is heard in opposition and there was an effort to provide notice to the harasser. 33.270(4)
 - A temporary order expires in 15 days. 33.270(5)
 - An employer may apply for an extended order. Such an application must: be verified, set forth facts as basis for an extended order, be filed before expiration of the temporary order, be heard as soon as possible but not more than 10 days after application, be dismissed if the temporary order has expired. 33.270(6)
 - An extended order may not last more than 1 year. 33.270(8)
 - Upon 2 days (or less as the court may prescribe) notice to the employer, an alleged

- harasser may move to dismiss the claim. 33.270(9)
 - The court may award costs and attorneys fees to the prevailing party. 33.270(10)
 - A court may not issue a temporary or extended order for protection against harassment in the workplace that is against more than one person. 33.280(2)
 - A harassment order is in addition and not in lieu of any other civil or criminal action. 33.290
 - A harassment order may be registered and the state must enter the order in the statewide network. 33.310
 - Officers, clerks, etc. are immune from civil and criminal liability if they act in good faith. 33.330
 - An employer is immune from civil liability for seeking or not seeking a harassment order. 33.340
 - The harassment order statutes do not modify the duty of an employer to provide a safe workplace, prohibit constitutionally required freedoms of speech, etc., prohibit a person from engaging in activity which is part of a labor dispute. 33.360
23. Injunctions can be granted where the plaintiff is entitled to relief, where some act during litigation will cause irreparable damage, and when some act or threatened act will render a judgment ineffectual. 33.010
 24. Domestic violence occurs when a person commits an act against his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child. 33.018(1)
 25. A temporary or extended order requires a request and a verified application that domestic violence has or is about to occur. 33.020(1)
 26. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. 33.020(3)
 27. Visitation by the adverse party with supervision (if necessary) may only be part of an extended order. 33.030(3)
 28. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located. 33.030(4)
 29. 33.040(1)
 30. 33.040(2)
 31. Fees to the applicant are deferred. At some point after the hearing and before final disposition, the court shall assess fees against the adverse party, but may be waived as justice may require. Information about availability of orders, procedure and right to proceed without counsel are to be free of charge. Copies of orders are provided to the applicant for free. 33.050, 33.060(4)
 32. 33.050(3)
 33. A temporary order expires as indicated, but not to exceed 30 days from application. If an application for an extended order is applied for while the temporary order is valid, the temporary order is valid until the hearing. 33.080(1)
 34. On 2 days' notice to the applicant for a temporary order, the adverse party may appear and move its dissolution or modification, and in that event the court shall proceed to hear and

- determine such motion as expeditiously as the ends of justice require. 33.080(2)
35. An extended order expires within such time, not to exceed 1 year, as the court fixes. A temporary order may be converted by the court, upon notice to the adverse party and a hearing, into an extended order effective for not more than 1 year. 33.080(3)
36. 33.085(1)
37. 33.095

Oregon: §§ 107.700 to 107.732

- The petitioner has the burden of proving a claim under ORS 107.700 to 107.732 by a preponderance of the evidence. 107.710(2)
 - A person's right to relief under ORS 107.700 to 107.732 shall not be affected by the fact that the person left the residence or household to avoid abuse. 107.710(3)
 - The court may award reasonable attorney's fees. 107.716(2)
 - The court shall have the further power to approve any consent agreement to bring about a cessation of abuse of the parties. However, the court may not approve a term in a consent agreement that provides for restraint of a party to the agreement unless the other party petitioned for and was granted an order under ORS 107.710. 107.716(5)
 - An order cannot affect title to real property. 107.716(6)
 - If respondent is restrained from entering, or attempting to enter, an area surrounding petitioner's residence or any other premises, the order restraining respondent shall specifically describe the area. 107.718(2)
 - Service is to be by a peace officer unless the petitioner requests service by a private party or the officer responding to a call of abuse. 107.718(6)(b)
 - If service is not completed within 10 days the sheriff shall notify the petitioner. If the petitioner does not respond within 10 days, the county sheriff shall hold the petition and order for future service and shall file a return with the court. 107.718(7)(b)
 - Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of such order may be informed of the existence and terms of such order. 107.720(1)(a)
 - An ex parte order shall not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized. 107.720(2)(b)
 - A petitioner may renew an order, without further showing of abuse, on the basis of a sworn, ex parte petition alleging facts supporting the required finding. The respondent may request a hearing which must be held within 21 days. 107.725
 - A person under 18 may petition the court for relief if 1) the person is the spouse or former spouse of the respondent, or had a sexual relationship with the respondent and 2) the respondent is 18 or older. 107.726
 - A petition under ORS 107.710 may be filed only in a county in which the petitioner or respondent resides. Any contempt proceedings for violation of a restraining order issued under ORS 107.700 to 107.732 must be conducted by the court that issued the order, or by the circuit court for a county in which a violation of the restraining order occurs. 107.728
 - A party may request that the parenting time of an order be modified. 107.730
 - When an order includes custody of a small child, an officer may assist in obtaining custody when requested. 107.732
16. Abuse must be between family or household members which include: spouses, former spouses, adult persons related by blood, marriage or adoption, persons who are cohabiting or who have cohabited with each other, persons who have been involved in a sexually intimate

- relationship with each other within two years immediately preceding the filing by one of them of a petition, and unmarried parents of a child. 107.705(3)
17. A petition can be filed by a victim of abuse within the last 180 days and must be made under oath or affirmation. 107.710(1). When a person files a petition under ORS 107.710 the circuit court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. 107.718(1)
 - a. Any time during which the respondent is incarcerated or has a principal residence more than 100 miles from the principal residence of the petitioner shall not be counted as part of the 180-day period. 107.710(6)
 - b. Within 30 days of being served, a respondent may request a hearing. If an issue is raised in the hearing that was not in the order, the petitioner may request a continuance to prepare an answer for the raised issue. 107.718(8)
 - c. If no hearing is requested within 30 days, the order is confirmed by operation of law. 107.718(9)
 18. Abuse means the occurrence of one or more of the following acts between family or household members: attempting to cause or intentionally, knowingly or recklessly causing bodily injury, intentionally, knowingly or recklessly placing another in fear of imminent bodily injury, and causing another to engage in involuntary sexual relations by force or threat of force. 107.705(1)
 19. A petition shall disclose the existence of any custody, Family Abuse Prevention Act or Elderly Persons and Persons With Disabilities Abuse Prevention Act proceedings, or any marital annulment, dissolution or separation proceedings, or any filiation proceeding, pending between the parties, and the existence of any other custody order affecting the children of the parties. 107.710(4)
 20. If the respondent requests a hearing, the court shall hold the hearing within 21 days following the request, and may cancel or change any order issued under ORS 107.718. 107.716(1)
 - a. Where temporary custody is contested, the hearing shall be held within five days of the respondent's request. If the respondent is represented by an attorney, time for the hearing may be extended for up to five days at the request of the petitioner so that the petitioner may seek representation. 107.716(3)
 21. An order or consent agreement after a hearing may be amended at any time and shall continue in effect for a period of 1 year from the date of the order, or until superseded as provided in ORS 107.722. 107.716(5)
 22. Any proceeding under ORS 107.700 to 107.732 shall be in addition to any other available civil or criminal remedies. 107.716(8)
 23. An ex parte order is valid for a period of one year or until the order is withdrawn or amended, or until the order is superseded as provided in ORS 107.722, whichever is sooner. 107.718(1)
 24. If the order includes parenting time by the abuser, the order may include: exchange at a supervised location, supervised parenting time, counseling, no possession or use of drugs or alcohol within 24 hours of the parenting time, the abuser must pay the costs of the parenting time, and no overnight parenting time. 107.718(4)
 25. Copies of the order are to be provided the petitioner free of charge. No filing fee, service fee or hearing fee shall be charged for proceedings seeking only the relief provided under ORS 107.700 to 107.732. 107.718(6)
 26. An instruction brochure shall be available from the clerk of the circuit court explaining the rights set forth under ORS 107.700 to 107.732. The petition, order and related forms shall be available from the clerk. 107.718(5)

27. Upon receipt of a true copy of proof of service, when required, and a true copy of the order, the county sheriff shall forthwith enter the order into the Law Enforcement Data System maintained by the Department of State Police and into the databases of the National Crime Information Center of the United States Department of Justice. 107.720(1)(a)
28. If the court does not award parenting time under ORS 107.718 to the parent who committed abuse, the petitioner may move to a residence more than 60 miles from the other parent without giving notice to the other parent of the change of residence. However, the petitioner shall give to the clerk of the court information sufficient to allow notification under ORS 107.718 (8). 107.721
29. The provisions of an order or modification to an order issued under a divorce or similar proceeding supersede contrary provisions of a preexisting order issued under ORS 107.700 to 107.732, except an order issued under a divorce proceeding shall only supersede a preexisting order issued under ORS 107.700 to 107.732 if the party requesting temporary relief consolidates the subsequently filed matter with the preexisting matter filed under ORS 107.700 to 107.732 and provides the nonmoving party with notice and an opportunity for a hearing. 107.722

Washington: §§ 9.96.060, 10.99.010 to 10.99.900, 26.50.010 to 26.52.902, 59.18.575

- Officers are to be specifically trained to handle domestic violence. 10.99.030
- The court can issue a no contact order when a defendant is released from custody before arraignment or trial. 10.99.040(2)(a)
 - At the time of arraignment, the court shall determine if a no-contact order shall be issued or extended and shall terminate if the defendant is acquitted. 10.99.040(3)
 - If electronic monitoring is used, the defendant may pay for this service. 10.99.040(3)
 - If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants. 10.99.040(5)
- A defendant arrested for domestic violence shall appear in person before a magistrate within one judicial day of the arrest. 10.99.045(1)
- A defendant not arrested but charged with domestic violence shall appear in person as soon as possible but less than 14 days. 10.99.045(2)
- At the appearances, the court shall determine if a no-contact order should be issued. 10.99.045(3)
- Appearances for domestic violence are mandatory. 10.99.045(4)
- A no-contact order shall be provided to the victim. 10.99.050(1)
- The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding. 10.99.060
- A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident. 10.99.070
- A penalty of up to \$100 may be added for domestic violence which is in addition to any other penalties and is used for a domestic violence advocacy and prevention fund. 10.99.080

- Anyone 16 and older may seek an order of protection. 26.50.020(1),(2)
- An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence. 26.50.020(6)
- A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse. 26.50.020(7)
- The Dept. of Social Services may seek a protective order for a vulnerable adult. 26.50.021
- Except where service by mail or publication is allowed, service shall be personally made to the defendant not less than 5 days before a hearing. 26.50.050
- The court may order domestic violence counseling. 26.50.060(1)(e)
- An order may require the respondent to pay costs and reasonable attorney's fees. 26.50.060(1)(g)
- The order may require electronic monitoring of the respondent. 26.50.060(1)(i), 26.50.110
- An order restraining a respondent from contact with his/her minor children shall not be for more than 1 year (unless part of a divorce or custody proceeding). The court may make the order permanent or longer than 1 year if the court finds that the respondent will resume acts of abuse. The petitioner may seek renewal beyond the 1 year. 26.50.060(2)
- A petitioner may petition for renewal of an order by petition within 3 months of the expiration of the order. A hearing must be held within 14 days. The respondent must be served no less than 5 days before the hearing. If the order expires because the respondent cannot be served, the court shall issue an ex parte order. The court shall grant the petition unless the respondent proves otherwise by a preponderance of the evidence 26.50.060(3)
- If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service. The court shall reissue the temporary order for up to 24 days. The order shall be published in the newspaper. 26.50.085
- The sheriff shall serve the defendant unless the petitioner elects service by a private party. 26.50.90(2)
 - The court shall forward the order by the end of the next judicial day. 26.50.90(3)
 - If not completed within 10 days, the sheriff must notify the petitioner within 10 days. 26.50.90(4)
 - If the respondent appeared in court, further personal service is not required. 26.50.90(6)
 - A fee may be collected from the respondent. 26.50.90(7)
 - If previous service by mail or publication, service may be by mail or publication. 26.50.90(8)
- If an officer has probable cause, a person may be arrested without warrant for violation of an order. 26.50.110(2)
- A violation of an order is a class C felony if there were 2 or more previous violations. 26.50.110(5)
- When the court issues an ex parte order, the court shall advise the petitioner that the respondent may not be subject to the penalties of the order unless the respondent knows of the order. 26.50.115(1)
 - An officer responding to a call shall determine if the respondent knows of the order. If not, the officer shall serve the order and notify the petitioner. 26.50.115(2)

- Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system. 26.50.115(3)
- When a party alleging a violation of an order for protection issued under this chapter states that the party is unable to afford private counsel and asks the prosecuting attorney for the county for assistance, the attorney shall initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred. 26.50.120
- If service by publication is ordered, but the petitioner cannot afford service by publication, the petitioner may file an affidavit from which the court can determine that service by mail is just as effective as service by publication, service by mail will be allowed. 26.50.123
- If service by mail or publication is allowed, the petitioner must pay the costs unless the county has funds for indigent petitioners. 26.50.125
- An order may be modified with notice to all parties. 26.50.130
- Before issuing an order directing residential placement of a child or limiting or restricting contact by a party, the court shall consult the judicial information system, if available, to determine the pendency of other proceedings involving the residential placement of any child of the parties for whom residential placement has been requested. 26.50.135
- No peace officer may be held criminally or civilly liable for making an arrest if the police officer acts in good faith and without malice. 26.50.140, 26.52.050.
- The court shall maintain a database to prevent overlapping orders. 26.50.160
- Nothing in this chapter may affect the title to real estate: PROVIDED, That a judgment for costs or fees awarded under this chapter shall constitute a lien on real estate to the extent provided in chapter 4.56 RCW. 26.50.200
- Foreign orders:
 - A person entitled to protection who has a valid foreign protection order may file that order by presenting a certified, authenticated, or exemplified copy of the foreign protection order to a clerk of the court of a Washington court in which the person entitled to protection resides or to a clerk of the court of a Washington court where the person entitled to protection believes enforcement may be necessary. 26.52.030(1)
 - Filing of a foreign protection order with a court and entry of the foreign protection order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants are not prerequisites for enforcement of the foreign protection order. 26.52.030(2)
 - Violation is punishable under 26.50.110.
 - A peace officer shall arrest without a warrant a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order. 26.52.070(2)
- When a copy of a valid order for protection or a written record of a report signed by a qualified third party is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement, if notice is given within 90 days of the act. A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. A tenant terminating under this section is entitled to the full deposit (subject to

- 59.18.020 and 59.18.280). Other tenants not subject to the domestic violence, stalking, etc. are not released from their agreements. 59.18.575
36. A misdemeanor for domestic violence may not be vacated. 9.96.060
37. "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren. 10.99.020(3), 26.50.010(2), 26.52.010(2)
38. Because of the serious nature of domestic violence, the court in domestic violence actions:
- a. Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;
 - b. Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;
 - c. Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and
 - d. Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence. 10.99.040(1)
39. When a no-contact order, ex parte order, or foreign order issued, extended, or modified it shall be entered in the state's electronic database before then end of the next judicial day. 10.99.040(6), 26.50.070(5), 26.50.100, 26.52.040
40. Any order available under this chapter may also be issued in a divorce, custody, or similar proceeding, but must use the forms mandated in 26.50.050(1). An order issued previously may be consolidated in a divorce, custody, etc. action. Relief under this chapter shall not be denied or delayed on the grounds that the relief is available in another action. 26.50.025
41. A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. 26.50.030(1)
42. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.090 and the existence of any other restraining, protection, or no-contact orders between the parties. 26.50.030(1)
43. A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4). 26.50.030(2). Any proceeding under chapter 263, Laws of 1984 is in addition to other civil or criminal remedies. 26.50.210
44. All court clerk's offices shall make available standardized forms, instructions, and informational brochures and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition. 26.50.030(3).
- a. Forms must be provided in other languages if a significant number of non-English

speakers are present. 26.50.035(5)

45. No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge. A person is not required to post a bond to obtain relief in any proceeding under this section. 26.50.030(4), (5). No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter. Petitioners shall be provided the necessary number of certified copies at no cost. 26.50.040. The court shall accept the filing of a foreign protection order without a fee or cost. 26.52.030(3), 26.52.060
46. An ex parte order may be issued if irreparable injury is alleged if an order is not issued immediately. The order expires in 14 days or 24 days if service is mailed. A hearing must be held within 14 days. An ex parte order may be reissued. The ex parte order may be issued by phone. 26.50.070, 26.50.050
47. At the request of the petitioner, an officer shall assist in placing items in possession of the petitioner or assist in executing other parts of the order. 26.50.080
48. A foreign protection order is valid if the issuing court had jurisdiction over the parties and matter under the law of the state, territory, possession, tribe, or United States military tribunal. There is a presumption in favor of validity where an order appears authentic on its face. 26.52.020
49. A person under restraint must be given reasonable notice and the opportunity to be heard before the order of the foreign state, territory, possession, tribe, or United States military tribunal was issued, provided, in the case of ex parte orders, notice and opportunity to be heard was given as soon as possible after the order was issued, consistent with due process. 26.52.020

Wyoming: §§ 35-21-101 to 35-21-111

- A person's right to petition for relief is not affected by that person's leaving the residence or household to avoid domestic abuse. 35-21-103(c)
- The court may require the respondent to pay costs and fees incurred in bringing an action pursuant to this act including reasonable attorney's fees whether the attorney is court appointed or retained by petitioner. 35-21-103(h)
- No order issued under this act shall affect title to any property nor allow the petitioner to transfer, conceal, encumber or otherwise dispose of respondent's property or the joint property of the parties. 35-21-105(d)
- The court may refer an adult petitioner to attend counseling but shall not order an adult petitioner attend such counseling. 35-21-105(f)
- An order of protection granted under this act shall be filed with the clerk of court and a copy shall be sent by the clerk to the county sheriff who shall, after service, notify the local law enforcement agency within the county in which the petitioner resides. The order shall be personally served upon the respondent, unless he or his attorney was present at the time the order was issued. 35-21-106(a)
- A person who allegedly has been a victim of domestic abuse may request the assistance of a local law enforcement agency. An officer may advise the victim of remedies under this chapter, availability of shelter, medical attention, etc., may arrange transportation, or arrest the perpetrator. 35-21-107(a),(b)
- Any law enforcement officer responding to a request for assistance under this act is immune from civil liability when complying with the request, providing [that] the officer acts in good faith and in a reasonable manner. 35-21-107(c)
- Any order entered in a district court in this state in a proceeding where the petitioner and

respondent are parties shall supersede any inconsistent language in any other order entered under this act or in any other court proceeding in this state. Any order entered under this act shall supersede any inconsistent language in any other order other than one issued by a district court proceeding described in this section. 35-21-108(a),(b)

- Any order releasing a prisoner shall include any applicable order. 35-21-108(c)
 - Foreign orders:
 - There shall be a presumption in favor of validity where an order appears valid on its face. The presumption may be rebutted by a showing that the respondent was not given reasonable notice and opportunity to be heard. 35-21-109(b)
 - A petitioner who obtains a valid order of protection in another state, tribe or territory may file that order by presenting a certified copy of the foreign order to the clerk of district court in the judicial district where the petitioner believes enforcement may be necessary. 35-21-111(a)
 - Foreign orders are entered in the statewide registry. 35-21-111(c)
 - Filing and registration of the foreign order in the statewide protection order registry shall not be prerequisites for enforcement of the foreign protection order in this state. 35-21-111(e)
11. "Household member" includes: persons married to each other, persons living with each other as if married, persons formerly married to each other, persons formerly living with each other as if married, parents and their adult children, other adults sharing common living quarters, persons who are the parents of a child but who are not living with each other, and persons who are in, or have been in, a dating relationship.
12. 35-21-103(b)
13. No petitioner is required to file for annulment, separation or divorce as a prerequisite to obtaining an order of protection. 35-21-103(c)
14. No filing fee or other court costs or fees shall be assessed or charged to a petitioner seeking an order of protection under this act. 35-21-103(d). There is no filing fee for a foreign order. 35-21-111(b)
15. The clerk of the court shall make available standard petition forms with instructions for completion to be used by a petitioner. Forms are to be prepared by the victim services division within the office of the attorney general. Upon receipt of the initial petition by the clerk of the court, the clerk shall refer the matter to the court. The court may appoint an attorney to assist and advise the petitioner or the petitioner may hire an attorney or file pro se. 35-21-103(e)
16. 35-21-103(f)
17. It shall not be a bar to filing a petition or receiving an order of protection under this act that: a criminal or civil order is entered in a case pending against the respondent or between the petitioner and respondent, the petitioner has petitioned for or received orders of protection in the past or that the petitioner has withdrawn a petition or asked to have orders rescinded, or there is evidence of some domestic abuse on the part of the petitioner. 35-21-103(g). The remedies provided by this act are in addition to any other civil or criminal remedy available to the petitioner. 35-21-106(d)
18. An ex parte order shall be issued immediately upon filing of a petition if it appears from the specific facts shown by the affidavit or by the petition that there exists a danger of further domestic abuse. The order shall be served immediately on the alleged perpetrator together with notice of hearing. 35-21-104(a)
19. Domestic abuse includes threatening.
20. An ex parte hearing shall be held within 72 hours after the granting of the temporary order of

- protection or as soon thereafter as the petition may be heard by the court on the question of continuing the order, or if an ex parte order is not granted, serve notice to appear upon the parties and hold a hearing on the petition for order of protection within 72 hours after the filing of the petition or as soon thereafter as the petition may be heard by the court. 35-21-104(a)
21. A court may grant visitation rights to a child by the alleged perpetrator if adequate provision can be made for the safety of the children and the petitioner. The court may order visitation in a protected setting, the visitation be supervised, order counseling, order the respondent to abstain from the consumption of alcohol or controlled substances, order the respondent to pay costs of the supervision, prohibit overnight visitation, require the respondent to post a bond, order the payment of child support, or order the payment of any medical costs incurred by the petitioner as a result of the abuse inflicted by the respondent. 35-21-105(b)
 22. Regardless of whether the court provides visitation under subsection (b) of this section, the court shall, if requested by the petitioner, order the address of the petitioner and any children of the petitioner and respondent be kept confidential. 35-21-105(e)
 23. No act of the petitioner or the respondent may be construed to waive or nullify any provision of an order of protection. 35-21-105(g)
 24. Mutual orders not allowed, but separate orders may be granted if the facts permit. 35-21-105(j)
 25. An order of protection granted by the court shall be effective for a fixed period of time not to exceed 3 months. The order may be extended repetitively for good cause upon motion of the petitioner for additional periods of time not to exceed 3 months each. 35-21-106(b)
 26. The filing of an action for divorce shall not supersede an order of protection granted under this act. 35-21-106(b)
 27. 35-21-107(b)(iii)
 28. 35-21-109(a)
 29. 35-21-110