

**TITLE 8: FAMILY LAW AND PROBATE  
DIVISION 1: DOMESTIC RELATIONS**

**§ 1916. Order for Protection; Modification of Orders; Relief Available Ex Parte; Relief Available After Hearing; Duties of the Court; Duration of Order.**

(a) If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic or family violence has occurred or a modification of an order for protection is required, the Superior Court may:

(1) Without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte as it deems necessary to protect the rights of the parties; and

(2) Upon notice, issue an order for protection or modify an order after a hearing whether or not either party appears.

(b) A court may grant the following relief without notice and hearing in an order for protection or a modification issued ex parte:

(1) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;

(2) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(3) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) Order the respondent to stay away from the residence, school, or place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(5) Prohibit the respondent from using or possessing a firearm or other weapon specified by the court;

(6) Order possession and use of personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the property stated in the order, or to supervise the petitioner's or respondent's removal of personal belongings;

(7) Grant temporary custody and support of any minor children to the petitioner;

(8) Upon the request of the petitioner, grant temporary custody and support of a minor child or children to a grandparent or grandparents or to another qualified family member;

(9) Specify arrangements for visitation of any minor child by the respondent and require supervision of that visitations by a third party or deny visitations if necessary to protect the safety of the petitioner or child; and

(10) Order such other relief as it deems necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

(c) The court may grant the following relief in an order for protection or of a modification of an order after notice and hearing, whether or not the respondent appears:

(1) Grant the relief available in accordance with subsection (b);

(2) Specify arrangements for visitation of any minor child by the respondent and require supervision of that visitations by a third party or deny visitations if necessary to protect the safety of the petitioner or child;

(3) Order the respondent to pay rent or make payment on a mortgage on the petitioner's residence and pay for the support of the petitioner and minor child(ren) if the respondent is found to have a duty to support the petitioner or minor child(ren);

(4) Order the respondent to reimburse the petitioner or any other person who incurred any expenses associated with the domestic or family violence, including but not limited to medical expenses, counseling, shelter, and repair or replacement of damaged property; and

(5) Order the respondent to pay the costs and attorney's fees incurred by the petitioner in bringing the action.

(d) The court shall:

(1) Transmit a copy of the order to the petitioner, and a copy to the Department of Public Safety to be served upon the respondent;

(2) Make reasonable efforts to ensure that the order for protection is understood by the petitioner, and the respondent, if present;

(3) Transmit, by the end of the next business day after the order is issued, a copy of the order of protection to the Department of Public Safety and agencies designated by the petitioner; and

(4) Transmit a copy of the order to the registry established under Section 1925.

(e) An order for protection issued ex parte or upon notice and hearing or a modification of an order for protection issued ex parte or upon notice and hearing is effective until further order of the court.

**Source:** PL 12-19, § 2 (206), modified.

**Commission Comment:** The Commission made corrections to manifest errors, particularly but not limited, to those contained in the title of the above section. See 1 CMC § 3806.