

IDAHO DOMESTIC VIOLENCE LAW



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THE IDAHO DOMESTIC VIOLENCE CRIME PREVENTION ACT

The purpose of the Idaho Domestic Violence Crime Prevention Act¹ is to address domestic violence as a serious crime against society and to assure the victims of domestic violence the protection from abuse which the law and those who enforce the law can provide.

The Idaho Domestic Violence Crime Protection Act protects people from violence within the home. It lets victims get protection from the courts without delay.

THE SCOPE OF PROTECTION PROVIDED BY THE ACT

Any member of a family or household who is physically injured, sexually abused, forcibly imprisoned, or threatened with harm, can seek help from the court. Protection can be sought from abuse by a spouse, a former spouse, household member, a person with whom one has a common child, or from a person the adult has had or is having a dating relationship. Likewise a minor or adult can seek protection from any person with whom he or she has maintained a "dating relationship" if the same type of threats or abuse have occurred. The person against whom you are requesting protection is known as the "respondent" in legal

terms – you will be referred to as the "petitioner."

ATTORNEYS

You may request a protective order without the assistance of an attorney. If you have questions regarding the process you may want to visit with a legal assistance attorney.

COSTS

Persons seeking protective orders are not charged upon filing. The person against whom a protective order is issued may be ordered to pay court costs.

OBTAINING THE PROTECTION OF THE COURT

Go to the county courthouse or state district court office where you live or are temporarily staying, or where the abuser lives, and tell them you need protection from domestic violence. You will be directed to the magistrate division of the district court. The court clerk there will give you a form to fill out, called a "Petition."

Answer the questions on the form as completely as possible. Provide all of the information it asks for. The most important part is to explain why you fear domestic violence or what physical abuse or threats you have suffered. **If you feel you are in**

¹ Idaho Code, Title 39, Chapter 63

immediate and serious danger of injury, say so on the form. Give the completed form to the court clerk.

The clerk will give the petition to the judge. The judge will review the petition and decide whether to hold an immediate hearing, or to hold a hearing later. A hearing must be held within fourteen days. If the judge holds an immediate hearing, the respondent will not have a chance to be heard, so a second hearing must be held, within fourteen days of the first, where the respondent will be able to present evidence. The judge will decide whether to issue a protective order at either or both hearings. If the judge decides to hold an initial hearing where only you are present, followed by a second hearing, then he or she can issue a temporary order that will cover the time period between the two hearings.

The judge can order the abuser to stop the physical violence or threats and to stay away from your home, your place of work, and/or your children's school. The judge can order an abusive spouse to leave the residence for a certain period of time. The judge can give you temporary custody of your children, and can order the person who has abused or threatened you to undergo treatment or counseling.

The Protective Order can last up to one year if it is issued after a hearing at which both parties have the opportunity to be present. After that, if you still need protection, you can ask the court to renew the protection order.

Keep a copy of the Protective Order with you at all times so you can show it to a law enforcement officer if you need help. A copy of the order is provided to all law

enforcement agencies, but your copy will be helpful to aid an officer responding to a call.

If you have an order of protection from another state against someone, you can petition an Idaho court to recognize the other jurisdiction's order. The order will then have the same effect in Idaho that it does in the issuing state.

ABUSE BY A MILITARY MEMBER

If the person abusing you is a military member, or if the abuse or threat of abuse or domestic violence occurs on this base, **call security forces.** They will provide immediate assistance to you, and will also involve those organizations on base which can help resolve situations and circumstances which result in domestic violence.

The Family Advocacy Office at the base hospital can also provide assistance to abused spouses.

IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE, BREAK THE CYCLE -- ASK FOR HELP.

Research shows that violence is a crime which can be prevented or reduced when authorities intervene. Otherwise, the cycle of violence and abuse can continue, against you and your children. If you are a victim of domestic violence, break the cycle -- ask for help.

***This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website:
<https://aflegalassistance.law.af.mil>