

**CAO CR INSTRUCTION 4-1  
INSTRUCTIONS FOR REQUESTING A MODIFICATION OR  
TERMINATION OF A CRIMINAL NO CONTACT ORDER**

If you are a victim of a criminal offense for which a no contact order has been issued, you may request the modification or termination of that order by filing a written and signed request with the clerk of the court in which the criminal offense is pending using form CAO CR 4-1 Request to Modify or Dismiss No Contact Order.

Before you decide to file this request, you should read and understand the following information about no contact orders:

**Criminal No Contact Orders.**

Whenever a person is charged with a criminal offense which involves domestic violence or other types of violence against a victim, the judge handling that criminal case can issue a no contact order which restricts the defendant's contact with the victim. The order must be in writing and contain the case number, defendant's name and victim's name. It must also include the distance restrictions which apply and have a specific date upon which the order will expire or upon the dismissal of the criminal case. The order must also advise the defendant of the criminal consequences if the order is violated. Once issued, the order must be signed by or served upon the defendant and is sent to the sheriff's office and entered in the statewide computer records which are available to all law enforcement agencies.

Once a criminal no contact order is issued, **it may only be modified by a judge.** This is important to understand because sometimes victims may not want to have the no contact order enforced or may want to change its terms, and may believe that since they are the victim and beneficiary of the order, they can decide if the order is to be enforced. This is not true. You must ask the assigned judge to make these changes and they are effective only when the judge signs a new modified criminal no contact order or an order terminating the no contact order.

**Civil Protection Orders for Domestic Violence.**

It is also very important that you understand the differences between a criminal no contact order issued in a criminal case, and a civil protection order issued to a family member to prevent domestic violence. A domestic violence civil protection order may contain restrictions on contact which are similar to those contained in the criminal no contact order. Sometimes there may be differences or conflicts in the terms of contact between these two types of orders. When there are more than one domestic violence protection orders in place, the one which has the most restrictive provisions will control any conflicting terms of any other civil or criminal protection order.

This means that if there is a very restrictive criminal no contact order, you cannot change those restrictions by requesting a civil domestic violence order with lesser restrictions. **You must request the terms of the criminal no contact order be changed by the judge in the criminal case or else its restrictions will continue to apply.**

## **How To Decide Whether You Should File This Request.**

Criminal no contact orders and civil protection orders for domestic violence are issued to prevent harm to victims of violence. The decision to request a modification or termination of such an order is a victim's right, but should only be considered where the victim's safety is assured. Before making the decision to file a request to modify or terminate a criminal no contact order, we suggest you contact and discuss this decision with someone familiar with domestic violence and safety plans. Many counties have a Victim/Witness Coordinator or a Domestic Violence Court Coordinator who can provide this assistance. There are also domestic violence advocacy centers/offices in many counties which provide resources for victims of domestic violence. Since every county may have different resources, we suggest you contact the prosecuting attorney's office handling the criminal case to see which of these resources are available in your county and how to contact them.

## **Filling Out Form CAO CR 4-1 Request to Modify or Dismiss No Contact Order.**

- Complete the form by typing or neatly and legibly printing in black ink. Fill in your full current name, address and telephone number on the lines provided at the upper left hand corner of page 1. Fill in the judicial district and the county where the case is pending in the heading in capital letters (for example "IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT IN AND FOR THE COUNTY OF LATAH"). Fill in the name of the defendant in the caption as well as the case number just as they appear in the original no contact order.
- Fill in the information required in the Motion making sure you check the correct box in paragraph 1 and paragraph 2. Provide as much information as you can which explains why you want the order modified/terminated, and the specific changes you would like to include if the order is modified.
- Make sure you read and understand the statements you are making to the court in paragraphs 3, 4, and 5.
- Date, print your name, and sign your name where indicated.

## **Filing the Motion.**

Once you have completed the form, take it to the criminal court clerk at the courthouse where the criminal no contact order was issued. The criminal court clerk will schedule a hearing on the request before the assigned judge.

## **Attending the Hearing.**

Once the request is filed, the judge must hold a hearing within fourteen days and will notify you and the other parties in the case. You must be present at the hearing or your request may be denied. The judge may or may not ask for additional information from you and will listen to all parties on whether the request should be granted. The judge has the discretion to deny, grant or grant in part your request. Once a decision has been made, the judge will issue a new order which will be served upon you, the defendant, and provided to law enforcement agencies through statewide computer records as explained above.