

INFORMATION SHEET

You are about to ask for a Temporary Order of Protection as a victim of abuse. This sheet has information to guide you through the legal process and answer some of the questions you may have.

You are the PETITIONER. The Petitioner is the person being abused and asking for protection. The RESPONDENT is the person you are asking the court to protect you from. A Temporary Order of Protection is an order, signed by a judge, that restricts or prohibits the Respondent from contacting you. Generally, a Temporary Order of Protection is good for twenty (20) days.

If you are a **minor**, your parent or guardian, or other representative may file a petition for a Temporary Order of Protection on your behalf against the Respondent.

If you are **18 or older**, **YOU MUST** file for a Temporary Order of Protection on your own behalf.

TEMPORARY ORDERS OF PROTECTION ARE NOT MUTUAL. Each party involved in a situation that requires a Temporary Order of Protection **MUST** file on their own behalf.

You have the right to appear in court on your own to request a Temporary Order of Protection. However, the following resources are available in your community to help you through this process:

The Friendship Center, 1503 Gallatin, Helena, Montana 442-6800
Montana Legal Services, 616 Helena Ave. Suite 100, Helena, Montana 442-9830
www.MontanaLawHelp.org

When signed by a Judge, a Temporary Order of Protection is effective **immediately but not enforceable until the respondent is served with the paperwork.** After the judge signs the Order, these are the next steps:

- Your Petition and a copy of the Order must be given to law enforcement for service upon the Respondent.
- There must be a hearing within twenty (20) days. If law enforcement cannot find the Respondent within twenty (20) days, you will need to ask the court to set a new hearing date.
- At the hearing you must be prepared to explain to the court why you are asking for an order of protection, this includes bringing witnesses to the hearing who have knowledge about the facts in your Petition.

Stay in contact with the Justice Court for information about your case. The court telephone number is 406-447-8201. The Judge is available from 8:00 a.m. to 12:00 o'clock and 1:00 p.m. to 4:00 p.m. Monday through Friday. Closed holidays. Lewis & Clark County Sheriff's Office Civil Bureau at 406-447-8219 to check the status of the service of the order.

You should keep copies of your Order with you at all times. It is a good idea to always carry one in your purse or wallet, as well as having a copy at work and at your children's schools.

PLEASE FILL OUT AS THOROUGHLY AS POSSIBLE TO ENSURE THE EFFECTIVENESS OF THE TEMPORARY ORDER OF PROTECTION!

PHONE NUMBERS

Lewis and Clark County Justice Court, 406-447-8201
Lewis and Clark County Sheriff's Office, 406-447-8293
Helena Police Department, 406-442-3233

9-1-1, FOR EMERGENCIES ONLY

**IN THE JUSTICE COURT OF RECORD OF THE STATE OF MONTANA
LEWIS AND CLARK COUNTY, HELENA, MONTANA**

_____,
Petitioner,

No. CV-OP-2015-_____

v.

**PETITION FOR TEMPORARY
ORDER OF PROTECTION AND
REQUEST FOR HEARING**

_____,
Respondent.

Under oath and as provided by Mont. Code Ann, 40-15-201, I request that the court issue a Temporary Order of Protection against the Respondent. I believe I am in danger of harm if the court does not issue a Temporary Order of Protection immediately.

PERSONAL IDENTIFIERS

Petitioner:

Name: _____
Date of Birth: _____
Sex: _____
Race: _____

Respondent:

Fill out as much information as you can about Respondent. If you don't know all of the following information it will not affect your ability to get a Temporary Order of Protection.

Name: _____	Drivers License No: _____
Sex: _____	State: _____
Race: _____	Exp. Date: _____
Height: _____	Veh. Make/Model: _____
Weight: _____	Color: _____
Hair Color: _____	Plate #: _____
Eye Color: _____	Scars/Marks/Tattoos: _____
* Date of Birth _____	* Social Security No: _____

*If you can provide either the Respondent's date of birth or social security number, law enforcement will be able to enter your temporary order of protection in to the State's computer system. It is very helpful if you have this information. You can still file for a Temporary Order of Protection if you don't have this information.

Original court, 1 copy for service

RESIDENCY

I, the above named Petitioner, live in _____ County, State of Montana. Respondent lives in _____ County, State of Montana. The abuse happened in _____, County, State of Montana.

RELATIONSHIP

To qualify for a Temporary Order of Protection, you must meet one of the descriptions listed below.

CIRCLE the description of your relationship with Respondent.

- A. We are married
- B. We were married, but are now separated
- C. We are divorced
- D. We are dating or having an ongoing intimate relationship
- E. We dated or had a ongoing intimate relationship
- F. We have a child and/or children together
- G. I am a family member a former family member of Respondent
- H. Other (None of the relationship listed in A-G is required if you were a victim of stalking, incest, sexual assault, or sexual intercourse without consent.)

DESCRIPTION OF ABUSE

To qualify for a Temporary Order of Protection, you must satisfy one of the situations described above and have been the victim of one or more of the types of abuse listed below.

CIRCLE THOSE THAT APPLY TO YOUR SITUATION:

- A. **PARTNER FAMILY MEMBER ASSAULT** – Respondent, who is my partner or a family member, caused bodily injury to me, used a weapon to cause bodily injury to me, or caused me to fear bodily injury.
- B. **ASSAULT** – Respondent caused bodily injury to me, had physical contact of an insulting or provoking nature, or caused me to fear bodily injury. (Assault can include use of a weapon against you.)
- C. **INTIMIDATION** – Respondent threatened me with physical harm or confinement, so I would obey him/her.
- D. **ENDANGERMENT** – Respondent created a risk of death or serious bodily injury to me.
- E. **KIDNAPPING/RESTRAINT** – Respondent held me against my will and interfered with my liberty.
- F. **ARSON** – Respondent burned my property or placed me in danger of death or bodily injury by fire or explosives.
- G. **INCEST** – I am a family member of Respondent and he/she had sexual contact with me.

CHILDREN

Complete this section if you have children.

Respondent and I are the parents of the following children (state name and age of each child, date of birth, and with whom each child is presently living):

NAME: Last, First	DOB	RACE	SEX	Lives With

The following children live with me but are not Respondent's:

NAME: Last, First	DOB	RACE	SEX

OTHER COURT CASES

If there are other court cases between you and the Respondent list them here. If there is other information not covered in this form that you think the Judge should know, put it here.

CIRCLE ANY OF THE FOLLOWING STATEMENTS THAT APPLY TO YOU:

- A. A divorce, legal separation or custody case has been filed in _____ County, State of _____.
- B. There are other court cases between Respondent and me. List nature of the case and where it is filed.
- C. A criminal charge of _____ was filed against the Petitioner or Respondent in _____ court in _____ County.
- D. List any other cases pending against the Respondent that you are aware of:

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue a Temporary Order of Protection containing the following

CHECK THE BOX OF ALL PROVISIONS YOU WANT TO APPLY IN THIS CASE:

1. Respondent must not harass, annoy, or disturb my peace or do any of those things to the following people (may include family members, witnesses to the offense, or other victims of the offense):

2. Respondent must not threaten to commit or commit acts of violence against me or any of these family members:

3. The following applies to my present residence:

4. a. My current location is a secret and I want it to remain confidential.

-OR-

b. Respondent must stay away from my residence at:

5. Respondent must stay 1500 feet or other appropriate distance (_____ feet) away from me: at my residence _____; at my place of work _____; at my place of school _____; other _____.

5. Respondent must not telephone, email, write, contact or otherwise communicate, directly or indirectly or through a third party with me or the following people (may include family members, witnesses to the offense, or other victims of the offense):

6. Respondent must not take the following child(ren) out of Lewis and Clark County:

7. Respondent used or threatened me with a firearm. Respondent is prohibited from owning, possessing, and or purchasing a firearm.

8. Respondent must not take, hide, sell, damage or dispose of our/my property.

9. Respondent must give me possession or use of the following items (items may include the residence, automobile, and other essential personal property regardless of ownership):

10. I need a peace officer to come with me to pick up the property listed in Number 9, or I request that Respondent be accompanied by a peace officer when picking up his/her property or to accompany respondent to pick up his/her belongings.
11. The Court should order the following to provide for my safety and welfare and my family's safety and welfare: _____
_____.
12. Other relief requested: _____

_____.

HEARING

Petitioner respectfully requests that the Court set a hearing on this case within 20 days as required by Mont. Code. Ann. § 40-15-202. The Respondent will then have a chance to be heard and explain why the Order of Protection should not be issued. I request that the Court issue an Order of Protection with the above listed protection after the hearing.

OTHER RELIEF

The Court should order other protection for me as it deems just and proper.

Petitioner

NOTARY SEAL OR JUDGE'S SIGNATURE

STATE OF MONTANA)
 :SS.
County of Lewis and Clark)

_____, the Petitioner, after having been sworn, states as follows:

That I have read the above Petition, know the contents, and that the statements are true of my own knowledge, except those stated upon information and belief, and I believe those to be true.

DATED this _____ day of _____, 20__.

Petitioner

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__.

Notary Public/Judge
My Commission Expires: _____

ORDER OF PROTECTION

- TEMPORARY ORDER
 AMENDED ORDER

MT025041J

Case No. CV-OP-2015-_____

Court: **LEWIS AND CLARK COUNTY JUSTICE COURT**

Jurisdiction: **JUSTICE** State: **MONTANA**

PETITIONER/PLAINTIFF

First Middle Last

And/or on behalf of minor family member(s): (list name, date of birth, sex and race): _____

PETITIONER/PLAINTIFF IDENTIFIERS

Date of Birth of Petitioner Race/Sex

Other Protected Person(s): (list name, date of birth, race and sex): _____

V.

RESPONDENT

First Middle Last

Respondent" Address: _____

Federal Firearm Disqualification Criteria: (**Only applies to final orders**)

- Hearing/actual notice with opportunity to participate
 Child or Intimate partner (married/divorced/common child/cohabitates or has cohabitated)
 Order restrains Respondent from harassing, stalking, or threatening, or other conduct that creates reasonable fear or bodily injury to Petitioner (s)
 Order finds a credible threat or prohibits use, attempted use, or threatened use of physical force

CAUTION:

- Weapon Involved Weapon on Property

RESPONDENT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	SOCIAL SECURITY #		
DRIVERS LICENSE #		STATE	EXP DATE	
VEH. MAKE/MODEL		COLOR	PLATE #	

Distinguishing Features of Respondent:

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and that the petitioner is in danger of immediate harm. The Court acts without notice to the Respondent (temporary order) or Respondent has been provided with reasonable notice and opportunity to be heard (permanent order). Additional findings of this order are set forth herein.

THE COURT HEREBY ORDERS:

That the above named Respondent be restrained from committing further acts of abuse or threats of abuse.

That the above named Respondent shall stay at least _____ feet or other appropriate distance away from Petitioner's ___ person, ___ home, ___ workplace, ___ vehicle, ___ children's school/daycare, ___ other: _____

Additional terms of this order are set forth herein:

A HEARING IS SCHEDULED FOR _____ THE _____ DAY OF _____, 20__ AT _____ . M.

Date issued: _____

By: _____

Justice of the Peace

WARNINGS TO RESPONDENT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal Imprisonment (18 U.S.C. Section 2265).

Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition (18 U.S.C. Section 922 (g)(8)). Only the Court can change this order.

THE COURT FINDS from the Petition that the Petitioner is in danger of harm. This Court acts without notice to the Respondent because harm may result to the Petitioner if the Order of Protection is not issued immediately.

1. Respondent is restrained from assaulting, threatening, abusing, harassing, following, or stalking the Petitioner. Respondent must not harass, annoy, or disturb my peace or do any of those things to the following people (may include family members, witnesses to the offense, or other victims of the offense):

2. Respondent must not threaten to commit or commit acts of violence against me or these family members:

3. The following applies to my present residence:
c. My current location is a secret and I want it to remain confidential.

-OR-

d. Respondent must stay away from my residence at:

4. Respondent must stay 1500 feet or other appropriate distance (_____ feet) away from me: at my residence _____; at my place of school _____; at my place of work _____; other _____.

5. Respondent must not telephone, email, write, contact or otherwise communicate, directly or indirectly or through a third party with me or the following people (may include family members, witnesses to the offense, or other victims of the offense): _____

6. Respondent must not take the following child(ren) out of this county:

7. Respondent used or threatened me with a firearm. Respondent is prohibited from owning, possessing, and/or purchasing a firearm.

8. Respondent must not take, hide, sell, damage or dispose of our/my property.

9. Respondent must give me possession or use of the following items (items may include the residence, automobile, and other essential personal property regardless of ownership): _____

10. I need a peace officer to come with me to pick up the property listed in Number 9, or I request that the Respondent be accompanied by a peace officer when picking up his/her property or to accompany respondent to pick up his/her belongings.
11. The Court should order the following to provide for my safety and welfare and my family's safety and welfare: _____

12. Other relief requested: _____

A hearing on the Petitioner's request that this order be made an Order of Protection for a specific time or effective permanently will be held before this Court on _____, the _____, day of _____ 20____, at the hour of _____ .m, or as soon thereafter as the matter may be heard, in the courtroom at

**JUSTICE COURT
 228 BROADWAY, ROOM 103
 HELENA, MT 59601**

This Temporary Order of Protection shall continue in full force and effect until

**THREE (3) WORKING DAYS AFTER THE DATE OF HEARING
 OR
 UNTIL FINAL ORDER IS FILED**

Petitioners should immediately report any violation of this order to law enforcement. Petitioner also has the right to return to court to report any violation of this order.

WARNING

Violation of this Order is a criminal offense under Mont. Code Ann. § 45-5-220 or § 45-5-626 and may carry penalties of up to \$10,000 in fines and up to a 5 year jail sentence.

This Order is issued by the Court and the Respondent is forbidden to do any act listed in the Order, even if invited by the Petitioner or another person. This Order may be amended only by further order of this Court or another court that assumes jurisdiction over this matter.

The Sheriff is hereby directed to serve, without cost to the Petitioner, a copy of this Temporary Order of Protection together with a copy of Petitioner's petition upon the Respondent and to file a return of service with the clerk of this court. This service will be as soon as possible and before the date of hearing. Upon receipt of proof of this Order, the clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the proof of service, to the following law enforcement agencies:

**LEWIS AND CLARK COUNTY SHERIFF'S DEPARTMENT
 HELENA POLICE DEPARTMENT**

ISSUED this _____ day of _____, 20____ at the hour of _____ .m.

 Justice of the Peace

PETITIONER'S INFORMATION FOR OFFICIAL USE ONLY

IF THIS ORDER OF PROTECTION IS GRANTED, THE COURT IS REQUIRED TO PROVIDE SPECIFIC INFORMATION TO LAW ENFORCEMENT. THAT INFORMATION IS ENTERED INTO THE NATIONAL CRIME INFORMATION CENTER (NCIC) FOR YOUR PROTECTION. IN ORDER TO ENTER YOUR ORDER OF PROTECTION IN NCIC, THE FOLLOWING PERSONAL IDENTIFIERS MUST BE PROVIDED:

FULL NAME OF PETITIONER: _____
FIRST MIDDLE LAST

HOME ADDRESS _____

OR ADDRESS YOU ARE STAYING AT _____

MAILING ADDRESS _____

CITY _____ ZIP _____

HOME PHONE NUMBER _____

WORK NUMBER _____

MESSAGE NUMBER _____

BIRTH DATE: _____ SOCIAL SECURITY NO: _____

DRIVER'S LICENSE NO: _____ STATE _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____

HAIR COLOR _____ EYE COLOR _____

CC: COURT FILE
LCSO CIVIL BUREAU
SUPPORT SERVICES DIVISION FOR ENTRY INTO NCIC

RESPONDENT'S INFORMATION FOR OFFICIAL USE ONLY

IF THIS ORDER OF PROTECTION IS GRANTED, THE COURT IS REQUIRED TO PROVIDE SPECIFIC INFORMATION TO LAW ENFORCEMENT. THAT INFORMATION IS ENTERED INTO THE NATIONAL CRIME INFORMATION CENTER (NCIC) FOR YOUR PROTECTION. IN ORDER TO ENTER YOUR ORDER OF PROTECTION IN NCIC, THE FOLLOWING PERSONAL IDENTIFIERS MUST BE PROVIDED:

FULL NAME OF RESPONDENT: _____

FIRST

MIDDLE

LAST

HOME ADDRESS _____

OR ADDRESS YOU ARE STAYING AT _____

MAILING ADDRESS _____

CITY _____ ZIP _____

HOME PHONE NUMBER _____

WORK NUMBER _____

BIRTH DATE: _____ SOCIAL SECURITY NO: _____

DRIVER'S LICENSE NO: _____ STATE _____

SEX _____ RACE _____ HEIGHT _____ WEIGHT _____

HAIR COLOR _____ EYE COLOR _____

CC: COURT FILE
LCSO CIVIL BUREAU
SUPPORT SERVICES DIVISION FOR ENTRY INTO NCIC

INSTRUCTIONS TO PEACE OFFICERS FOR SERVICE

(Please fill out as much as possible)

1. Please serve the following documents:
Petitioner's Petition for Temporary Order of Protection & Temporary Order of Protection
Serve the documents upon (the Respondent):

Name of Respondent _____
Home Address _____
Home Phone _____

2. Place of employment _____
Work Address _____
Work Phone _____
Hours of employment _____

3. Other locations (include times) where Respondent might be found:

4. Persons who might know the whereabouts of the Respondent:

(1) _____ Address: _____
Phone No. _____
(2) _____ Address: _____
Phone No. _____

5. List Respondent's previous violent behavior: _____

6. List weapons Respondent is likely to have in possession:

7. Describe Respondent's previous history of violent behavior with law enforcement in Montana or elsewhere:

Directions must be drawn if a street number is unavailable, a route or box number is not sufficient.)

**PLEASE USE THE BACK OF THIS SHEET TO
DRAW A MAP IF NECESSARY**

ORIGINAL: SHERIFF'S OFFICE
copy court file

PHONE NUMBERS AND RESOURCES YOU MAY NEED

The Friendship Center, 1503 Gallatin, Helena, Montana 442-6800

Montana Legal Services, 801 North Last Chance Gulch, Helena, Montana 442-9830

Receptionist at the County Attorney's Office, 228 Broadway, Room 106, Helena, Mt 447-8221

Lewis and Clark County Justice Court, 406-447-8201

Lewis and Clark County Sheriff's Office, 406-447-8293

Helena Police Department, 406-442-3233

9-1-1, FOR EMERGENCIES ONLY

List of Resources

Credit Information

- ordering free credit reports: www.annualcreditreport.com
- Consumer Credit Counseling Services: www.CCCSMT.org

Forms of Public Assistance

- Food Stamps
- Women, Infants and Children (WIC)
- Temporary Assistance for Needy Families (TANF)
- Public Housing or Housing Choice Voucher Program (formerly known as Section 8)
- Medicaid and CHIP
- On the web: www.MontanaLawHelp.org
- On the web: www.dphhs.mt.gov
- Where to apply: visit the local office of Public Assistance (OPA)
 - Find your local OPA at:
 - www.dphhs.mt.gov/contactus/humancommunityservices.shtml

Other State-Provided Assistance:

- Crime Victims Compensation
On the web: <http://doj.mt.gov/victims/victimcompensation.asp>
- Unemployment Insurance
On the web: <http://uid.dli.mt.gov/>

Legal Services:

- Montana Legal Services Association
- Helpline: 1-800-666-6899
On the web: www.MontanaLawHelp.org
On the web: www.mtlsa.org
- State Bar Lawyer Referral Service: 1-406-449-6577

Individual Development Account (IDA) Programs

- Helena BSAFE (serves Lewis and Clark, Jefferson and Broadwater Counties)
- Missoula BSAFE
- On the web: www.mtbsafe.org

Taxes

- Earned Income Tax Credit
- On the web: www.MontanaFreeFile.org
- On the Web: www.MontanaLawHelp.org
- On the web: www.IRS.gov