

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.

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: _____

When signed by a Judge, a Temporary Order of Protection is effective **immediately**. 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 Clerk of Court for information about your case. The Clerk's number is: 628-1964 ex 1.

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.

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 _____
Address You Are Staying At (if different from above) _____
Daytime/Home Phone # _____ Cell # _____
Work # _____ Message # _____
Work Place _____
Complete Work Address _____
Driver's License # _____ State _____
Birth Date _____ Sex _____ Race _____ Height _____
Weight _____ Hair Color _____ Eye Color _____
Vehicle: Make _____ Model _____
Color _____ License Plate # and State _____

Other Protected Persons(any one you want protected):

Name _____	DOB _____	Sex _____	Race _____
Name _____	DOB _____	Sex _____	Race _____
Name _____	DOB _____	Sex _____	Race _____
Name _____	DOB _____	Sex _____	Race _____
Name _____	DOB _____	Sex _____	Race _____

Child's Daycare _____	Complete Address _____
Child's School _____	Complete Address _____
Child's School _____	Complete Address _____
Child's School _____	Complete Address _____
Child's School _____	Complete Address _____

Other Information the Court needs to be aware of: _____

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. Identifying characteristics: Soc. Sec # _____ DOB _____
Sex _____ Race _____ Height _____ Weight _____ Hair _____ Eyes _____
Other unusual physical characteristics (e.g. tattoos, mustache, or scars) _____

4. Known vehicle description: _____
License plate number: _____

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

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

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

7. List Respondent's previous violent behavior: _____

8. List weapons Respondent is likely to have in possession: _____

9. 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)**

PHONE NUMBERS

Laurel City Court 628-1964 ex 2
Laurel Police Dept. 628-8737
YCSO - Civil Div. 256-2959
YCSO - Main Office 657-8200
Emergency # 9-1-1

IN THE LAUREL CITY COURT, OF THE STATE OF MONTANA, IN AND FOR THE
COUNTY OF YELLOWSTONE

BEFORE JUDGE JEAN M. KERR

_____	)	NO. _____
Petitioner	)	
	)	PETITION FOR TEMPORARY
	)	ORDER OF PROTECTION
v.	)	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 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 Respondent's date of birth or social security number, law enforcement will be able to enter your temporary order of protection into the State's computer system. It is very helpful if you have this information. You can still receive a Temporary Order of Protection if you don't.

RESIDENCY

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

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 an ongoing intimate relationship
- F. We have a child and/or children together
- G. I am a family member or a former family member of Respondent
- H. Other. (None of the relationships listed in A-G are required if you were the 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.

- 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.
- H. **SEXUAL ASSAULT**--Respondent had sexual contact with me without my consent. *
- I. **SEXUAL INTERCOURSE WITHOUT CONSENT**--Respondent had sexual intercourse with me without my consent.
- J. **STALKING**--Respondent caused me emotional distress or fear of death or injury by repeatedly following me, harassing me, or threatening me in person, by phone, by mail or some other method.
- K. **DELIBERATE HOMICIDE or MITIGATED DELIBERATE HOMICIDE**--Respondent killed my partner or family member.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

FIREARMS

List all firearms and other weapons currently possessed by Respondent:

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

* IF YOU ARE FILLING OUT THESE FORMS IN DISTRICT OR TRIBAL COURT PLEASE COMPLETE APPENDIX A.

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 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 (**CIRCLE** all of the provisions you want the court to include in your order):

1. Respondent is restrained from assaulting, threatening, abusing, harassing, following, or stalking me. 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 against these family members:

3. The following applies to my present residence:

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

-OR-

b. 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 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 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 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 _____)

_____, 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 _____, _____.

Petitioner

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

Notary Public/Judge
My Commission Expires: _____