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_____ COURT, MISSOULA, MONTANA

JUDGE _____

_____)	
Petitioner,)	
vs.)	CAUSE NO. _____
_____)	
Respondent.)	
)	

TEMPORARY ORDER OF PROTECTION AND ORDER SETTING HEARING

THE COURT FINDS from the Petition that the Petitioner and/or Protected Persons is/are in danger of harm. This Court acts without notice or upon hearing to the Respondent because harm may result to the Petitioner and/or Protected Persons if the Temporary Order of Protection is not issued immediately.

THE COURT ORDERS:

- 1. Respondent shall not commit or threaten to commit acts of violence against me and/or the other Protected People: _____.(PCO 01)
- 2. Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate directly or indirectly, with me and/or the other Protected People: _____.(PCO 05)
- 3. Respondent shall not take the following child(ren) from Missoula County: _____.
- 4. Respondent must stay _____ feet from Petitioner (*not to exceed 1500 feet*).
- Respondent must stay _____ feet from the following minor children: _____.
- Respondent must stay _____ feet from other protected people. _____.
- The location of my current residence is confidential. (*Do not list your address below if confidential.*)
- Respondent must stay _____ feet away from Petitioner’s residence at: _____.

1 Respondent must stay _____ feet away from Petitioner's place of employment at:

2 _____.

3 Respondent must stay _____ feet away from child(ren)'s school(s) and/or child care at:

4 _____.

5 Respondent must stay _____ feet away from any of the following addresses frequented by Petitioner
6 and/or other Protected Person: _____ . (PCO 04)

7 5. Respondent shall not possess the following firearms: _____ . (PCO 07)

8 6. Respondent shall not take, hide, damage, or dispose of the following property:

9 _____.

10 7. Respondent shall give Petitioner and/or Protected Person possession or use of the following items (items
11 may include the residence, automobile and other essential personal property no matter who owns it):

12 _____.

13 8. Law enforcement shall:

14 Remove the Respondent from the residence at: _____

15 Place the Protected Person in possession of the residence at: _____

16 Supervise the removal of:

17 Protected Person's property listed in number 7 above.

18 Respondent's items needed for employment and necessary personal effects (at peace officer's
19 discretion) from the residence.

20 9. The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected
21 Persons: _____ . (PCO 08)

22 10. There are other civil or criminal actions pending involving the Petitioner and/or Respondent as follows (list
23 Court and Type of case): _____

24 11. **Conflicting Orders.** If any term of another Order conflicts with any term of this Order you must follow
25 the more restrictive term.

1 12. **Change in Address.** The parties shall keep the Court informed of their current mailing addresses.

2 13. **Other Relief**

3 Respondent shall NOT have contact with the child/ren until further Order of the Court. (PCO 09)

4 Supervised visitation is necessary. Describe why:

5 _____
6 Supervised by: _____

7 Neutral drop off/pick up location: _____

8 Child/ren to be transported by: _____

9 Temporary visitation shall be as follows: _____

10 This visitation schedule shall be in effect until _____. The parties are encouraged
11 to file an action in the appropriate District or Tribal Court for permanent parenting arrangements.

12 Neither party shall remove the child/ren from Missoula County.

13 Other relief: _____

14 14. **HEARING**

15 A hearing on this Order, including whether it should be made into an Order of Protection continue for a
16 specific time or continue permanently, will be held before this Court on _____, at the hour
of ____:____ o'clock __.m., or as soon thereafter as the matter may be heard, in the following courtroom:

17 *Municipal Court –City Hall*
435 Ryman,
Missoula, MT 59802

Justice Court I
200 W. Broadway,
Missoula, MT 59802

Justice Court II
200 W. Broadway,
Missoula, MT 59802

18
19 **This Temporary Order of Protection shall continue in full force and effect until _____,**
at the hour of ____:____ o'clock __.m.

20 **NOTICE:**

21 **Petitioner:** If you do not appear at the hearing, the petition shall be dismissed. You should immediately report
22 any violation of this Order to law enforcement. You also have the right to return to court to report any violation of
this Order.

23 **Respondent:** If you fail to appear for the hearing, the judge will make a decision about the Order of Protection in
24 your absence. A longer protection may be issued against you. This decision could affect your ability to own or
possess firearms.

25 15. **Order to Clerk.** It is further ordered that the clerk of the court shall forward a copy of this Order to the
appropriate law enforcement agency for immediate service upon Respondent; and the clerk shall deliver or
mail a copy of this Order to the Petitioner.

WARNING

1
2 **Violation of this Order may be a criminal offense under applicable Federal or Tribal law and is a criminal**
3 **offense under Mont. Code Ann. § 45-5-220 or § 45-5-626 and may carry penalties of up to \$10,000 in fines**
4 **and up to a 5 year jail sentence. This Order is issued by the Court and the Respondent is forbidden to do**
5 **any act listed in the Order, even if invited by the Petitioner or another person. It may be a crime for any**
6 **other person to encourage or invite contact between the Petitioner and the Respondent, unless such**
7 **contact is expressly permitted by this Order. This Order may be amended only by further Order of this**
8 **Court or another court that assumes jurisdiction over this matter.**

9
10 The Sheriff is hereby directed to serve, without cost to Petitioner, a copy of this Order of Protection together with
11 a copy of Petitioner’s petition upon Respondent and to file a return of service with the clerk of this court. This
12 service will be as soon as possible and before the date of the hearing. Upon receipt of proof of this Order, the
13 clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the
14 proof of service, to the MISSOULA COUNTY SHERIFF’S OFFICE (Warrants).

15 **ISSUED this ___ day of _____, 20___, at the hour of ___:___ .m.**

16 _____
17 **JUDGE**

18
19 **SHERIFF'S RETURN**

20 **I served this Temporary Order of Protection on the Respondent by delivering a copy to him/her at ___:___**
21 **o'clock __.m. on (date) _____, 20___ at (location)**

22 _____
23 **DATED this ___ day of _____, 20___.**

24 _____
25 **Signature of Server**