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\_\_\_\_\_ COURT, MISSOULA, MONTANA

JUDGE \_\_\_\_\_

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

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

The law requires that Respondent be given a copy of this completed form and all attachments.

1. **Request for Temporary Order of Protection.** 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.

2. **Protected Person/s.** I am seeking an Order of Protection for *(check all that apply)*:

Myself.

The following minor child/children:

Children			Age	How child is related to:		Who does the child live with?
Last name	First name	MI		You	Respondent	

Other people **who have asked** to be protected *(must be victims of the abuse or have witnessed the abuse)*:

Last Name	First Name	MI	Relationship to Respondent

3. **Residency.**

I live or am staying in the city of \_\_\_\_\_ in \_\_\_\_\_ County, Montana.

Respondent lives in the city of \_\_\_\_\_ in \_\_\_\_\_ County, State of \_\_\_\_\_.

The abuse or offense happened in \_\_\_\_\_ in \_\_\_\_\_ County, State of \_\_\_\_\_.

1 **Residency continued.** (Check all that apply).

- 2  The Respondent does not live with me.
- 3  I live with the Respondent at \_\_\_\_\_.
- 4  I have left the residence where I lived with the Respondent and I want to return:
- 5  To live at the residence.  To get personal belongings.  Other \_\_\_\_\_.
- 6  A business is run from the home by:  me  Respondent  both me and Respondent

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9 4. **Relationship to the Respondent** (Check all that apply to the relationship between the Respondent and you or the

10 person(s) for whom you are seeking protection).

- 11
- 12  Married or common law married
- 13  Were married, but are now separated
- 14  Divorced
- 15  Are currently dating or having an ongoing
- 16 intimate relationship
- 17  Live together
- 18  Lived together in the past
- 19  Have a child and/or children together
- 20  Dated or had an ongoing intimate relationship in
- 21 the past
- 22
- 23
- 24
- 25
- Am a family member or a former family member of Respondent
- Victim of Sexual Assault
- Victim of Stalking
- Victim of Assault
- Other
- I am the parent, guardian or other person supervising the welfare of a child less than 16 years of age and request that the Respondent, a person over 18 years of age and who has no legal right of supervision or control over the child, stop contacting the child because I believe that the contact is not in the child's best interests as set forth in MCA § 45-5-622 (4).



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5. **Firearms:** To the best of your knowledge, does the Respondent possess firearms?  Yes  No  Uncertain.

Where are the firearms located? \_\_\_\_\_.

6. **Other Court Cases:**  A divorce, legal separation, custody case or abuse/neglect case between me and Respondent has been filed in \_\_\_\_\_ County, State of \_\_\_\_\_.

Is the family law case listed above still pending?  Yes  No.

Did the court issue a parenting plan?  Yes  No.

A criminal charge of \_\_\_\_\_ was filed against:  me or the  Respondent in \_\_\_\_\_ court \_\_\_\_\_ County, State of \_\_\_\_\_.

**I ask the court to Order the following:**

*(Check and fill out the provisions you want the court to include in your Order of Protection).*

1.  Respondent shall not commit or threaten to commit acts of violence against me and/or the other Protected People: \_\_\_\_\_.

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: \_\_\_\_\_.

3.  Respondent shall not take the following child/children from Missoula County: \_\_\_\_\_.

4.  Respondent must stay \_\_\_\_\_ feet from Petitioner *(not to exceed 1500 feet).*

Respondent must stay \_\_\_\_\_ feet from the following minor child/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 my/or my child/children's school(s) at:

4 \_\_\_\_\_.

5  Respondent must stay \_\_\_\_\_ feet away from any of the following addresses frequented by Petitioner  
6 and/or other Protected Person: \_\_\_\_\_.

7 5.  Respondent used or threatened me with firearms. Respondent shall not possess these firearms:

8 \_\_\_\_\_.

9 6.  Respondent must not take, hide, sell, give away, borrow against, damage, or otherwise dispose of property  
10 belonging to me (and/or the person I want protected) or Respondent or both of us.

11 \_\_\_\_\_.

12 7.  Respondent must give me (or the person I need protected) possession or use of the following items (items  
13 may include the residence, automobile and other *essential* personal property, regardless of ownership):

14 \_\_\_\_\_.

15 8.  I (and/or the person I need protected) need a peace officer to help get the property listed in number 7 above.

16 9.  The Court deems the following additional relief is necessary to provide for the safety and welfare of the  
17 Petitioner and/or other individuals designated on this Petition:

18 \_\_\_\_\_.

19 **10. Parenting of Child/Children.**

20 Note: Justice and Municipal Courts can protect minor children *temporarily* by listing them on the Order of  
21 Protection. Although these courts can provide short term visitation plans, *they cannot make parenting plans*. If  
22 you need a parenting plan, you need to file an action in your local District or Tribal Court. (*Choose one*).

22  Parenting of child/children does not apply in this case.

23  No visitation schedule is necessary at this time. The protections I have asked for in this petition will keep  
24 Respondent away from the child/children if ordered.

25  I want the child/children listed in this Petition to have parenting time with Respondent as specified on page 3  
of the Temporary Order of Protection.

1 **HEARING**

2 Please set a hearing on this case within 20 days, as required by Montana Code Annotated §40-15-202. The  
3 Respondent will then have a chance to be heard and explain why the Order of Protection should not be continued.  
4 I request that the Court issue an Order of Protection with the above listed protections after the hearing.

5 **NOTARY SEAL OR JUDGE’S SIGNATURE**

6 STATE OF MONTANA )  
7 ) ss.  
8 County of Missoula )

9 \_\_\_\_\_, the Petitioner, after having been sworn, states as follows:

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

12 \_\_\_\_\_  
13 Petitioner

14 SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

15 \_\_\_\_\_  
16 Judge/Clerk/Notary

17 (Notary)

18 Printed Name: \_\_\_\_\_

19 Notary Public for the State of Montana.

20 Residing at: \_\_\_\_\_

21 My Commission expires: \_\_\_\_\_