

IN THE JUSTICE COURT OF CARBON COUNTY, RED LODGE, STATE OF
MONTANA, BEFORE L. KEVIN NICHOLS, JUSTICE OF THE PEACE.

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

PETITION FOR TEMPORARY ORDER OF PROTECTION
AND REQUEST FOR A HEARING

Under oath, and as provided by Montana law, 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.

CHECK AND FILL OUT ALL THE SPACES BELOW WHICH APPLY TO YOU:

Residency:

- _____ I live in _____ County, Montana.
- _____ Respondent lives in _____ County, Montana.
- _____ The abuse or offense happened in _____ County.

Relationship:

- _____ I am married to respondent.
- _____ I am divorced from respondent.
- _____ I live with respondent or I used to live with respondent.

_____ I dated respondent, or had an ongoing intimate relationship with respondent. (It does not matter if the relationship is over or has been for a while).

_____ I am a family member or former family member of respondent. (child; stepchild; adopted child; parent; stepparent; brother; sister; stepbrother or stepsister; in-law): _____

No Relationship Required:

_____ I have been the victim of the following offense by the respondent:

- | | |
|----------------|--|
| _____ Stalking | _____ Sexual assault |
| _____ Incest | _____ Sexual intercourse without consent |

Children:

_____ The respondent and I are the parents of the following children:

Name: _____ Born: _____

Place of residence: _____

Name: _____ Born: _____

Place of residence: _____

Name: _____ Born: _____

Place of residence: _____

_____ The following children are not the respondent's but live with me:

Name: _____ Born: _____

Name: _____ Born: _____

Name: _____ Born: _____

Other Information:

The Court should know about the following: (List Court actions between you and the respondent that are current. Describe the type of case and the Court where it is filed.)

Attorney:

_____ I have an attorney.

My attorney is _____.

(You may request an Order of Protection whether or not you have talked to an attorney.)

Immediate Need:

_____ I believe I am in danger of harm unless the Court gives me a Temporary Order of Protection immediately.

PETITIONER REQUESTS THAT THIS COURT ISSUE A TEMPORARY ORDER OF PROTECTION IMMEDIATELY TO INCLUDE THE FOLLOWING:

(Check and fill out all of the sections that are appropriate for you.)

_____ 1. Respondent must not threaten to commit or commit acts of violence against me and these family members: _____

___ 2. Respondent must not harass, annoy, or disturb my peace or do any of those things to the following people (may include any family member, including children, witnesses to the offense, or other victim(s) of the offense): _____

___ 3. Respondent must not telephone, contact, or otherwise communicate, directly or indirectly, with me and/or the following people (may include any family member, including children, witnesses to the offense or other victim(s) of the offense):

___ 4. Respondent must stay 1500 feet or other appropriate distance (___feet) away from me, my residence at _____
_____, my school or workplace at _____
_____ an other place at _____
_____.

___ 5. Respondent must not take, hide, sell, damage or dispose of our/my property.

___ 6. Respondent must give possession or use of the following items to me: _____

(Items may include the residence, an automobile and other essential personal property, regardless of ownership.)

___ 7. I need a peace officer to come with me to pick up the property listed in #6.

___ 8. My current location is a secret. I want my location to remain confidential.

-OR-

___ 8. Respondent must stay away from my residence at_____
_____. (Regardless of ownership.)

___ 9. Respondent must not take the following child(ren) out of this county:_____

___ 10. Respondent used or threatened me with a firearm. Respondent must not possess or use that firearm.

___ 11. The Court should order the following to provide for my safety and welfare and my family's safety and welfare:_____

HEARING:

Please 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 HELP:

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

STATE OF MONTANA)
 : ss.
County of Carbon)

_____, 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____.

JUDGE

CASE # _____

PETITIONER INFORMATION

RESPONDANT INFORMATION

NAME

NAME

DOB

DOB

SEX

SEX

SS#

SS#

MAILING ADDRESS

MAILING ADDRESS

PHYSICAL ADDRESS

PHYSICAL ADDRESS

TELEPHONE

TELEPHONE

PLACE OF EMPLOYMENT

PLACE OF EMPLOYMENT

CONTACT PERSON NAME & ADDRESS

CONTACT PERSON NAME & ADDRESS

JUVENILE DATES OF BIRTH

VEHICLE

VEHICLE

LICENSE PLATE#

LICENSE PLATE#

PREVIOUS ADDRESS

PREVIOUS ADDRESS

THIS INFORMATION WILL NOT BE GIVEN OUT