

Temporary Order of Protection

- Temporary Ex Parte Order and Notice of Hearing
- Amended Temporary Order and Notice of Hearing

Case:

Court:

County: _____ State of Montana

Before the Honorable _____

Petitioner /Protected Person

First Middle Last

And/Or on behalf of family members (Protected Person/s)
(List name / year of birth / sex)

Respondent

First Middle Last

Respondent's Address

Petitioner's/Protected Person's Relationship to Respondent:

- Married
- Were married, but are now separated
- Divorced
- Are currently dating or having an ongoing intimate relationship
- Live together
- Lived together in the past
- Have a child and/or children together
- Is a family member or a former family member of Respondent
- Dated or had an ongoing intimate relationship in the past
- Victim of sexual assault / stalking / assault / other: _____

Petitioner/Protected Person Identifiers

Year of Birth of Petitioner

Other Protected Person/s:
(List name / year of birth / sex)

SEX	RACE	YEAR OF BIRTH	HT	WT
EYES	HAIR	DISTINGUISHING FEATURES		
DRIVER'S LICENSE STATE				

CAUTION: **Weapon Alleged to be Involved**

The court has jurisdiction over the parties and subject matter.

**The terms of this Order shall be effective until : _____
at 11:59 P.M. /unless terminated earlier by another Court Order.**

WARNINGS: 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 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)(9)).

Violation of this Order may be a criminal offense under applicable Federal or Tribal law and 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. It is a misdemeanor under Montana Code Annotated [45-5-220](#) and/or [45-5-626](#) for the Respondent, even if invited and after notice of this Order, to violate the provisions of this Order. Further, under Montana Code Annotated §§ 45-2-301 and 302(3), it is a crime for any person to aid and abet a crime, or, not being present, to advise and encourage a crime. Under Montana Code Annotated § 45-2-303, any person who counsels, aids, solicits or incites another to commit a misdemeanor is guilty of a misdemeanor. Therefore, it may be a crime for any person to encourage or invite contact between the Respondent and the Petitioner, except such contact as is expressly permitted by the above Order.

FINDINGS

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 threaten to commit or commit acts of violence against Petitioner and/or the following Protected Persons: _____ (PCO 01)

2. Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate, directly or indirectly, with Petitioner and/or the following Protected Persons: _____ (PCO 05)

3. Respondent shall not take the following child(ren) out of this County or State: _____

4. Respondent shall stay at least _____ feet from:
 - Petitioner
 - Minor child/ren: _____
 - Other people: _____
 - Petitioner's and/or Protected Person's residence at: _____
 - Petitioner's and/or Protected Person's job or workplace at: _____
 - Petitioner's and/or Protected Person's vehicle at: _____
 - The child(ren)'s school and/or child care: _____
 - Other places (*describe*): _____ (PCO 04)

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

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

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

8. Law enforcement shall:
 - Remove the Respondent from the residence at: _____
The time for removal shall be at the peace officer's discretion, but no later than _____ hours after service of this Order.
 - Place the Protected Person in possession of the residence at: _____
 - Supervise the removal of:
 - Protected Person's property listed in Number 7
 - Respondent's items needed for employment and necessary personal effects (at the peace officer's discretion) from the residence.

9. The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected Persons: _____

10. There are other civil or criminal actions pending involving the petitioner and/or respondent as follows (List Court and Type of Case): _____

There are no other pending actions

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

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

13. **Other Relief**

Respondent shall NOT have contact with the child/ren until further Order of the Court.

Supervised visitation is necessary:

supervised by: _____

neutral drop off/pick up location: _____

child/ren to be transported by: _____

Temporary visitation shall be awarded as follows: _____

This visitation schedule shall be in effect until _____, **20**_____. The parties are encouraged to file an action in the appropriate District or Tribal Court for permanent parenting arrangements.

Neither party shall remove the child/ren from _____ County

Other relief: _____

HEARING

14. A hearing on this Temporary Order, including whether it should be made into a Permanent Order of Protection for a specific time or effective permanently, will be held before this Court on _____ or as soon thereafter as the matter may be heard, in the courtroom at (Address): _____

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

(DATE)

NOTICE:

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

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

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

Violation of this Order may be a criminal offense under applicable Federal or Tribal law and 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. It may be a crime for any other person to encourage or invite contact between the Petitioner and the Respondent, unless such contact is expressly permitted by this Order. 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 Petitioner, a copy of this Temporary Order of Protection together with a copy of Petitioner's Petition upon 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 the 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:

Date: _____

Signed: _____
Judge

I have received a copy of this Order. I understand I am required to notify the court of my current mailing address and telephone number as future notices will be delivered to me by mail.

Date: _____

Signed: _____
Petitioner

I have received a copy of this Order. I understand I am required to notify the court of my current mailing address and telephone number as future notices will be delivered to me by mail.

Date: _____

Signed: _____
Respondent

ATTENTION: KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO LAW ENFORCEMENT.

SHERIFF'S RETURN

I served this Temporary Order of Protection on the Respondent by delivering a copy to
him/her at

on _____, 20__ at _____ a.m./p.m.

Dated this ____ day of _____, 20__.

Sheriff