

PETITION FOR ORDER OF PROTECTION

INFORMATION

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. A Temporary Order of Protection is good for ten (10) days. After ten (10) days, you will have a hearing where the judge will decide if the Order of Protection should be permanent.

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.

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 the (10) days. If law enforcement cannot find the Respondent within ten (10) 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 the order, 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 768-2400.

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.

**FORT PECK TRIBAL COURT
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR, MONTANA**

_____,
PETITIONER,

vs.

_____,
RESPONDENT.

**PETITION FOR A
TEMPORARY ORDER OF
PROTECTION**

Under oath, I request that the Court issue a Temporary Order of Protection against the 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 the 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: _____
Sex: _____
Race: _____
Height: _____
Weight: _____
Hair Color: _____
Eye Color: _____
Date of Birth: _____
Social Security No.: _____

Driver's License No.: _____
State: _____
Exp. Date: _____
Veh. Make/Model: _____
Color: _____
Plate#: _____
Scars/Marks/Tattoos: _____

RESIDENCY

I, the above Petitioner, live in _____, Montana. Respondent lives in _____, Montana. The abuse happened in or around _____, Montana.

RELATIONSHIP

CIRCLE the description of your relationship with the 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.

DESCRIPTION OF ABUSE

Explain in your own words what the Respondent has done to you. Tell the judge why you are afraid of the Respondent at this moment. Be as specific as you can. Write down places and dates as well as you can remember. It does not matter when the abuse happened or whether you reported it to the police, but you must tell the judge why you are afraid **now**. Start with the most recent events or abuse.

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

OTHER COURT CASES

If there are other court cases between you and the Respondent list them here.

CIRCLE any of the following statements that apply to you:

- A. A divorce, legal separation or custody case has been filed in _____.
- 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. _____.
- 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 residence 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 or 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 child(ren) off the Fort Peck Reservation.

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 law enforcement 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 property or to accompany Respondent to pick up his 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 in 10 days as required by the Comprehensive Code of Justice. The Respondent will then have a chance to be heard and explain why the Temporary Order of Protection should not continue.

OTHER RELIEF

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

THIS IS TO CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Petitioner

Advocate

SIGNED AND SWORN to before me this _____ day of _____, 20____.

Clerk of Court or Notary Public

Please provide as much information as you can.
YOU MUST FILL IN ALL THE SHADED AREAS.

You (Remember you **MUST** fill in all the shaded areas):

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:
Home Phone No.:			Message Phone No.:	
Work Name and Address:			Phone No.:	
Name of Relative or Friend Not Living With You:			Phone No.:	

Other Persons You Wish Protection For:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:
Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:
Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:
Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:

The Person Against Whom You Are Seeking the Order:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male () Female ()	Social Security No.:	
Home Address:		City:	State:	Zip:
Home Phone No.:		Message Phone No.:		
Height:	Weight:	Hair Color:	Eye Color:	
Describe any tattoos or scars:				
Employer:		Phone No.:	Work Days/Hours:	
Address:		City:	State:	Zip:
Name of Relative or Friend:			Phone No.:	
Make & Model of Car:			Year:	Color:
License Plate No.:		State:		

Additional Important Information:

Has this person been convicted of a crime? YES [] NO [] Don't Know []	If YES, What?
Does this person have any weapons? YES [] NO [] Don't Know []	
Do you consider this person dangerous? YES [] NO []	
Places this person may be found:	

Confidential