

# Protection Order

Order After Hearing

Amended Order

Date of Issuance: \_\_\_\_\_

Order Expires: \_\_\_\_\_

Case No.

Court \_\_\_\_\_

County  State of Montana

Before the Honorable \_\_\_\_\_

## PETITIONER (PROTECTED PERSON)

First Middle Last

And/Or on behalf of family members (Protected People)

(List name / year of birth / sex)

## PETITIONER/PROTECTED PERSON IDENTIFIERS

Year of Birth of Petitioner

Other 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

SEX	RACE	Year of Birth	HT	WT
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
EYES	HAIR	DISTINGUISHING FEATURES		
<input type="text"/>	<input type="text"/>	<input type="text"/>		
Drivers License State		<input type="text"/>		
<input type="text"/>		<input type="text"/>		

CAUTION:  Weapon Alleged to be Involved.

The court has jurisdiction over the parties and subject matter. The Respondent has been provided with reasonable notice and opportunity to be heard.

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)).

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 found, after a hearing, Petitioner and/or the protected persons are in danger of harm and that an Order of Protection is necessary to protect the same.

Petitioner Appeared:  Yes  No Represented by: \_\_\_\_\_

Respondent Appeared:  Yes  No Represented by: \_\_\_\_\_

The Respondent agreed to entry of a protection order.

**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: \_\_\_\_\_ (PCO 04)

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*): \_\_\_\_\_  
\_\_\_\_\_

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 persons possession or use of the following items (items may include the residence, automobile and other essential personal property no matter who owns it:

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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 peace officer's discretion) from the residence.

9.  Respondent shall complete violence counseling, which may include alcohol or chemical dependency counseling or treatment, as follows: \_\_\_\_\_

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10.  The following is also ordered to provide for the safety and welfare of Petitioner and/or the protected persons:

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11.  There are other civil or criminal actions pending involving the Petitioner and/or Respondent as follows: ( List Court and Type of Case):

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There are no other pending actions.

12.  **Conflicting Orders.**

If any term of another order conflicts with any term of this order you must follow the more restrictive term.

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

14.  **Future Notices.**

The parties have waived their right to personal service and agreed that all future notices of hearing may be served by mail.

15.  **Other Relief as deemed appropriate by the Court :**

Respondent shall NOT have 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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

**(Date) \_\_\_\_\_**

16.  **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.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Clerk of Court/ Judge

The Sheriff is hereby directed to serve, without cost to Petitioner, a copy of this Order of Protection upon Respondent and to file a return of service with the clerk of this court. This service will be as soon as possible. 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.

Signed: \_\_\_\_\_

Petitioner

Date: \_\_\_\_\_

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.

Signed: \_\_\_\_\_

Respondent

Date: \_\_\_\_\_

**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.

**Petitioners Are Eligible To Apply For A Hope Card At:** <https://doj.mt.gov/victims/hope-cards/>

SHERIFF'S RETURN

I served this Permanent 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