

# BILLINGS MUNICIPAL COURT

## Order of Protection Information Sheet

### **READ ENTIRE DOCUMENT PRIOR TO FILLING OUT PETITION**

You are the PETITIONER filing for a TEMPORARY order of protection (TRO) against the RESPONDENT. If granted, there will be a hearing where both you and the respondent have the opportunity to express their version of the situation before a Judge. The RESPONDENT, when served, will be given a copy of this petition.

**Note: if there is a pending divorce or parenting plan, please file the TRO in District Court on the 7<sup>th</sup> floor of the Yellowstone County Courthouse across the street from us.**

**The following resources are available in your community to help you through this process if you need assistance:**

**YWCA's Gateway House (406) 245-4472**

**Montana Legal Services (406) 248-7113**

**Self Help Law Center (406) 869-3531 or (406) 869-3532**

**Petitioner:** The person filling out the form. This covers **YOU**, your minor children, and **NO ONE ELSE**. If you are filing on more than one individual, you will need to complete a separate petition for each person.

**Respondent:** The person you're filing against. Identifying information is required for this person, including date of birth. This information can be obtained with the assistance of this Court and other affiliated agencies. Please provide detailed information on the Law Enforcement Service Information sheet. Telling us the person you are filing against should be in our files is **NOT** acceptable and delays the process.

**2. Protected Persons:** Only the petitioner and minor children under your legal care. If any relatives, friends, significant others, etc., above the age of 18 wish to be included, they need to fill out their OWN petition. If listing **MINOR children, use their INITIALS only throughout this petition** (EXCEPT as required on the Law Enforcement Service Information).

Note: the order follows the protected person (Petitioner). Example: if you are at a restaurant, anyone with you is covered THERE. Once you leave and everyone goes their own way, the order follows the petitioner ONLY. If others need protection, they need to fill out their OWN request.

**3. Residence:** fill out ALL addresses including zip code. Check all boxes that apply.

**4. Relationship:** indicate how the Respondent is related to you. If you have NOT had an intimate relationship or are NOT a blood relative, then indicate NO RELATIONSHIP. Explain how you met/know this person at the top of page 3. Please be specific.

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**5. Recent Abuse:** Be specific with dates and short concise explanations. Complete all questions.

Note: do not write on the back of any pages in this document, attach a separate sheet only if needed.

For description of events, provide relevant details, only facts to the incident(s). Explain why you are seeking this TRO. This is YOUR chance to communicate the issue to the Judge prior to any court hearing. Again, use initials for MINORS. If there is a police report, provide report number. If no police report, why not? Should you have reported the incident to law enforcement?

Note: this is the key page the Judge uses to base the decision on. Write LEGIBLE, be clear. There is no need at this point to submit additional documents to support your statements. Save that for any potential court hearing, should the TRO be granted.

**Past Abuse:** describe any previous violent behavior the respondent had toward you. Again, do not write on the back of this page, space provided should be sufficient.

**6. Firearms:** If a Temporary Order is granted, law enforcement will need to know of any potential danger involving weapons when they try to serve it.

**7. Other Court Cases:** Indicate if there are ANY pending cases between you and the respondent. This may include a charge of partner family member assault. Indicate if you have a parenting plan already in place. If a parenting plan exists, the minor children who are a part of that parenting plan, may not be included on this order.

**I ask the Court to Order the Following:**

**Complete items 4 through 8.** The Court automatically grants a distance of 1500 feet that the respondent must stay away from you. If you are filing against a neighbor, co-worker, fellow student, etc., the distance may be modified at the Judge's discretion.

Note: If you are listing protected places, such as your residence, work, schools, or any places of business, you must write the full address including zip code.

For any property being requested in item 7, this will be addressed at the hearing if the TRO is granted. The respondent may be allowed a police escort to retrieve items needed for employment and necessary personal effects from the residence (at police officer's discretion).

Sign and date when you turn it in to the Court. Your signature does NOT need to be notarized.

**Law Enforcement Service Information:** We need FULL LEGAL NAME for you, your minor children, and the respondent, including date of birth, physical description, address currently residing at, and a phone number for you to be contacted by this Court.