

**INSTRUCTIONS – TEMPORARY ORDER OF PROTECTION**  
**(Please read carefully)**

Purpose

The purpose of an Order of Protection is to promote the safety and protection of all victims of partner and family member assault, victims of sexual assault, and victims of stalking.

**Do you qualify for an Order of Protection?**

**If you do not fit any of the qualifications listed below, YOU DO NOT QUALIFY for an Order of Protection under Montana law and your petition will be denied.**

**You are eligible for an Order of Protection if you are reasonable apprehensive of bodily injury by your partner or family member, or if you are a victim of the following offenses by your partner or family member: assault, partner assault, aggravated assault, intimidation, criminal or negligent endangerment, assault on a minor, assault with a weapon, arson, unlawful restraint, kidnapping and aggravated kidnapping.**

**You are eligible for an Order of Protection, regardless of your relationship with the offender, if you are a victim of aggravated assault, assault, stalking, incest, sexual assault, or sexual intercourse without consent or if you are seeking to protect the victim of an assault on a minor. It does not matter when the abusive incident happened, as long as you are in danger of harm now. There is no requirement that the incident was reported to law enforcement.**

How do you get an Order of Protection? You may apply for a Temporary Order of Protection by filing a sworn petition in Court. Orders of Protection may be filed in Justice Court, Municipal Court, or District Court. If you answer YES to any of the following questions, **you will need to file your petition in District Court?**

- Has a divorce been filed? If a divorce has been filed in District Court, your petition for an Order of Protection should be filed in District Court. You may request an Order of Protection in Justice Court **only if** the judge handling your divorce or custody case is unavailable, or, to escape abuse, you left the county where the abuse happened. A copy of the relevant District Court documents must be given to the Court when the petition is filed.
- Has a child custody action or a parenting plan been filed in District Court? Justice Court **does not have jurisdiction to determine child custody issues**. Matters involving child custody or visitation must be brought before the District Court.
- Is there a Youth In Need of Care action in District Court? If there is a YINC action in District, the petition must be filed in district Court.
- Is the Respondent in Montana? Justice Court does not have jurisdiction outside the state of Montana. If the Respondent is not in Montana, you must file your petition in District Court.

May I file for an Order of Protection on behalf of another person? You may only apply for an Order of Protection on your own behalf or on behalf of a minor child. You may not file on behalf of another adult.

**If you fail to state adequate grounds in the written application your request for an Order of Protection will be denied.**