

VICTIM OF ABUSE

PETITION FOR TEMPORARY RESTRAINING ORDER

INFORMATION:

You are about to ask for a Temporary Restraining Order 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 Restraining Order is an order, signed by a judge, that restricts or prohibits the Respondent from contacting you. A Temporary Restraining Order is good for ten (10) days. After ten (10) days, you will have a hearing where the judge will decide if the restraining order should be permanent.

If you are a minor, your parent or guardian, or other representative may file a petition for a Temporary Restraining Order on your behalf against the Respondent.

When signed by a judge, a Temporary Restraining Order 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 ten (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 406-768-2416.

You should keep copies of your Order with you at all times. It is a good idea to always carry it 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
WOLF POINT, MONTANA**

_____,
PETITIONER

VS.

**PETITION FOR A TEMPORARY
RESTRAINING ORDER**

_____,
RESPONDENT

Under oath, I request that the Court issue a Temporary Restraining Order against the Respondent. I believe that I am in danger of harm if the Court does not issue a Temporary Restraining Order immediately.

PERSONAL IDENTIFIERS

Petitioner:

Name: _____

Date of Birth: _____

Sex: _____

Race: _____

Tribe: _____

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 Restraining Order.

Name: _____

Date of Birth: _____

Sex: _____
Race: _____
Tribe: _____
Height: _____
Weight: _____
Hair Color: _____
Eye Color: _____
Social Security No.: _____
Driver's License No.: _____
State: _____ Exp. Date: _____
Vehicle 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

CHECK the description of your relationship with the Respondent.

- We are married
- We were married, but are now separated.
- We are divorced.
- We are dating or having an ongoing intimate relationship
- We dated or had an ongoing intimate relationship
- We have a child and/or children together.
- 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 the 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 who each child is presently living).

Name: Last, First	DOB	Sex	Race	Lives with

The following children live with me but are not Respondent's:

Name: Last, First	DOB	Sex	Race	Lives with

OTHER COURT CASES

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

CHECK any or the following statements that apply to you:

A divorce, legal separation or custody case has been filed in

.....

There are other court cases between Respondent and me. List nature of the case and where it is filed:

.....

A criminal charge of _____ was filed against
_____ in _____.

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 Restraining Order containing the following (**CHECK** all of the provisions that 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:

My current residence is a secret and I want it to remain confidential.

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 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 the Respondent be accompanied by an officer of the peace 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 ten (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 Restraining Order 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

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

Clerk of Court or Notary Public