

## **What does Montana law say about domestic abuse?**

It is against the law for a partner or family member to:

- give you bodily harm, or
- give you fear of bodily harm.

If you are being hurt or threatened with being hurt, your partner is breaking the law!

### **If you are abused, you can:**

- Report the abuse to the police,
- Apply for an Order of Protection,
- Get help and support from someone you trust, and/or
- Call a crisis hotline, such as the National Domestic Violence Hotline at 1-800-799-SAFE (7233).

## **What is an Order of Protection?**

An Order of Protection is a court order. It's signed by a judge and says the person who has hurt you or threatened to hurt you cannot do that again. It can say that person cannot have contact with you. It can say other things that will help you, too.

## **Who can get an Order of Protection?**

You can ask for an Order of Protection if the person abusing you or threatening to

abuse you is a family member, intimate partner, or former intimate partner. You can also ask for an Order of Protection if someone is stalking you, has sexually assaulted you, or has assaulted you, whether or not you have had an intimate relationship with that person.

## **I think I want an Order of Protection. What do I do first?**

First, please talk to a victim advocate. A victim advocate can help you decide if an Order of Protection is right for you. Sometimes an Order of Protection would not be in your best interest. An advocate can help you figure out if an Order of Protection would help you or not. S/he can also give you more information about how to apply for an Order of Protection. Phone numbers to find an advocate are listed on the back of this brochure.

## **What do I do next?**

You file a petition for an Order of Protection in court. There is no cost. You have to sign an affidavit about what your abuser has done to you. An affidavit is a form that you swear is true and sign in front of a notary. If the court finds you are in danger of harm, you will first get a Temporary Order of Protection. Then a hearing will be set. You must attend the hearing if you want the Temporary Order of Protection to stay in place. Your abuser can attend the hearing, too. S/he can tell his or her side of the story to the judge. At the hearing, the judge will decide if you

should have an Order of Protection. An Order of Protection can last from a few days, months, years, or be permanent.

## **Where do I file for an Order of Protection?**

A petition for Order of Protection can be filed in city, justice, or district court. If you and the other party have a family law case happening in district court, the petition must be filed in district court. A family law case includes dissolution and parenting plans.

## **Do I need an attorney?**

You do not need an attorney to get an Order of Protection. But, it would help you to talk to an attorney before you file a petition for an Order of Protection. It would help you to talk to an attorney before your hearing, or to have an attorney help you at the hearing.

## **What if my abuser violates the Order of Protection?**

Violation of an Order of Protection is a crime. You should call local law enforcement immediately. The abuser may be arrested. You should also keep a written diary of all the times the abuser violates the Order of Protection. It could help law enforcement and the prosecutor file criminal charges against the abuser.

## Where can I get more information?

- To find a victim advocate or shelter near you, contact the Montana Coalition Against Domestic and Sexual Violence at (406) 443-7794 or 1-888-404-7794, or visit their Website at [www.mcadsv.com](http://www.mcadsv.com). Or, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233).
- See the brochure: Order of Protection Hearings – How to Represent Yourself.
- See the brochure: Order of Protection Hearings – Evidence.

## How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at [mtlsa.org](http://mtlsa.org);
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

## What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

## [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)

Need legal information or forms? Visit [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

## [www.MTLSA.org](http://www.MTLSA.org)

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

# Montana Legal Services Association

## Domestic Violence & Sexual Assault



*Providing, protecting, and enhancing access to justice.*

**Note: Domestic violence is against the law whether you are in the United States legally or illegally.**

**Police officers and judges should not ask you whether you are in the U.S. legally or illegally when you are getting help for domestic violence. Talk to an immigration lawyer first before you answer any questions about your immigration status.**

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