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LAW ENFORCEMENT SERVICE INFORMATION

You—Petitioner

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:
Phone:		Message Phone:		

Other Adults Needing Protection:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Minor Children Needing Protection:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Last Name:		First:		Middle Initial:
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:

Respondent—The Person From Whom You Need Protection

Last Name:		First:		Middle Initial:
Nickname or Alias:				
Date of Birth:	Race:	Male Female	SSN or ID:	
Home Address:		City:	State:	Zip:
Phone:		Message Phone:		
Height: feet inches	Weight: lbs.	Hair Color:		Eye Color:
Distinguishing Characteristics: Tattoos, scars etc.				
Employer:		Phone:		Work Days/Hours:
Address:		City:	State:	Zip:
Name of Relative or Friend:		Phone:		
Other places the respondent may be found:				
Primary Vehicle: Make:		Model:	Year:	Color:
License Plate:		License Plate State:		
Has this person been convicted of a crime? YES NO Unsure		If YES, list crime(s):		
Does this person have any weapons? YES NO Unsure		Type: Guns Knives Explosives Other List:		
Location: Vehicle On Person Residence		Could the respondent react violently when served? YES NO Unsure		

CONFIDENTIAL

Law Enforcement Service Information-Missoula County-10/13

Temporary Order of Protection

- ☐ Temporary Ex Parte and Notice of Hearing
☐ Amended Temporary Order and Notice of Hearing

Case No. _____

Court, **Missoula County, Montana.**

Before the Honorable Judge _____

Petitioner/Protected Person

First Name Middle Initial Last Name

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- ☐ And/Or on behalf of **family** members:
List full name/year of birth/sex

M F
M F
M F
M F

Petitioner/Protected Person Identifiers

Year of Birth of Petitioner

--

Male Female

- ☐ Other Protected Person/s:
List full name/year of birth/sex

M F
M F
M F

Respondent

First Name Middle Initial Last Name

--

Address

Employment

Other Locations

Respondent's Identifiers

Sex	Race	Year of Birth	Height	Weight
M F			FT IN	LBS
Eye color	Hair color	Driver's License State		
Distinguishing Features				

Petitioner's/Protected Person's Relationship to Respondent: check all that apply

- ☐ Married
☐ Were married, but are now separated
☐ Divorced
☐ Currently dating or having an ongoing intimate relationship
☐ Live together
☐ Lived together in the past
☐ Have a child and/or children together
☐ Family member or former family member of Respondent
☐ Dated or had an ongoing intimate relationship in the past

- ☐ Victim of sexual assault
☐ Victim of stalking
☐ Victim of assault
☐ Victim of other:

CAUTION:

- ☐ Weapon Involved
☐ Weapon on Property

The court has jurisdiction over the parties and subject matter.

The terms of this Order shall be effective until _____ at _____ P.M. unless terminated earlier by another

Court Order.

By Judge _____

WARNINGS: This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, and 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)(9)).

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 expressly permitted by the above Order.

Residence continued. (Check all that apply).

- ☐ The Respondent does not live with me.
- ☐ I live with the Respondent at
- ☐ I have left the residence where I lived with the Respondent and I want to return:
- ☐ To live at the residence. ☐ To get personal belongings. ☐ Other
- ☐ A business is run from the home. Type of business:
- Run by: ☐ me ☐ Respondent ☐ both me and Respondent

4. Relationship to the Respondent (Check all that apply to the relationship between the Respondent and you or the person(s) for whom you are seeking protection).

- ☐ I (or the person I want protected) have/has a relationship with the Respondent as follows
- | | |
|--|---|
| <input type="checkbox"/> Married or common law married | Length of time of the dating relationship |
| <input type="checkbox"/> Were married, but are now separated | How often saw each other |
| <input type="checkbox"/> Divorced | Time since relationship ended |
| <input type="checkbox"/> Are currently dating or having an ongoing intimate relationship | <input type="checkbox"/> Victim of Sexual Assault |
| <input type="checkbox"/> Live together | <input type="checkbox"/> Victim of Stalking |
| <input type="checkbox"/> Lived together in the past | <input type="checkbox"/> Victim of Assault |
| <input type="checkbox"/> Have a child or children together | <input type="checkbox"/> Victim of Other (describe how you know Respondent) |
| <input type="checkbox"/> Am a family member or a former family member of Respondent | <input type="checkbox"/> I am the parent, guardian or other person supervising the welfare of a child less than 16 years of age and request that the Respondent, a person over 18 years of age and who has no legal right of supervision or control over the child, stop contacting the child because I believe that the contact is not in the child's best interests as set forth in MCA § 45-5-622 (4). |
| <input type="checkbox"/> Dated or had an ongoing intimate relationship in the past <i>If a dating relationship, please describe:</i> | |
- Nature of relationship

5. Information about the Violence. Please explain what the Respondent did to you (and/or the person you want protected). Be specific. 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.

A. Recent violence:

When was the most recent incident?

Was anyone else there?

1 Where did it take place?

2 What did the Respondent do or say that made you (and/or the person you want protected) afraid?

6 Did the Respondent use or threaten to use a gun or other weapon? If yes, list how:

8 Describe any injuries:

10 Did the police come? ☐ Yes ☐ No

11 **B. PAST ABUSE**

12 Describe any past abuse. Explain what happened in past situations. Be sure to explain when the abuse occurred,
13 where it happened, and who was there. Explain why you (and/or the person you want protected) are afraid now.

☐ Check here if you need more space to write. Attach a sheet of 8 ½ x 11 paper and write “Explanation of What Happened” at the top. *Do NOT use the back of this form.*

6. Firearms: To the best of your knowledge, does the Respondent possess firearms? ☐ Yes ☐ No ☐ Uncertain.

Where are the firearms located?

7. Other Court Cases: ☐ A divorce, legal separation, custody case or abuse/neglect case between me (and/or the person I want protected) and Respondent has been filed in _____ County, State of _____.

Is the family law case listed above still pending? ☐ Yes ☐ No.

Did the court issue a parenting plan? ☐ Yes ☐ No.

☐ A criminal charge of _____ was filed against: ☐ me or the ☐ Respondent in _____ court _____ County, State of _____.

☐ List any other cases that you (and/or the person you want protected) or Respondent are or have been involved in:

I ask the court to Order the following:

(Check and fill out the provisions you want the court to include in your Order of Protection).

1. ☐ Respondent shall not commit or threaten to commit acts of violence against me and/or the other Protected People:

2. ☐ Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate directly or indirectly, with me and/or the other Protected People:

3. ☐ Respondent shall not take the following child(ren) from Missoula County:

4. ☐ List the distance, up to 1500 feet, that you want Respondent to stay away from you and/or the person you want protected and the places you check below.

Respondent must stay _____ feet from:

☐ Me (Petitioner)

1 ☐ Minor children:

3 ☐ Other people:

5 ☐ My home (if you want the location of your home to be secret, do not list):

8 ☐ My job or workplace:

10 ☐ My vehicle:

12 ☐ Child(ren)'s school(s) or childcare:

15 ☐ Other places (describe):

17 5. ☐ Respondent used or threatened me with firearms. Respondent shall not possess these firearms:

19 6. ☐ Respondent must not take, hide, sell, give away, borrow against, damage, or otherwise dispose of property
20 belonging to me (and/or the person I want protected) or Respondent or both of us.

22 7. ☐ Respondent must give me (or the person I need protected) possession or use of the following items (items
23 may include the residence, automobile and other *essential* personal property no matter who owns it):

25 8. ☐ I (and/or the person I need protected) need a peace officer to help get the property listed in number 7 or I
 request that a peace officer come with Respondent when picking up his/her property or belongings.

1 9. ☐ The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected
2 Persons:

3 10. ☐ The Court should order the following to provide for the safety and welfare of me and/or the person I want
4 protected, and family:

5 11. **Parenting of Child/ren.** Note: Justice and Municipal Courts can protect minor children by listing them on the
6 Order of Protection. Although these courts can provide short term visitation plans, they cannot make
7 parenting plans. If you need a parenting plan, you need to file an action in your local District or Tribal Court.
(Choose one).

8 ☐ Parenting of child/ren does not apply in this case.

9 ☐ The protections I have asked for in Paragraph 2 will keep Respondent away from the children. Therefore, a
10 visitation schedule is unnecessary.

11 ☐ I want the children listed in Appendix A to have parenting time with Respondent. I am
12 attaching Appendix A that says the visitation schedule I want. (Fill in and attach Appendix A).

13 12. Other Relief: The Court should order other protection as it deems just and proper.
14
15
16

17 **I SWEAR UNDER OATH OR AFFIRM I HAVE READ THIS APPLICATION, OR HAVE HAD IT**
18 **READ TO ME, AND THE FACTS STATED IN THIS APPLICATION ARE TRUE AND CORRECT**
19 **TO THE BEST OF MY KNOWLEDGE. I ALSO UNDERSTAND THAT PROVIDING FALSE**
20 **INFORMATION IS A CRIME.**

21 Date: _____ Signed: _____
22 Petitioner
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_____, the Petitioner, after having been sworn, states as follows:

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

(For use by Notary)

_____ (printed)

Residing at: _____

My Commission expires: _____

1 _____ COURT, MISSOULA, MONTANA

2 JUDGE _____

3 _____,)

4 Petitioner,

5 vs.

6 _____,)

7 Respondent.

CAUSE NO. _____

TEMPORARY ORDER OF PROTECTION AND ORDER SETTING HEARING

THE COURT FINDS from the Petition that the Petitioner and/or Protected Persons is/are in danger of harm. This Court acts without notice or upon hearing to the Respondent because harm may result to the Petitioner and/or Protected Persons if the Temporary Order of Protection is not issued immediately.

THE COURT ORDERS:

1. ☐ Respondent shall not commit or threaten to commit acts of violence against me and/or the other Protected

People: (PCO 01)

2. ☐ Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise

communicate directly or indirectly, with me and/or the other Protected People:(PCO 05)

3. ☐ Respondent shall not take the following child(ren) from this County or State:

4. ☐ Respondent must stay at least _____ feet from: (*not to exceed 1500 feet*).

☐ Petitioner

☐ Minor children

☐ Other protected people:

☐ Petitioner's and/or Protected Person's residence at:

☐ Petitioner's and/or Protected Person's vehicle at:

☐ Petitioner's and/or Protected Person's job or workplace at:

☐ Child(ren)'s school(s) and/or childcare at:

☐ Other places (describe):(PCO 04)

5. ☐ Respondent shall not possess the following firearms:(PCO 07)

6. ☐ Respondent shall not take, hide, damage, or dispose of the following property:

7. ☐ Respondent shall give Petitioner and/or Protected Person's possession or use of the following items (items may include the residence, automobile and other *essential* personal property no matter who owns it):

8. ☐ Law enforcement shall:

☐ Remove the Respondent from the residence at:

☐ Place the Protected Person in possession of the residence at:

☐ Supervise the removal of Protected Person's property (listed in number 7 above).

☐ Respondent's items needed for employment and necessary personal effects (at peace officer's discretion) from the residence.

9. ☐ The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected Persons:

10. ☐ There are other civil or criminal actions pending involving the Petitioner and/or Respondent as follows (*list Court and Type of case*)

☐ There are no other pending actions.

11. ☐ **Conflicting Orders.** If any term of another Order conflicts with any term of this Order you must follow the more restrictive term.

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

13. ☐ **Other Relief**

☐ Respondent shall NOT have contact with 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 as follows:

This visitation schedule shall be in effect until (m/d/yr) _____, 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 Missoula County.

☐ Other relief: _____.

HEARING

14. A hearing on this Order, including whether it should be made into a Permanent Order of Protection continue for a specific time or effective permanently, will be held before this Court on (Date/time): _____, or as soon thereafter as the matter may be heard, in the following courtroom at:

*Municipal Court–City Hall
435 Ryman,
Missoula, MT 59802*

*Justice Court I
200 W. Broadway,
Missoula, MT 59802*

*Justice Court II
200 W. Broadway,
Missoula, MT 59802*

**This Temporary Order of Protection shall continue in full force and effect until
DATE: _____**

NOTICE:

Petitioner: If you do not appear at the hearing, the petition shall be dismissed. You should immediately report any violation of this Order to law enforcement. You also have the right to return to court to report any violation of this Order.

Respondent: If you fail to appear for the hearing, the judge will make a decision about the Order of Protection in your absence. A longer protection may be issued against you. This decision could affect your ability to own or possess firearms.

WARNING

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. This Order is issued by the Court and the Respondent is forbidden to do any act listed in the Order, even if invited by the Petitioner or another person. It may be a crime for any other person to encourage or invite contact between the Petitioner and the Respondent, unless such contact is expressly permitted by this Order. This Order may be amended only by further Order of this Court or another court that assumes jurisdiction over this matter.

1 The Sheriff is hereby directed to serve, without cost to Petitioner, a copy of this Order of Protection together with
2 a copy of Petitioner's petition upon Respondent and to file a return of service with the clerk of this court. This
3 service will be as soon as possible and before the date of the hearing. Upon receipt of proof of this Order, the
4 clerk is hereby directed to mail or otherwise promptly deliver a copy of this Order, together with a copy of the
5 proof of service, to the MISSOULA COUNTY SHERIFF'S OFFICE (Warrants).

6 **Date:** _____ **Signed:** _____
7 **Judge**

8 I have received a copy of this Order. I understand I am required to notify the court of my current
9 mailing address and telephone number as future notices will be delivered to me by mail.

10 **Date:** _____ **Signed:** _____
11 **Petitioner**

12 I have received a copy of this Order. I understand I am required to notify the court of my current
13 mailing address and telephone number as future notices will be delivered to me by mail.

14 **Date:** _____ **Signed:** _____
15 **Respondent**

16 ATTENTION: KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER
17 TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO
18 LAW ENFORCEMENT.
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SHERIFF'S RETURN

I served this Temporary Order of Protection on the Respondent by delivering a copy to him/her at

_____ : _____ o'clock _____ .m. on (date) _____, 20_____

at (location) _____

DATED this _____ day of _____, 20_____.

Signature of Server

Order of Protection

Case No. _____

- ☐ Order After Hearing Date of Issuance: _____
☐ Amended Order Order Expires: _____

Court, **Missoula County, Montana.**

Before the Honorable Judge _____

Petitioner/Protected Person

First Name Middle Initial Last Name

--

- ☐ And/Or on behalf of **family** members:
List full name/year of birth/sex

M F
M F
M F
M F

Petitioner/Protected Person Identifiers

Year of Birth of Petitioner

--

Male Female

- ☐ Other Protected Person/s:
List full name/year of birth/sex

M F
M F
M F

Respondent

First Name Middle Initial Last Name

--

Address

Employment

Other Locations

Respondent's Identifiers

Sex	Race	Year of Birth	Height	Weight			
M F			FT IN	LBS			
Eye color	Hair color	Driver's License State					
Distinguishing Features							

Petitioner's/Protected Person's Relationship to Respondent: check all that apply

- ☐ Married
☐ Were married, but are now separated
☐ Divorced
☐ Currently dating or having an ongoing intimate relationship
☐ Live together
☐ Lived together in the past
☐ Have a child and/or children together
☐ Family member or former family member of Respondent
☐ Dated or had an ongoing intimate relationship in the past

- ☐ Victim of sexual assault
☐ Victim of stalking
☐ Victim of assault
☐ Victim of other:

CAUTION:

- ☐ Weapon Involved
☐ Weapon on Property

The court has jurisdiction over the parties and subject matter.

The terms of this Order shall be effective until _____ at _____ P.M. unless terminated earlier by another
Court Order.

By Judge _____

WARNINGS: This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, and 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)(9)).

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 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 childcare:

☐ Other places (*describe*):

5. ☐ Respondent shall not possess the following firearms:

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:
8. ☐ Law enforcement shall:
- ☐ Remove the Respondent from the residence at
 - ☐ 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:
10. ☐ The following is also ordered to provide for the safety and welfare of Petitioner and/or the Protected persons:
11. ☐ There are other civil or criminal actions pending involving the Petitioner and/or Respondent as follows:
- (Court and Type of Case):
- ☐ 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: _____

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.

Date: _____ Signed: _____

Petitioner

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.

Date: _____ Signed: _____

Respondent

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.

PEOPLE WHO HAVE PERMANENT ORDERS OF PROTECTION can apply for a **HOPE CARD** to keep relevant information about their orders with them at all times. They also help law enforcement.

GO TO <https://dojmt.gov/victims/hope-cards/>

SHERIFF'S RETURN

I served this Permanent Order of Protection on the Respondent by delivering a copy to the individual at

on _____, 20_____ at _____ a.m./p.m.

Dated this _____ day of _____, 20_____.

Sheriff