

## OBTAINING A TEMPORARY ORDER OF PROTECTION FOR JUSTICE COURT

**NOTE:** The filing of a Petition for a Temporary Order of Protection (TOP) begins a substantial legal process in which victim safety is addressed. Violation of the Order is a criminal offense, potentially punishable by a fine and imprisonment. You will be expected to appear for all court hearings. You may seek help from a victim advocate, shelter provider, friend, family member, or lawyer. Please follow the steps below.

DONE?	WHAT TO DO
	<b>Make sure you are eligible for a Temporary Order of Protection (TOP).</b> <ul style="list-style-type: none"> <li>- TOPs are for individuals who feel they are in imminent danger, fear bodily harm, or have been victims of certain crimes outlined in statute. <b>(Montana Code Annotated 40-15-102.)</b></li> <li>- <i>Judges WILL NOT sign orders if you do not qualify.</i></li> </ul>
	<b>Verify that you will be filing your TOP in Justice Court.</b> <ul style="list-style-type: none"> <li>- You (Petitioner) live in Missoula County, outside Missoula city limits and/or</li> <li>- You or the respondent (the person you need the TOP against) has a pending criminal case in Justice Court that is relevant to your need for the TOP.</li> <li>- <b><i>*If you and the respondent have or in the past had a parenting plan, dissolution (divorce), or DCFS (CPS) case in Missoula District Court, you should use District Court TOP forms and file them in District Court.</i></b></li> </ul>
	<b>Make sure you have all of the information that you need. You will need:</b> <ul style="list-style-type: none"> <li>- A personal mailing address.</li> <li>- The full name, address, and date of birth for the respondent.</li> </ul>
	<b>Fill out ALL sections of the TOP.</b> <ul style="list-style-type: none"> <li>- Law Enforcement Service Information Sheet</li> <li>- TOP "cover sheet" (1 page)</li> <li>- Petition</li> <li>- Order</li> <li>- Go through the paperwork line by line.</li> <li>- <i>Every part of the order must be filled out or the court will not accept your paperwork.</i></li> </ul>
	<b>Get your paperwork notarized.</b> <ul style="list-style-type: none"> <li>- You will need a photo ID. Justice Court clerks may be available to notarize, upon request.</li> <li>- The Justice Court phone number is 406-258-3470.</li> </ul>
	<b>Take your paperwork to the clerks at Justice Court.</b> <ul style="list-style-type: none"> <li>- Located on the 1<sup>st</sup> floor of the Missoula County Courthouse at 200 W. Broadway St.</li> <li>- The judge will review your petition to determine if you qualify for the TOP.</li> </ul>
	<b>If your TOP is signed, it will be in effect for 20 days or until the hearing scheduled.</b> <ul style="list-style-type: none"> <li>- Look for the hearing date in your copy of the TOP. The hearing is the time set aside for the court to determine if the order will continue beyond the initial 20 days.</li> </ul>
	<b>Find out if your TOP has been served.</b> <ul style="list-style-type: none"> <li>- Call 258-4788, if the respondent is being served in Missoula County.</li> <li>- <i>The respondent cannot be in violation of the TOP, until they are served with it.</i></li> <li>- If you encounter the respondent before they have been served, call 9-1-1 to inform law enforcement where they can be served.</li> </ul>

**If you have any questions, please call the Crime Victim Advocate Program at 258-3830.**