

## **Can I get an Order of Protection against a same-sex partner?**

In Montana, you may apply for an order of protection against a current or former same-sex partner as long as the relationship meets the requirements previously described. You must also be the victim of an act of domestic violence.

## **Can a Minor get an order of protection?**

If you are under the age of 18, a parent, guardian ad litem or other representative may file an order of protection on your behalf. In addition, a parent or guardian of a child who is under age 16, can verbally or in writing request that a person who is 18 or older and who has no legal right of supervision or control over the child stop contacting the child if they believe that the contact is not in the child's best interest. If the adult continues to contact the child, the parent, guardian or other person supervising the welfare of the child may file a petition for an Order of Protection on behalf of the child. The parent/guardian also has the option of asking the county attorney to petition for the order of protection instead. There does not have to be any domestic violence or other crime committed. An order of Protection is effective against the abuser regardless of the abuser age.

## **Steps for Obtaining an Order of Protection**

**Step 1:** Go to the courthouse to file your petition.

**Step 2:** Carefully fill out the forms.

**Step 3:** A judge will review your petition.

**Step 4:** Service of Process.

**Step 5:** The Hearing

## **What can I do if the abuser violates the order?**

If you believe that the abuser has violated the Order of Protection, you can call the police. If the police arrive and believe that the abuser has violated the order, the abuser can be arrested. Make sure a report is made. If you have legal documentation of all violations of the order, it may help to have the order extended in the future.

### **Important Numbers:**

**Stevensville Police Department**

406-777-3011

**Ravalli County Sheriff's Office**

406-375-4060

**Non-Emergency Number**

406-363-3033

**Ravalli County Attorney**

406-375-6750

**SAFE 24-Hour Crisis Hotline**

406-363-4600

**Emma's House Child Advocacy Center**

405-363-7216

# **DATING AND DOMESTIC VIOLENCE**

**Stevensville Police Department**

**102 Main St. Ste D**

**Stevensville, Mt 59870**



## What is Domestic/Dating Violence?

- It involves a pattern of behavior that includes physical, sexual verbal emotional and psychological abuse.
- It can occur between married couples, same sex partners, or in dating relationships.

## Am I a Victim of Domestic/Dating Violence?

- Does your partner get jealous when you speak to others?
- Does your partner intimidate or frighten you?
- Does your partner belittle you, but then tell you that they love you?
- Have you been held down, shoved, pushed, hit, kicked, had things thrown at you or had weapons used to intimidate you?
- Has your partner forced or intimidated you into having sex?

If you answered yes to any of these questions, you may be a victim of domestic/dating violence.

## What is Consent?

Consent is an agreement between participants to engage in sexual activity. However, consent does not have to be verbal. Remember No means No

- Giving consent for one activity, one time, does not mean giving consent every time.
- Having sex with someone in the past does not give permission to that person to have sex with you again in the future.
- You can withdraw consent at any point.
- Remember, you do have control.

## What is the legal definition of Domestic/Dating Violence in Montana?

When you are reasonably afraid of bodily injury from a partner or family member; or when a partner or family member commits one of the following crimes against you:

- Assault
- Aggravated assault
- Intimidation
- Partner or Family Member Assault
- Criminal endangerment
- Negligent endangerment
- Assault on a minor
- Assault with a weapon
- Strangulation of a partner or family member
- Unlawful restraint
- Kidnapping
- Aggravated Kidnapping
- Arson
- Stalking

- Incest
- Sexual Intercourse without consent
- Sexual abuse of children

What types of orders of protection are there in Montana?

A **Temporary Order of Protection** is a court order designed to protect you or your family with immediate protection. It can be issued if you allege, and a judge believes, that you will be in danger of harm if the court does not issue a temporary order immediately. It is effective for up to 20 days. The abuser does not get prior notice and will be served with a copy if one is granted. It will also include a notice of a court hearing for a more permanent order.

A Final Order of Protection can be granted only after a full court hearing where the abuser has an opportunity to appear and tell their side of the story. Generally, the hearing will take place approximately 20 days after the temporary order is issued.

## Am I eligible for an order of protection?

Domestic Violence victims who have been the victim of certain crimes, listed previously, can file for an order of protection against the partner or family member who abused them. "Partner" refers to spouses, former spouses, people who have a child in common, and people who have been or are currently in a dating or ongoing intimate relationship with a person.