



MONTANA

Each state has different requirements for getting a civil domestic violence protective order. Because it makes protective orders extremely difficult for teens to obtain, Montana's grade for protecting teen victims of domestic and dating violence is a D.

Do I Qualify for an Order of Protection in Montana?

Type of Relationship¹

In order to qualify for an order of protection, the abuser must be someone:

- You are dating or involved in an intimate relationship with or used to be (as long as you and the abuser are a man and a woman)
- You have a child with
- You are married to or used to be married to
- In your family, including your parents, child siblings, and relationships created by adoption and marriage

Type of Abuse²

A judge is allowed to give you an order of protection when your abuser has:

- Physically abused you
- Threatened to physically abuse you
- Attempted to physically abuse you
- Sexually abused you
- Recklessly endangered you
- Stalked you
- Unlawfully held you against your will

Age

If you are 18 or older, you can obtain an order of protection yourself, without an adult's permission.³ If you are under 18, you will need a parent, guardian ad litem, or other representative to file for you.⁴

How Do I Get an Order of Protection?

If you qualify, you can go to court to file for a temporary order of protection that lasts for 20 days.⁵ The judge will then schedule a full hearing. After the hearing, the judge can grant you a permanent order of protection. The length of the permanent order is determined by the judge.⁶

What Can I Ask for in an Order of Protection?

You may ask the court for the following in an order of protection:

- Abuser must stay 1,500 feet away from your home, school, work, and other places you often go to⁷
- Abuser must not contact, harass, batter, annoy, threaten, or otherwise communicate with you or family members⁸
- Abuser must not use and must surrender any firearm(s) used against the victim⁹
- Counseling for abuser¹⁰
- Possession or use of the property, car or other essential personal items¹¹

How Much Will It Cost?

It is free.¹²

You have the right to a safe and healthy relationship...
free from violence and free from fear.

¹ Mont. Code Ann. §45-5-206(2)(a),(b) (2005).

² *Id.* §40-15-102(1).

³ *Id.* §41-1-101(1).

⁴ *Id.* §40-15-102(3).

⁵ *Id.* §40-15-201(4).

⁶ *Id.* §40-15-204(1).

⁷ *Id.* §§40-15-201(2)(d), 40-15-204(3).

⁸ *Id.* §§40-15-201(2)(a),(b); 40-15-204(3).

⁹ *Id.* §§40-15-201(2)(f); 40-15-204(3).

¹⁰ *Id.* §§40-15-201(2)(i); 40-15-204(3).

¹¹ *Id.* §§40-15-201 (2)(e), (h); 40-15-204(3).

¹² *Id.* §40-15-204(8).

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