**PARTNER/FAMILY MEMBER ASSAULT SECTION**

1. **Jurisdiction – Venue**

District courts, municipal courts, justice courts and city courts have concurrent jurisdiction. An action brought under Title 40, Chapter 15 may be tried in the county in which either party resides or in which the abuse was committed.

1. **Basis for Issuance**

A person may seek an Order of Protection without filing a petition for dissolution of marriage or legal separation, if a verified petition is filed alleging:

Reasonable apprehension of bodily injury by the Petitioner’s partner or family member; or is a victim of assault, aggravated assault, criminal endangerment, assault on a minor, assault with a weapon, negligent endangerment, unlawful restraint, kidnapping, arson or the Petitioner is a victim of stalking. (MCA 40-15-102). It should be noted that Strangulation (MCA 45-5-215) would be included under assault or aggravated assault.

1. **Hearing**

A hearing must be conducted within 20 days after service of the order. The hearing may be continued at the request of either party for good cause or by the Court. The hearing may result in the issuance of an Order of Protection which may be granted for a specific time period or may be made permanent with no expiration date. Please note that permanent orders require specific findings from evidence presented at the hearing. Those findings must be expressed.

1. **Registration of Orders**

The clerk of court, justice of the peace, municipal court judge, or a city court judge **shall** within 24 hours after proof of service on the respondent, notify all appropriate law enforcement agencies. This includes any extension, modification or terminataion of the Temporary Order of Protection.

1. **Fees**

MCA 40-15-204. Written Orders of Protection. “… (8) There is no cost to file a petition for an order of protection or for service of an order whether served inside or outside the jurisdiction of the court issuing the order….”