



**Break** the Cycle

Empowering Youth to End  
Domestic Violence

[www.breakthecycle.org](http://www.breakthecycle.org)

[www.thesafespace.org](http://www.thesafespace.org)

888.988.TEEN

[askanything@breakthecycle.org](mailto:askanything@breakthecycle.org)

# MONTANA

Each state has different requirements for getting a civil domestic violence protection order. Because it makes protection 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 a Protection Order in Montana?

### Type of Relationship<sup>1</sup>

In order to qualify for a protection order, 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 Abuse<sup>2</sup>

A judge may issue you a protection order 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 a protection order yourself, without an adult's permission.<sup>3</sup> If you are under 18, you will need a parent, guardian ad litem, or other representative to file for you.<sup>4</sup>

## How Do I Get a Protection Order?

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

## What Can I Ask for in a Protection Order?

You may ask the court for the following in a protection order:

- Abuser must stay 1,500 feet away from your home, school, work, and other places you often go to<sup>7</sup>
- Abuser must not contact, harass, batter, annoy, threaten, or otherwise communicate with you or family members<sup>8</sup>
- Abuser must not use and must surrender any firearm(s) used against the victim<sup>9</sup>
- Counseling for abuser<sup>10</sup>
- Possession or use of the property, car or other essential personal items<sup>11</sup>

## How Much Will It Cost?

It is free.<sup>12</sup>

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

---

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

<sup>2</sup> *Id.* §40-15-102(1).

<sup>3</sup> *Id.* §41-1-101(1).

<sup>4</sup> *Id.* §40-15-102(3).

<sup>5</sup> *Id.* §40-15-201(4).

<sup>6</sup> *Id.* §40-15-204(1).

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

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

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

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

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

<sup>12</sup> *Id.* §40-15-204(8).

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