

PACKET “K”
Transfer of Order of Protection Packet

- € Form 159. Request to Transfer Order of Protection to District Court
(Justice Court or Municipal Court)
- € Form 160. Order (Justice Court or Municipal Court)

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 4th Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana.

I. STARTING THE TRANSFER PROCESS:

On the top left corner of the Request document is the “**heading**” which identifies the party completing the form. Fill out the “**heading**” with your information and circle PETITIONER if you originally filed the Temporary Order of Protection or circle RESPONDENT if the other party originally filed the Temporary Order of Protection.

If a Petition for Dissolution and/or Parenting Plan was filed in District Court, the person who originally filed the Petition in District Court is the Petitioner in that case regardless of who originally filed the Temporary Order of Protection in either Justice or Municipal Court.

NOTE: You are transferring the Order of Protection case to District Court because a Family Law case has begun in District Court. You will be assigned the same judge for both your Family Law case and the Order of Protection case, once it is transferred to District Court. The Cause number or identification number on your Family Law case and your Order of Protection case will be different numbers, only the “Dept. No.” will be the same. The “Dept. No.” states which judge you have been assigned to for both cases. Therefore, you could be the Respondent in your Dissolution and/or Parenting Plan case with District Court, but the Petitioner in the Order of Protection case or vice versa.

For the purpose of the REQUEST TO TRANSFER ORDER OF PROTECTION FROM JUSTICE OR MUNICIPAL COURT TO DISTRICT COURT, you are the Petitioner if you filed the Order of Protection. You are the Respondent if the other party filed the Order of Protection against you.

If you provide your email address you must confirm with the Clerk of Court that you would like orders either physically mailed or emailed to you.

STEP 1. -- Fill Out The Forms

- Form #159 **Request to Transfer Order of Protection (Justice Court/ Municipal Court)** Complete all sections. The Request is created to be used in either Justice or Municipal Court by either the Petitioner or the Respondent involved in the Order of Protection case. Make sure you circle the correct Court and the correct Party, either Petitioner or Respondent, whenever there is a choice. Sign and date page 2.
Fill out page 3, the Certificate of Mailing. If the other party has an attorney, use the attorney's name and address instead of the other party's name and address where requested.
- Form #160 **Order (Justice Court/Municipal Court)**
Complete all sections. Again, the Order is created to be used in either Justice or Municipal Court by either the Petitioner or the Respondent involved in the Order of Protection case. Make sure you circle the correct Court and the correct Party, either Petitioner or Respondent, whenever there is a choice. Do not sign or date this form.

STEP 2. -- Making Copies

- Make 3 copies of both forms.

STEP 3. -- Filing Your Request and Order

- Bring the original and 3 copies of forms #159 and #160 to the Court that issued the Order of Protection. The Clerk will file/date stamp the Request #159, keep the original and give you back 2 copies.
The Clerk will keep the original Order #160 and the 3 copies.

II. SERVICE OF TRANSFER DOCUMENTS:

- Mail one of your 2 copies of the Request #159 to the other party or their attorney. Keep one copy for your records.

***If the Judge signs the Order # 160 transferring the Order of Protection, the Clerk will transfer the original paperwork to the District Court. The Clerk of the District Court will then assign the Order of Protection a new case or cause number. If no hearing was held in the lower Court, a new hearing may be scheduled in District Court. ***

GOOD JOB!!!!

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