

INSTRUCTIONS FOR APPLYING FOR A DOMESTIC VIOLENCE ORDER OF PROTECTION IN WYOMING

These instructions can help you petition the court for an Order of Protection. You might choose to ask the court for an Order of Protection if you have been the victim of domestic violence. An Order of Protection will list certain rules that the Respondent (the person you want to be protected from) has to follow.

It is important for you to understand that this process does not guarantee you will be safe. A judge might decide not to issue an Order of Protection. If an Order of Protection is issued, the Respondent might not follow the rules.

A Domestic Violence Order of Protection should not be sought unless the Petitioner has been the victim of domestic abuse as defined by law. The legal definition of domestic abuse is:

The occurrence of one or more of the following acts by a household member but does not include acts of self defense: (A) Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member; (B) Placing a household member in reasonable fear of imminent physical harm; or (C) Causing a household member to engage involuntarily in sexual activity by force, threat of force or duress.

For help in developing a safety plan or learning about protection orders and how to get one, contact your local domestic violence program. You can call the **Wyoming Coalition Against Domestic Violence and Sexual Assault at (307) 755-0992** or the **Wyoming Division of Victim's Services at (888) 996-8816** or the **National Domestic Violence Hotline at (800) 799-SAFE (7233) or (512) 453-8117** (multi-lingual advocates are available); **TTY: (800) 787-3224**.

Advocates are trained to help you decide what actions may help keep you and your loved ones safe. Find your local domestic violence program at <https://www.wyomingdvsa.org/programs>. Learn more about safety planning at <https://www.thehotline.org/plan-for-safety/>.

INSTRUCTIONS FOR COMPLETING THE PETITION FOR DOMESTIC VIOLENCE ORDER OF PROTECTION

READ THESE INSTRUCTIONS CAREFULLY.

It is best to fill out these papers completely and to give as much detail as you can. The court may deny your request if there is not enough information in the papers you file.

The top of the page on a Petition for Order of Protection.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). When you file the Petition, the Clerk of Court can give you this information.

The next blanks are for the name of the Petitioner and the name of the Respondent. If you are the one who wants an Order of Protection, you are the **Petitioner**.

Important Note: These instructions will assume that you are the Petitioner. If you are filing the petition for someone who is 15 years old or younger, or for an adult who is disabled, vulnerable, or otherwise unable, that person is the Petitioner. Whenever these instructions say “you” or “your name” or “your address,” etc., write the information for the Petitioner.

You will be explaining to the Court that someone hurt, threatened, or restrained you. That is the person you want to be protected from. That person is called the **Respondent**.

The next blank is for the Case Number. When you file the Petition, the Clerk of Court will give you the case number.

Section 1 is for information about you, the Petitioner.

The first box is for your name. It should be written Last name, First name, Middle initial.

The next box is called “Next Friend.” You will only use this box if you are filing this petition on behalf of someone who is 15 years old or younger; or if you are filing on behalf of an adult who is disabled, vulnerable, or otherwise unable to file. (You must have legal authority to act on that person’s behalf.) That person is the Petitioner, and you are the Next Friend. (Even if you are the parent of the Petitioner, you’ll still be called the “Next Friend” in the court documents.)

Then there are blanks for your home address. **You are not required to write your address here**, but the Court does need a way to mail things to you. You have a few options:

You can write your address here. You might choose to do this if the Respondent already knows your address.

You can write the address of a friend or relative. Be sure to get that person’s permission first. Also, you need to be sure that you will get the mail if the Court contacts you using that person’s address.

You can ask the Court to keep your address confidential. If it is confidential, the Respondent won’t be able to see your address on the court papers. If this is your choice, put a checkmark in the small box near the address line. You must give the Court your address in an envelope. Write “confidential” on the envelope.

If you think it will help keep you safe, you can use a friend's or relative's address *and* ask for it to be kept confidential. Be sure to mark the small checkbox and give the Court an envelope with the address in it.

The next blank is for your telephone number. You have the same choices here as you had for your address. You can write in your phone number or the phone number of a friend or relative; you can also ask the Court to keep your phone number confidential.

If you want to write the phone number of a friend or relative, be sure to get that person's permission first. Also, you need to be sure that you will get the messages if the Court contacts you using that person's phone.

If you want the Court to keep your phone number confidential, put a checkmark in the small box. You must give the Court your phone number in an envelope. Write "confidential" on the envelope.

The next blank is for other names you use. This includes names you use now and names you used to use.

The next boxes are for your Date of Birth, Race, and Gender. This information is required.

The next blanks are for your Height, Weight, Eye Color, and Hair Color. It is okay to estimate your height and weight.

Section 2 is for information about the Respondent, the person you want to be protected from.

The first box is for the Respondent's name. It should be written Last name, First name, Middle initial. If you don't know the Respondent's full name, write in as much as you know.

The next blanks are for the Respondent's home address, mailing address, and phone number. Write in as much as you know.

The next boxes are for the Respondent's Date of Birth, Race, and Gender. You are required to write in this information. If you don't know the respondent's date of birth, write in an estimate of the person's age. If you don't know the Respondent's race, you can write "unsure."

The next blanks ask for more information about the Respondent. Give as much information as you can. Estimating the Respondent's height and weight is better than giving no answer at all. If you don't know the Respondent's license plate number but you do know what county it's from, write that in.

If the Court issues an Order of Protection, law enforcement officers will use the information you shared to help them recognize the Respondent, which can help keep you safer.

The next blank is for other names used by the Respondent. List any other names you know the Respondent uses, even if they aren't "legal" names.

The next blank is for scars, tattoos, and marks on the Respondent's skin. Describe what they look like and where they are on the Respondent's body. You can also include other notable physical features.

Section 3 is for other court cases.

There are two questions that ask for yes or no answers, and then there are charts that you might need to fill out.

These charts are for you to tell the Court about other court cases involving you, the Respondent, or your children. Examples would be divorce, custody, or criminal cases. It can be important to tell the Court about a case even if it is from a long time ago. If you do have other cases, fill in as much information here as you can.

Important Note: If your child is involved in a Juvenile Court proceeding, you should not list it on your Petition.

Case Name: This will be near the top on the first page of papers you have from the case. It will probably say something like *your name v. the Respondent's name*.

Case Number: This number will probably be near the top on the first page. The number might include letters.

County and State: This information will be near the top on the first page.

Judge's Name: You might have a paper that tells you which judge the case has been assigned to. Also, the judge's name and signature might be on the last page of some of your papers.

Mark who was involved in the case and what type of case it was.

For the final question in the chart, mark "yes" if the judge in that case gave you a formal document that says Order near the top.

Fill out a separate chart for each case. You can add more pages if you need them.

If you have custody orders, visitation orders, or protection orders from another case, please attach those or bring them to your hearing.

Section 4 tells the Court which laws apply to your request.

You do not need to write anything here. The form already has the correct information filled in.

You might find it helpful to read the laws (which are called statutes) in the Wyoming Domestic Violence Protection Act. You can find them on the internet by visiting <https://www.wyoleg.gov/StateStatutes/StatutesDownload>. Click Title 35 then scroll down until you get to Chapter 21. Your local library could also help you find the statutes.

You are **not** required to read the statutes in order to request or receive an Order of Protection.

Section 5 is about locations.

The first blanks are for the name of the county and the state where you live.

The next blanks are for the city, county, and state where the abuse happened. If abuse happened in more than one location, list all of the locations. If you don't know the name of a county, you can do an internet search to find out.

Section 6 is about your relationship with the Respondent.

Many kinds of relationships are listed in this section. Select all the ones that describe the relationship between you and the Respondent.

If none of these explanations describe the relationship you have with the Respondent, you might not qualify for a Domestic Violence Protection Order. You can contact your local domestic violence program to get more information.

Section 7 is for information about your children.

These charts are where you will give information about minor children that you and the Respondent share. (You and the Respondent **share** children if you both are the legal parents or guardians – even if you do not both have custody or visitation.)

Use a separate chart for each child. Write the child's name on the first line. Then fill in the rest of the information for each child.

Section 8 is about what happened.

In the blanks, describe in as much detail as possible the most recent incident in which you were threatened, hurt, or restrained (prevented from moving around). This information might feel difficult to share, but it's important. If you provide a lot of details, that helps the Court decide if you qualify for a protection order. If you can share the day, time, and place where the abuse occurred, and give the names of witnesses, that will be helpful. If any children (under the age of 18) witnessed the abuse, share that too, even if you don't know the children's names. Try to use the exact words the Respondent used if you were threatened with physical harm. Describe any physical abuse in detail.

Here is other important information to share:

- If the Respondent has a criminal history.

- If the Respondent has a history of mental illness.
- If the Respondent has a history of drug abuse or alcohol abuse or both.
- If protection orders have been issued against the Respondent before. If you can, include dates and case numbers.
- If the Respondent has violated protection orders before. If you can, include dates and case numbers.
- If the Respondent has threatened to take your child (or children) away from you.
- If the Respondent has threatened to commit suicide.
- If the Respondent has threatened to kill you, your children, or other people.

Section 9 is about weapons used during the abuse.

If the Respondent used or threatened to use any weapons during any incident of abuse, describe the weapons here. Weapons include firearms, knives, etc. Describe the weapons that were involved, even if no one was physically hurt with a weapon.

Section 10 is about the Respondent's firearms and ammunition.

List the firearms and ammunition the Respondent has in their possession. Be as specific as you can. List any information you know about the type of firearms, the company that made them, and whether they have been modified. If you can, explain where the firearms are usually kept. This information is very important for your safety and for the safety of the people involved in protecting you, including law enforcement.

Section 11 is about requesting protection.

This section begins with a paragraph about two types of Protection Orders. When you file this Petition, you will be asking the Court to first give you an Ex Parte Order of Protection. (An Ex Parte Order of Protection is temporary. It takes effect as soon as the Respondent receives a copy of it from the Court.) The Court will then hold a hearing. After the hearing, the Court may give you an Order of Protection that could last up to three years.

(You can read more information about these two types of Orders in the *Important Things You Need to Know* section at the end of these instructions.)

After that paragraph, there is a long list with lots of check boxes and some long blanks. This list is how you can let the Court know what you think will help. Please be very specific.

Remember that the Court might not do the things you ask for.

Section 12 is about a hearing.

After the Petition is filed, the Court will schedule a hearing. That will be a meeting when you and the Respondent will both have the chance to tell the judge what happened. You are required to take part in the hearing. Select either A or B to let the Court know how you want to take part. If you select B, it is important to remember that you are asking the Court for permission to take part virtually. If the Court denies your request, it means you do not

have permission and you must go to the courthouse for your hearing.

Signature Section – Important!

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Petition.

Important Things You Need to Know

What is a redacted Petition, and how do I make one?

A redacted Petition is a document with certain information blacked out. The information is blacked out to keep people who are not part of the case from seeing it. When you file your Petition, you will also need to give the Clerk of Court a redacted version of the Petition.

You can make a redacted version of your Petition by using a black marker or pen or both to mark out (cover up) certain information on a copy of the Petition. Here's what to redact:

- Dates of Birth. Each place you list a birth date, leave only the year visible. If you wrote Jan. 16, 1988, it will look like [REDACTED], 1988. Or 1-16-88 will be [REDACTED]-88.
- Names of children under the age of 18. Leave only the child's initials visible. If the child's name is Jordan Johnson, the redacted Petition should show J [REDACTED] J [REDACTED]. Do not redact the name if the child is the Petitioner.

Important Note: Make sure you redact a *copy* of the Petition. Do not redact the Petition itself.

Is redacting the Petition the same thing as keeping my address confidential?

No.

The Respondent will be given a copy of the **non-redacted** Petition.

If you need to keep your address a secret so the Respondent won't know where you live, follow the instructions for keeping your address **confidential**. Those instructions are in Section 1 above.

What is an Ex Parte Order of Protection?

An Ex Parte Order of Protection (which also might be called a temporary or emergency protection order) is a protection order that a judge might give you soon after you file your petition. An Ex Parte Order can help protect you for a few days. Ask the Clerk of Court to give you **certified** copies of your Ex Parte Order of Protection.

Before the judge can consider replacing the Ex Parte Order with an Order that lasts longer, there will need to be a hearing (a meeting at the court) where you and the Respondent each tell the judge your side of the events.

What happens if the judge doesn't grant an Ex Parte Order?

A judge might deny you an Ex Parte Order but also set a hearing to give you and the Respondent a chance to tell your side of the events. After this hearing, the judge might grant you an Order of Protection.

Remember: Being denied an Ex Parte Order does not mean the judge is refusing to give you a protection order.

Do I have to go to the hearing?

Yes.

Whether you got an Ex Parte Order or not, you **must** attend any hearing (a meeting at the court) that the judge schedules. The hearing is when the judge will get to hear what you have to say and what the Respondent has to say. If you do not attend the hearing, the judge is not allowed to grant you an Order of Protection that lasts for several months or years. Also, if you do not attend the hearing, the Ex Parte Order will expire.

What will happen at the hearing?

The judge will allow both sides a chance to speak. If there are witnesses who can talk about what happened, you may take them with you to give testimony at the hearing. If you have evidence about what happened, you may take it to the hearing and present it to the judge. Remember, the judge knows nothing about your case, except what you include in the Petition and what you provide in court.

After considering your side of the situation and the Respondent's side, the judge will make decisions about whether to give you an Order of Protection, what restrictions to include in it, and how long it will last.

What evidence can I use at the hearing?

Your evidence might include photographs of injuries, medical records from getting treatment for injuries, or photographs of damaged property. You also might want to show the judge text messages or recordings of threats made by the Respondent.

It is important to understand that you must bring your evidence in some form that the judge can keep and add to your file at the courthouse. If you are bringing medical records, make sure they are *copies* of the records you have. If you want to show the judge photographs or text messages, you will need to have them printed out on paper. You will not be able to just hold your phone up for the judge to look at. If you want to show the judge a video, you will need to have it saved on a flash-drive or some other sort of device that you can give to the judge.

If you need help getting your evidence ready to take to your hearing, contact your local domestic violence program. (Contact information is in the black rectangle on Page 1.)

What should I do with the Order if I get one?

Always carry the Order with you. This will make it easier for police or sheriff's officers to enforce the Order if you call them for help. It's also a good idea to keep pictures on your phone that show every page of the Order.

Ask the Clerk of Court to give you **certified** copies of your Order of Protection.

Does the Ex Parte Order still count after the judge gives me an Order of Protection?

The Order of Protection *replaces* the Ex Parte Order. The Order of Protection will last longer and may have more information or restrictions than the Ex Parte Order had.

Can I change an Order of Protection that I already have?

You can ask the Court to modify your Order of Protection. You might choose to do this if something has changed in your life and you need the Order of Protection to address that

change. You could also ask for a modification if the Respondent has started doing something different that makes you feel unsafe. The Court might be able to add a new restriction to your Order to help protect you.

You will need to file a Motion to Modify Order of Protection at the Clerk of Court's office. (You can get a form for that Motion from the Clerk's office.)

It's important to remember that you cannot ask the Court to modify the Order if the Order has already expired.

What can I do if the Order of Protection doesn't last long enough?

If your Order of Protection is nearing its expiration date and you feel the Respondent is still a danger to you (or to other people included in the Order), you can ask the Court to extend the Order. You will need to file a Motion to Extend Order of Protection at the Clerk of Court's office. (You can get a form for that Motion from the Clerk's office.)

It's important to remember that you cannot ask the Court to extend the Order if the Order has already expired. It is helpful to file the Motion to Extend at least ten days before your Order expires.

Can the Order last longer if the Respondent spends some of the time in jail?

According to Wyoming law, a Domestic Violence Order of Protection **tolls** when the Respondent is in jail or prison. **Tolling** means the protection order will last longer than was originally planned. This is done to help protect you after the Respondent gets out of jail/prison. (It's important to know that tolling is different from getting an extension for your Order. There's information about getting an Order extended in the paragraph above.)

Tolling happens automatically, but the Order of Protection the Court gave you won't show the new expiration date. The Court needs to know the Respondent went to jail/prison. You can file a Notice of Incarceration or Imprisonment to let the Court know about that. (You can get a form for that Notice from the Clerk of Court's office.)

Important Note: It doesn't matter why the Respondent went to jail/prison. You can use this form even if the jail/prison time did not have anything to do with you or the protection order.

Does the Respondent still have to follow the Order if it is being appealed or reviewed?

Yes.

The Order of Protection is still in effect and must be followed during an appeal or review.

Important Note: If the Court issues a **stay** – which means putting the Order on hold – then the Respondent does not have to follow the Order. But a stay is a separate decision made by the Court, and it does not happen automatically during an appeal or review.