

Tasha Vonn Adams Rhodes

CLERK OF DISTRICT COURT
TAMIA BROOKS

2018 FEB 20 PM 3:18

Mailing Address

Eureka, MT 59917

City, State, Zip

Telephone No.

- message

FILED

BY:

DEPUTY

IN THE NINETEENTH JUDICIAL DISTRICT COURT
STATE OF MONTANA COUNTY OF LINCOLN

Tasha Vonn Adams Rhodes

Petitioner,

v.

Elmer Stewart Rhodes III

Respondent.

No. DR- DR-18-23

SWORN PETITION FOR
TEMPORARY
ORDER OF PROTECTION
AND REQUEST FOR HEARING

The law requires that Respondent be given a copy of this completed form and all attachments.

- Request for Temporary Order of Protection.** Under oath and as provided by Mont. Code Ann. § 40-15-201, I request that the Court issue a Temporary Order of Protection against Respondent. I believe I am in danger of harm if the court does not issue a Temporary Order of Protection immediately.
- Protected Person/s.** I am seeking an Order of Protection for (check all that apply):
 - Myself
 - The following minor child/ren:

Child/ren:	Age	How child is related to:		Who does child live with?
		You	Respondent	
[REDACTED]	[REDACTED]	daughter	daughter	me
[REDACTED]	[REDACTED]	daughter	daughter	me
[REDACTED]	[REDACTED]	son	son	me
[REDACTED]	[REDACTED]	daughter	daughter	me

Other people you would like to be protected (first and last names and relationship to both you and Respondent):

[redacted] daughter to both
[redacted] son to both

3. **Residence.** I, the Petitioner, live or am staying in the City of: Trogo
County of: Lincoln, State of: MT

The Respondent lives in the City of: Trogo, County of: Lincoln
State of: MT

The abuse happened in the City of: Trogo, County of: Lincoln
State of: MT

(Check all that apply)

The Respondent does not live with me.

I live with the Respondent at:

[redacted]

(He is currently

I have left a residence where I lived with the Respondent. I want to return:

to live at that residence

to get personal belongings

other (describe): _____

staying with a friend)

A business is run from the home.

Type of business (describe): _____

The business is run by: Petitioner Respondent both Petitioner and Respondent

4. **Relationship.** (Please check all that apply to the relationship between the Respondent; the person you want restrained, and you; the Petitioner, and/or the person(s) for whom you are seeking protection)

I (or the person I want protected) have/had a relationship with Respondent as follows:

Married

Were married, but are now separated

Divorced

Are currently dating or having an ongoing intimate relationship

Live together

Lived together in the past

Have a child and/or children together

Is a family member or a former family member of the Respondent

Dated or had an ongoing intimate relationship in the past

If a dating relationship please describe:

Nature of relationship: _____

Length of time of the dating relationship: _____

How often did you see each other: _____

Time since relationship ended: _____

Are you a victim of Sexual Assault / Stalking / Other: (describe how you know the Respondent)

I am the parent, guardian or other person supervising the welfare of a child less than 16 years of age and request the Respondent; who is a person over 18 years of age and who has no legal right of supervision or control over the child, to stop contacting the child because I believe that the contact is not in the child's best interests as set forth in MCA: 45-5-622(4).

5. Information about the violence. Please explain what the Respondent did to you (and/or the person you want protected) and why you are now afraid for your safety. Be clear and the point.

A. RECENT ABUSE

Date of the most recent abuse: November 2017

Who was there? myself and respondent

Where did it take place? home, [REDACTED]

What did the Respondent do or say that made you (and/or the person you want to protect) afraid?

Whenever the respondent is unhappy with my behavior (say I want to leave the house he doesn't like me to leave) he will draw his handgun (which he always wears) rack the slide wave it around, and then point it at his own head, telling me my behavior has caused this. I filed for divorce a few days ago and am terrified of his response.

Describe any injuries: _____

none

Did the Respondent use or threaten to use a gun or other weapon? If yes, list how: yes,

waving around handgun, threatening himself while yelling and screaming at me to treat him better

Did the police come? Yes No

B. PAST ABUSE

Describe past abuse. Please explain what the Respondent **did to you** (and/or the person you want protected) in past situations. When did these events happen and **what made you afraid** for your safety.

In summer 2016 grabbed my teenage daughter by the throat until stopped by my son, In 2013, pointed a loaded, chambered handgun at his own head. In 2016 did this again but this time with much more gun waving and more angry words before he eventually pointed at his head. Also ~~this~~ did this three more times, each time increasing the threat level to me, by waving the gun around a little more each time before claiming he was suicidal.

Also, after a dispute with a neighbor whenever he drives passed their yard he unholsters his handgun and points through the car door at their house, despite the fact that some of our children are often in and out of their house.

6. Firearms. (Check all that apply)

To the best of your knowledge, does the Respondent currently possess firearms?

Yes No

Where are the firearms located? Upstairs bedrooms (now all rifles are stored at a friends) handgun is likely on his person also likely wearing several knives

No Yes

Where are the firearms located? Rifles are stored with a friend; handguns and knives likely on his person.

7. Other Court Cases (Check all that apply)

A divorce, legal separation or custody case between me (and/or the person I want protected) and Respondent has been filed in Lincoln County, State of Montana

Is the family law case listed above still pending? Yes No

Did the Court issue a parenting plan? Yes No

A criminal charge of _____ was filed against me or Respondent in _____ Court in _____ County, State of _____

List any other cases that you (and/or the person you want protected) or Respondent are or have been involved in: _____

I ask the Court to Order the Following:

1. Respondent shall not commit or threaten to commit acts of violence against me (and/or the person I want protected) and the following people including family members:

[redacted], [redacted], [redacted], and [redacted]

2. Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate, directly or indirectly, with me (or the person I want protected), and the following family members, other victims of the abuse, or witnesses to the abuse:

[redacted], [redacted], [redacted] and [redacted]

3. Respondent shall not take the following child/ren out of this County or State:

[redacted], [redacted], [redacted], and [redacted]

4. (List the distance, up to 1500 feet, that you want Respondent to stay away from you and/or the person you want protected and the places you check below).

Respondent shall stay at least 1500 feet from:

Me (Petitioner)

Minor child/ren

Other people:

My home (if you want the location of your home to be secret, do not list)

My job or workplace:

My vehicle:

The child/ren's school and/or child care:

Other places (describe):

5. Respondent used or threatened me with firearms. Respondent shall not possess these firearms (describe):

6. Respondent shall not take, hide, sell, damage or dispose of property belonging to me (and/or the person who I want protected) or Respondent or both of us.

7. Respondent shall give me (or the person I want protected) possession or use of the following items (items may include the residence, automobile and other essential personal property no matter who owns it):

8. I (and/or the person I want protected) need a peace officer to help get possession of the property listed in Number 7, or I request that a peace officer come with Respondent when picking up his/her property or belongings.

9. The Court should order Respondent to complete violence counseling, which may include alcohol or chemical dependency counseling or treatment, if appropriate.

10. The Court should order the following to provide for the safety and welfare of me and/or the person I want protected, and family:

11. The following court cases are pending between me and the Respondent [specify court, docket or index number, nature of action and status, if known]:

12. The Respondent has the following criminal convictions [specify, including date, crime, sentence and court, if known]:

134. Parenting of Child/ren

Note: Justice and City and Municipal Courts can protect minor children by listing them on the Order of Protection. Although these courts can provide short term visitation plans, they cannot make parenting plans. If you need a parenting plan, you need to file an action in your local District or Tribal Court.

(Choose one)

- Parenting of children does not apply in this case.
- The protections I have asked for in Paragraph 2 will keep Respondent away from the children. Therefore a visitation schedule is unnecessary.
- I want the children listed in Appendix A to have parenting time with Respondent. I am attaching Appendix A that says what visitation schedule I want. *(Fill in and attach Appendix A).*

142. Other Relief: The Court should order other protection as it deems just and proper.

I SWEAR UNDER OATH OR AFFIRM I HAVE READ THIS APPLICATION, OR HAVE HAD IT READ TO ME, AND THE FACTS STATED IN THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I ALSO UNDERSTAND THAT PROVIDING FALSE INFORMATION IS A CRIME.

Date: 2-20-2018 Signed: [Signature]
Petitioner

NOTARY SEAL OR DISTRICT COURT CLERK'S SIGNATURE

STATE OF MONTANA)
 : ss.
County of Lincoln)

SUBSCRIBED AND SWORN to before me this ___ day of _____, 20__.

CLERK/NOTARY

(For use by Clerk)

ID MT DL 0607819724111 Ex 6/11/21

Tricia Brooks, Clerk of District Court

[Signature]
By Deputy Clerk

(For use by notary)

(signed)

Name _____
(printed)

Notary Public for the State of Montana.

Residing at _____

My Commission Expires _____

APPENDIX A

In this form, you will tell the Judge how the temporary visitation will take place under safe and peaceful conditions. You must have a very good reason before the Judge will deny the Respondent visitation. The visitation schedule will be temporary. For permanent parenting arrangements, you must file an action with your local District or Tribal Court.

Parenting schedules generally include:

- visits that take place on a regular basis;
- visits that vary in length depending on the ages and needs of the children.

Children (List all children, whether or not you have asked that they be protected by the Order of Protection):

Children	Age	How child is related to You Respondent		Who does child live with?	State(s) where child lived in the last 6 months?
[REDACTED]	[REDACTED]	daughter	daughter	me	Montana
[REDACTED]	[REDACTED]	daughter	daughter	me	Montana
[REDACTED]	[REDACTED]	daughter son	son	me	Montana
[REDACTED]	[REDACTED]	daughter	daughter	me	Montana

CHECK the visitation option that you want.

I request the following visitation schedule:

Supervised visits (List why, and supervised by whom): Possibly our oldest son; [REDACTED] [REDACTED] ([REDACTED])

Neutral drop off and pick up location: _____

Transportation provided by: _____

I request the Respondent have no visitation with the children because: _____