

INSTRUCTIONS FOR APPLYING
FOR A
STALKING PROTECTION ORDER
IN WYOMING

Petitioning the court for a Stalking Protection Order does not guarantee your safety or that the alleged stalker or Respondent will comply with the terms of such an order.

For help in developing a safety plan or about protection orders and how to get one, contact your local domestic violence program (see Crisis Intervention in the Yellow Pages) or call the Wyoming Coalition Against Domestic Violence and Sexual Assault at (800) 990-3877 or 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.

Read all the instructions before completing forms to ensure that you qualify to seek a stalking protection order in Wyoming. YOU DON'T NEED TO FILL OUT EVERY FORM. ONLY FILL OUT THE INFORMATION SHEET AND THE PETITION. Keep the other forms, as you may need them at a later date.

Definitions for Stalking Order of Protection
Wyo. Stat. § 7-3-506

(i) "Court" means the Circuit Court * * * in the County where an alleged victim of stalking resides or where the alleged perpetrator of the stalking is found;

(ii) "Order of Protection" means a court order granted for the protection of a victim of stalking;

(iii) "Stalking" means conduct as defined by W.S. § 6-2-506, which states:

(a) As used in this section:

(i) "Course of Conduct" means a pattern of conduct composed of a series of acts over any period of time evidencing a continuity of purpose;

(ii) "Harass" means to engage in a course of conduct, including but not limited to verbal threats, written threats, vandalism, or non consensual physical contact, directed at a specific person or the family of a specific person, which the defendant [respondent] knew or should have known would cause a reasonable person to suffer substantial emotional distress, and which does in fact seriously alarm the person toward whom it is directed.

(b) Unless otherwise provided by law, a person commits the crime of

stalking if, with intent to harass another person, the person engages in a course of conduct reasonably likely to harass that person including, but not limited to any combination of the following:

- (i) Communicating, verbally or otherwise, or causing a communication with another person by verbal, electronic, mechanical, telegraphic, telephonic or written means in a manner that harasses;
- (ii) Following a person other than within the residence of the respondent;
- (iii) Placing a person under surveillance by remaining present outside his or her school, place of employment, vehicle, other place occupied by the person, ore residence other than the residence of the respondent;
- (iv) Otherwise engaging in a course of conduct that harasses another person.

INSTRUCTIONS FOR COMPLETING THE PETITION FOR A STALKING ORDER OF PROTECTION

Numbers to these instructions correspond to the same numbers on the Petition For Stalking Protection Order. **READ THESE INSTRUCTIONS CAREFULLY.**

Top of page for Petition for Stalking Protection Order

If you are filing this petition requesting the protection order, you are the **Petitioner**. **Respondent** is the person against whom an order is sought and the person alleged to be the stalker.

YOU MUST BE AS THOROUGH, COMPLETE, AND DETAILED AS POSSIBLE. THE COURT MAY NOT GIVE YOU AN ORDER OF PROTECTION IF THERE IS NOT ENOUGH INFORMATION. YOU MUST APPEAR AT THE HEARING OR YOUR REQUEST FOR A STALKING PROTECTION ORDER MAY BE DENIED.

Caption: The caption is the top section of the petition stating the name of the Petitioner, Respondent, court and identifying the case number.

(a) Print or type in your name: FIRST, MIDDLE, LAST as Petitioner.

(b) Print or type in Respondent's (alleged stalker's) name: FIRST, MIDDLE, LAST.

1. Describe the Respondent's course of conduct that you believe constitutes harassment of you or of your family. Be detailed and complete and be sure to include more than one incident.

2-5. Set forth the specific relief you desire from the Court including locations with

addresses you wish to have the court order the Respondent to avoid and, if appropriate, on the lines indicated, set forth the names of other members of your family you wish to have included in the Order of Protection.

6. Respondent's Personal Information:

This section of the document is for the Court's information in order to identify the Respondent and to have the Respondent served with the petition by law enforcement officials.

Fill in the Respondent's information with name, address, employment and address of employment, together with other descriptive information requested.

You must date, sign and verify the Petition before a notary public or clerk of court where the petition is to be filed.

PROCEDURE FOR STALKING ORDER OF PROTECTION

- 1.** The petition is filed with the Court and if the Court finds there is a clear and present danger of continued harassment an Ex parte Temporary Order of Protection will be issued and served on the Respondent. An ex parte order is an order that is entered after the court considers the Petitioner's information only. The Respondent will get notice of the allegations and will have an opportunity to be heard by the court at the hearing.
- 2.** You should be prepared to present witnesses and other evidence to prove the stalking allegations at the hearing. The stalking protection order hearings are held within 72 hours of filing the petition, or as soon thereafter as the court may hear the case. The Respondent must receive notice of the hearing from the Sheriff at least twenty-four (24) hours before the hearing or it may be rescheduled to a later date. You may have to contact the clerk of the circuit court where you filed the petition to make sure that the Respondent received proper notice of the hearing. The Ex parte Temporary Order of Protection will include terms the Court deems necessary and sufficient to protect the Petitioner and other persons and will contain a date and time within seventy-two (72) hours, or as soon thereafter as the matter may be heard, for a hearing on the petition.
- 3.** If the Court finds from the evidence at the hearing that stalking has occurred, an Order of Protection will be issued for up to one year, containing terms and conditions prohibiting further stalking.

DURATION OF ORDERS

If the judge gives you a Stalking Protection Order, it will be in effect for up to one

year and you may ask the court to extend the order upon a showing of good cause for additional periods of time not to exceed one year each. The Respondent may object to the extension and another hearing may be set. Judges may differ on what they consider "good cause." In the event you desire an extension of the Order of Protection, the request for extension must be filed prior to the expiration of the original order and must contain information for the Court to consider in determining whether to extend the original order.

It would be a good idea not to wait until the last minute to ask for an extension. You may want to contact an attorney for advice prior to filing for an extension.

EMERGENCY ASSISTANCE BY LAW ENFORCEMENT:

A victim of stalking may request the assistance of law enforcement agencies which may take necessary steps to protect the victim including advisement of the remedies in Wyoming Statutes §7-3-506 through 7-3-511, advising the victim, when appropriate, of the procedure for initiating a stalking action or criminal proceedings and providing for or arranging for transportation of the victim to a medical facility or place of shelter.