

In the District Court for the Sac and Fox Nation
 356159 East 926 Road
 Stroud, Oklahoma 74079
 Court Phone Number (918) 968-2031

PETITION FOR PROTECTIVE ORDER	<p>CASE NO:</p>																																								
<p style="text-align: center;">Plaintiff / Petitioner</p> <p>_____</p> <p style="text-align: center;">First Middle Last</p> <p>and/or on behalf of minor family member(s)</p>	<p style="text-align: center;">Additional Petitioner Information</p> <p>Name(s) and age(s) of minor family member(s)</p> <p>_____</p> <p>_____</p> <p>_____</p>																																								
<p style="text-align: center;">-VS-</p> <p style="text-align: center;">Respondent / Defendant</p> <p>_____</p> <p style="text-align: center;">First Middle Last</p> <p>Relationship to Petitioner: _____</p> <p>Defendant's Address (Street address, City, State, Zip Code) _____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">Defendant Identifiers</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">SEX</th> <th style="width: 15%;">RACE</th> <th style="width: 25%;">DOB</th> <th style="width: 15%;">HT</th> <th style="width: 10%;">WT</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE/TRIBAL</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="5">Other</td> </tr> <tr> <td colspan="5"> </td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE/TRIBAL	EXPIRES							Other									
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1. Information About the Parties.

Several factors may apply. Please read ALL items below carefully & check any that apply.

A. The Defendant's Relationship to Petitioner(s):

I. Intimate Partner:

- Defendant is my current spouse
- Defendant is my former spouse
- Defendant and I are dating, or have dated, each other
- Defendant and I are, or have been, engaged in a sexual relationship
- Defendant and I are the biological parents of the same child

- Defendant and I currently live together, or previously lived together, in an intimate relationship
- Defendant is an Intimate Partner of a minor child listed above

II. Family or Household Member:

- Defendant is my parent, grandparent, stepparent, adoptive parent, or foster parent
- Defendant is my child, grandchild, stepchild, adopted child, or foster child
- Defendant is otherwise related to me (by marriage or blood) and lives in the same household as me
- Defendant is a Family or Household Member of the minor child(ren) listed above

B. If you DID check one or more items in Section A above, then complete this section.

Petitioner is a (check all that apply):

- Victim of Domestic Violence/Abuse
- Victim of Stalking
- Victim of Harassment
- Victim of Sexual Abuse
- Family or Household Member of the Minor Child/Children Listed Above

C. If you DID NOT check one or more items in Section A above, then complete this section.

Defendant has committed the following acts against Petitioner and/or the minor(s) listed above:

- Sexual Abuse
- Assault and Battery with a Deadly Weapon
- Forcible Sodomy
- Kidnapping
- Stalking* (police report required, see definition below)

D. Homicide (**check if applicable**). Petitioner is an Immediate Family Member of a Victim of Homicide, and Defendant has Been Charged and Convicted of that Crime.

** Definition: "Stalking" means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to: (a.) following or appearing within the sight of that individual, (b.) approaching or confronting that individual in a public place or on private property, (c.) appearing at the workplace or residence of that individual, (d.) entering onto or remaining on property owned, leased, or occupied by that individual, (e.) contacting that individual by telephone, (f.) sending mail or electronic communications to that individual, or (g.) placing an object on, or delivering an object to, property owned, leased or occupied by that individual; Title 10 Section 216.*

If you are NOT a family or household member, or in a dating relationship, with Defendant, you must have filed a STALKING complaint against the Defendant with the proper law enforcement agency before filing this Petition (a copy of the complaint must be attached or provided at the hearing).

2. Statement of Jurisdiction.

INSTRUCTION: Check all that apply

- Petitioner is a resident, employee, or is located within the Sac and Fox Nation wherein this Petition is filed.
- Defendant is a resident, employee or is located within the Sac and Fox Nation wherein this Petition is filed.
- The domestic abuse occurred within the Sac and Fox Nation wherein this Petition is filed.

3. Actions of the Defendant

INSTRUCTION: Check and complete one or more of the following. Fill in the blank lines of checked items.

The Defendant has caused or attempted to cause physical harm to: _____ (Name(s))

The Defendant has threatened* imminent physical harm to: _____ (Name(s))

** "Threat" means a threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor, or minor child who is currently or was previously an intimate partner or family or household member.*

The Defendant has harassed* _____ (Name(s))

** "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Title 10 Section 215 and fear of death or bodily injury.*

The Defendant has stalked* _____ (Name(s))

**If the Petitioner is a victim of stalking but is not a family or household member or an individual who is or has been in a dating relationship with the Defendant, you must file a complaint against the Defendant with the proper law enforcement agency before filing a petition for a protective order with the District Court. The Petitioner shall attach a copy of the complaint to the petition or present the complaint to the court at the time of the hearing. (See definition of "stalking" in section 1, above)*

6. Type of Order Requested. INSTRUCTION: Check either A or B

A. Petitioner does not request an Emergency Ex Parte Protective Order but does request the following relief, checked below, after notice and hearing, in a Final Order;

OR

B. Petitioner does request an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger. Petitioner requests the following relief, checked below, in the Ex Parte Order and, after notice and hearing, requests the same relief in a Final Order.

7. Relief Requested

1. Defendant should be prohibited from attempting or having **ANY CONTACT** whatsoever with the Petitioner, either in person, through others or by telephone, mail, electronic means, or any other manner, at any time or place unless specifically authorized by the Court.

2. Defendant should be prohibited from injuring, abusing, sexually abusing, molesting, harassing, stalking, or threatening the Petitioner, and from use, attempted use or threatened use of physical force against the Petitioner that would reasonably be expected to cause bodily injury.

3. Defendant should be prohibited from engaging in other conduct that would place the Petitioner in reasonable fear of bodily injury to the Petitioner or the Petitioner's household members or relatives.

4. Defendant should be ordered to leave and remain away from the residence located at: _____, Oklahoma, on or before the ____ day of _____, 20__ at _____ a.m./p.m. and take no action to change utilities or telephone service.

5. The Court should order law enforcement officers to accompany the Defendant to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant leaves the premises, and the Court should further order Defendant **NOT** to go to the above residence to remove necessary clothing and personal effects unless law enforcement officers are present.

6. The Court should Order law enforcement officers to accompany the Petitioner (i.e., provide a "civil standby") to the current or recent past residence to remove necessary clothing and personal effects, and remain in attendance until Petitioner leaves the premises. Such residence is located at the following address: _____

7. Order Defendant, who is a minor, to leave the residence located at _____ (address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to the Sac and Fox Juvenile Code.

Circle Age of Minor Defendant: 13 14 15 16 17

8. There is an existing child visitation Order, and the Court should suspend or modify child visitation to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order. (Title 13 Section 9-208)

9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. (Title 10 Chapter 207.7)

10. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner.

11. Petitioner requests that billing responsibility and rights to the following household utilities and/or wireless telephone number (and wireless numbers for minor children) be transferred to petitioner's name.

Note: A public utility or wireless service provider's normal requirements for setting up a new account still apply. Petitioner will be responsible for paying for the account.

13. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to _____.

14. The Defendant should be ordered to pay the court costs and service of process fees (pursuant to Title 13 Chapter 9-205 and 9-208), no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously).

15. The Defendant should be ordered to pay the Petitioner's attorney's fees in the amount of \$ _____.

8. WARNINGS TO PETITIONER:

A. Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to Title 10, Section 408 and 409 of the Sac and Fox Tribal Code of Laws, the penalty for perjury, or subornation of perjury, is a crime punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), imprisonment in the tribal jail for not more than one (1) year, or any combination of the above.

- B. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.
- C. It is against the law to file a petition for a protective order against a spouse or former spouse for the purposes of harassment, undue advantage, intimidation, or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause. Violators may be subject to criminal penalties.

9. Sworn Statement/Affirmation of Truth

I state, under penalty of perjury under the laws of the Sac and Fox Tribal Code of Laws, that I have read the above and foregoing document, understand the meaning thereof, and declare that the facts and statements contained herein are true to the best of my knowledge and belief.

PETITIONER

Subscribed and sworn to before me this ____ day of _____, 20 ____.

Court Clerk, Judge or Notary

Petitioner requests the following law enforcement agencies receive a copy of any Protective Order entered herein:

Name of Agency or Agencies (use additional pages if necessary)