



INSTRUCTIONS & INFORMATION FOR PETITION FOR PERSONAL PROTECTION ORDERS

If you are experiencing domestic violence from a spouse, intimate partner, or family member; or stalking behavior (repeated unconsented or unwanted contact) from anyone, you may be entitled to a Personal Protection Order (PPO). A PPO is intended to provide protection for a person who is experiencing harm or threats of harm from a person with whom that person has or had a relationship, or from stalking conduct outside of a relationship.

To request a PPO from the Tribal Court, you must first complete a **Petition for Personal Protection Order.**

By filling out a Petition for Personal Protection Order, you are asking the Tribal Court to issue an order prohibiting the other person (the “respondent”) from doing certain things, such as making any contact with you and your family, coming near your personal residence or workplace, contacting you through third parties, making threats or harming you in any way, or causing damage to your property. If a protection order is issued and later violated by the respondent, he/she may be subject to arrest and other sanctions, including imprisonment.

By law, a personal protection order may only be issued if certain requirements are met.

To be entitled to a protection order, you must show the Court that the Respondent was in a domestic or dating relationship with you (except for 5 below – stalking behavior need not be part of a domestic or dating relationship), and additionally engaged in one or more of the following acts:

1. Making threats of or actually committing physical violence directed at Petitioner or Petitioner’s minor children;
2. Making threats to destroy or damage or destroy Petitioner’s property, including pets;
3. Inflicting emotional distress on Petitioner as part of a pattern of conduct to control and/or isolate Petitioner;
4. Respondent was convicted under tribal, federal or state law of committing one of the following crimes against Petitioner: criminal sexual conduct, assault/battery, domestic violence, kidnapping, rape, torture, any crime involving the use or threatened use of a weapon, any crime involving the use, or threatened use of force and/or violence, or making threats to take, remove, harm, abduct, kidnap or conceal the Petitioner’s minor children.
5. Stalking behavior – a willful course of conduct involving repeated or continuing harassment that would cause a reasonable person and that caused the Petitioner to feel terrorized, frightened, intimidated, threatened, harassed or molested.

To meet this standard, you will want to inform the Court of every instance of threatening, intimidating or assaultive behavior committed by the respondent, including non-physical acts that have caused fear, and any communications from you to cease any stalking behavior. If you or someone on your behalf has communicated to Respondent that you did not want any contact from him/her, those communications should be included as well.

Be as specific as possible, and include not only the most recent incident(s) but any incidents that may have occurred in the past.

If you are in immediate danger, you should ask for an “ex-parte” order, which means the personal protection order could be issued immediately without waiting for a hearing.

Completing the Petition for Personal Protection Order

Items (1) through (8) on the Petition for Personal Protection Order must be completed as applicable before it can be filed. Please read the instructions for each numbered item and fill in the information on the form as accurately and thoroughly as possible.

1. Write **your** name, address, and phone number in the "Petitioner" box. If you are under 18 years of age, write your age. Write the name, address, and phone number of the person you want restrained in the "Respondent" box; if he/she is under 18 years of age, write his/her age. **It is the policy of the Court to keep Petitioners safe, and thus their contact information will be kept confidential. Please submit your address and phone number(s) on the separate, confidential (non-public) form that the Clerk will provide for you.**

The person requesting the PPO is the Petitioner. The subject of the PPO is the Respondent. Fill in as much identifying information as you know about the person you want restrained: Height, weight, hair color, etc..

If you know whether Respondent is Native American, please indicate so, along with any known Tribal affiliation information. If you do not know all the answers to all these questions, the Court may still grant the PPO if it finds the statutory requirements met.

Indicate whether this is a domestic or non - domestic (non - partner / stalking) PPO, and the precise relationship between you and the Respondent.

A Domestic PPO means the person you are trying to restrain is or has been either a dating or intimate partner, spouse, someone with whom you share a child in common or a spouse or ex-spouse, or someone with whom you've cohabitated with as a spouse or intimate partner.

A Non-Domestic PPO means the person you are trying to restrain is not nor has ever been a dating, intimate or spousal partner, nor someone with whom you share children or cohabit with as intimate partners.

2. Indicate whether the Petitioner and the Respondent is an American Indian and his/her Tribal affiliation.
3. Check if the respondent is required to carry a firearm while at work. If you aren't sure, check "unknown."
4. Indicate whether or not there are any pending court cases between you and the respondent. If there are, please note the case number, the name of the tribe, the court, the county, the state where it was filed, and the judge.
5. **Explain as thoroughly and in as much detail as possible** why you are asking for a PPO. Check the box(s) that apply, and describe what has happened so the judge has enough facts to decide if an order should be signed. Describe any previous/separate instances of abuse, threats, or any other acts that caused you to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Include dates and places. Write on a separate sheet of paper and attach it to this form if necessary. You must be able to tell the judge why you need protection. If you or someone on your behalf has told respondent to stay away from you /leave you alone, please indicate those communications as well.

If you have police reports, photographs, witness statements, medical records, court convictions or any other documentary evidence or exhibits, please include a copy of it with your Petition.

Check each box that you need.

Pay attention to the additional boxes possible that also apply solely to domestic violence cases.

6. Check the box requesting an "**ex parte order**" if you believe the Respondent might hurt you between now and the time a hearing may be granted, or if you believe that the Respondent might hurt you when he/she is given notice of a scheduled hearing. An "ex-parte order" means you do not have to let the other party know in advance that you are asking the court for an order and you do not have to wait for a court hearing to get an order. Ask for an ex parte order if you believe you are in imminent danger, and cannot wait for a court hearing for the protection you seek. If you are granted the ex-parte order, the Respondent is entitled to a hearing to contest or modify the PPO within 14 days of service. You and the Respondent would need to be present at this hearing, and present any evidence witnesses and testimony you may both have.
7. If you are **not** requesting an "ex parte" or emergency order, **or if the judge denies an ex parte order**, the court will set a hearing on your PPO request at least 7 days from the date of the petition filing. At that hearing, you and the respondent can present evidence, witnesses and testimony as to whether the PPO should be granted. Please make sure to bring with you to court any police reports, witnesses, photographs, journal entries, or any other documentary evidence which can assist you in proving your case.
8. If you are under 18 years old, you can have an adult petition for you, but it is not required. Check this box if you are having someone helping you file this form, and have him/her sign the petition.
9. Write in today's date and sign the Petition, representing that the information you've provided is truthful and accurate to the best of your knowledge. When you have completed the form, provide it to the Court Clerk. The Clerk will complete the form and submit it to the judge. Copies will be returned.

Other Information

Fee & Duration - There is no filing fee. PPO's are good for up to one (1) year, and may be extended by the court upon further petition if circumstances warrant an extension.

Enforceability & Service - PPOs are enforceable immediately upon a court's signature. After the Court signs the Order, it will forward the PPO to law enforcement or another agency for service on the defendant and entry into the law enforcement information network (LEIN). A Proof of Service shall then be filed with the Court by whichever agency served the PPO on the Respondent.

Modification & Termination - If either the Petitioner, or the Respondent requests a modification or termination of the PPO, they shall complete a Motion for Modification/Termination form provided by the Court, and the Court shall hold a hearing within 10 days. The Respondent may only file a Motion to Terminate within 14 days of an ex parte order (from the time they are served and have notice).

Violations & Penalties– If the Respondent violates the PPO, Petitioner should call the police immediately. Violators are subject to immediate arrest, or the court may set a hearing to determine whether a violation occurred. Violations are punishable by up to 90 days in jail and/or \$500 for non-domestic PPOs, and up to 1 year and/or \$5,000 for domestic PPOs. Non- domestic violations are heard by the Court as Contempt. Domestic violations may be heard in front of a jury and are considered crimes. A Petitioner cannot violate or be subject to arrest for violating their own Protection Order.

In addition to calling the police, Petitioner should keep a journal or log of any and all violations, with as much detail as possible, including dates, times, witnesses, and the exact nature of the violations. This will be helpful during any contested hearings, and also for a potential extension of the PPO.

Hearings – Be sure to bring all evidence and witnesses with you to any hearings. This can include police reports, photographs, witnesses, journals, medical records, court convictions, and any other evidence you have to prove the allegations in the PPO or for any violation hearings. The judge will give you an opportunity to present your case and tell your story.

Attorneys – Attorneys for Petitioners are not necessary for the filing of a PPO. Attorneys may be appointed for Respondents facing violation hearings and possible jail time. In the event of a domestic / dating PPO Violation, the Prosecuting attorney will prosecute the violation, as this constitutes a crime.

Mutual Protection Orders – are prohibited. The Court shall not grant same. This does not preclude each party from pursuing a PPO individually against the other party.