

have the right to request that the officer assist you in obtaining medical treatment. You may assist law enforcement in the completion of a police report of the incident and receive a copy of the police report at no cost to you. You also have the right to file a petition in the Muscogee (Creek) Nation District Court requesting an order for protection from domestic, dating or family violence which could include any of the following orders:

- "1. An order enjoining your abuser from threatening to commit or committing acts of domestic, dating or family violence against you or other family or household member;
- "2. An order prohibiting your abuser from harassing, visiting, stalking, annoying, telephoning, contacting, or otherwise interfering with or communicating with the petitioner, directly or indirectly;
- "3. An order removing and excluding your abuser from the residence of the petitioner;
- "4. An order requiring your abuser to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- "5. An order prohibiting your abuser from using or possessing a firearm or other weapon specified by the Court;
- "6. An order requiring your abuser to pay attorney's fees and court costs; and
- "7. An order requiring your abuser to pay restitution, such as medical expenses, reimbursement for damaged property and expenses for shelter.

"The forms you need to obtain an order for protection are available from the Muscogee (Creek) Nation District Court Clerk. The resources available in this community for information relating to domestic, dating and family violence, treatment of injuries and places of safety and shelters are [Note: the list and hotline numbers shall be inserted by the District Court Clerk during preparation of this Notice for use by Lighthouse police]."

B. Responsibility of law enforcement officers related to emergency protection order after arrest

1. When an arrest has been made pursuant to Title 6, § 3-305 and the District Court is not open for business, the Lighthouse police or other authorized law enforcement officer shall either (1) seek an emergency temporary order on behalf of the victim or (2) provide the victim with a form for a petition for an emergency temporary protection order and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as provided by Title 6, §3-403 for a petition for protection order.
2. The Lighthouse police officer or other authorized law enforcement officer shall immediately notify, by telephone or otherwise, the

Judge of the District Court of the request for an emergency temporary protection order and describe the circumstances. The District Court may issue a written or oral emergency order for protection ex parte when a law enforcement officer states to the Court in person or by telephone, and the Court finds reasonable grounds to believe, that the petitioner is in immediate danger of domestic, dating or family violence based on an allegation of a recent incident of domestic, dating or family violence ~~by a family or household member~~. The order may include any of the types of relief set forth in paragraphs 1 through 5 of subsection A of this section. The Judge shall inform the Lighthouse police or other authorized law enforcement officer of his decision to approve or disapprove the emergency temporary order. If the order is approved, the law enforcement officer shall write and sign the order on the form required pursuant to Title 6, §§3-404 and 6-3-405.

3. The law enforcement officer shall inform the victim whether the Judge has approved or disapproved an emergency temporary order. If an emergency order has been approved, the officer shall provide the victim with a copy of the petition and a statement signed by the officer that the Judge has approved the emergency temporary protection order and notify said victim that the emergency temporary order shall be effective only for seventy-two (72) hours from the time of its issuance.
4. The law enforcement officer shall notify the person subject to the emergency temporary protection order of the issuance and conditions of the order. Notification pursuant to this paragraph may be made personally by the Lighthouse police or other authorized law enforcement officer or in writing. A copy of the petition and the statement of the officer attesting to the order of the Judge shall be made available to said person. The law enforcement officer shall file a copy of the petition and the statement of the Lighthouse police or other authorized law enforcement officer with the District Court immediately upon the opening of the District Court on the next business day. The temporary order shall be effective only for seventy-two (72) hours from the time of its issuance.

§ 3-307. Conditions of pretrial release of person arrested for or charged with crime involving domestic, dating or family violence

A. Review of facts. In making a decision concerning pretrial release of a person who is arrested for or charged with a crime involving domestic, dating or family violence or a violation of an order for protection, the District Court shall review the facts of the arrest and detention of the person and determine whether the person:

1. Is a threat to the victim or other family or household member;
2. Is a threat to public safety; and
3. Is reasonably likely to appear in court.

B. Findings. Before releasing a person arrested for or charged with a crime involving domestic, dating or family violence, the District Court shall make findings on the record if possible concerning the determination made in accordance with subsection A and may impose conditions of release or bail on the person to protect the victim of domestic, dating or family violence and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include:

1. An order enjoining the person from threatening to commit or committing acts of domestic, dating or family violence against the victim or other family or household member;
2. An order prohibiting the person from harassing, annoying, telephoning, contacting or otherwise communicating with the victim, either directly or indirectly;
3. An order directing the person to vacate or stay away from the home of the victim and to stay away from any other location where the victim is likely to be;
4. An order prohibiting the person from using or possessing a firearm or other weapon specified by the court;
5. An order prohibiting the person from possession or consumption of alcohol or controlled substances; and
6. Any other order required to protect the safety of the victim and to ensure the appearance of the person in court.

C. Conditional release. If conditions of release are imposed, the District Court shall:

1. Issue a written order for conditional release;
2. Immediately distribute a copy of the order to the agency having custody of the arrested or charged person; and
3. ~~Provide the agency having custody of the arrested or charged person with any available information concerning the location of the victim in a manner that protects the safety of the victim.~~

D. Provision of copy of conditions to person charged. The District Court shall provide a copy of the conditions to the arrested or charged person upon his or her release. Failure to provide the person with a copy of the conditions of release does not invalidate the conditions if the arrested or charged person has notice of the conditions.

E. Hearing upon request. If conditions of release are imposed without a hearing, the arrested or charged person may request a prompt hearing before the court to review the conditions. Upon such a request, the Court shall hold a prompt hearing to review the conditions.

F. Notification of victim. When a person who is arrested for or charged with a crime involving domestic, dating or family violence or a violation of an order for protection is released from custody, the District Court shall:

1. Use all reasonable means to immediately notify the victim of the crime of the release; and
2. Furnish the victim of the crime, at no cost, a certified copy of any conditions of release.

G. No delay. Release of a person who is arrested for or charged with a crime involving domestic, dating or family violence or a violation of an order for protection shall not be delayed because of the requirements of subsection F of this section.

§ 3-308. Duty of Advocate or Prosecutor to notify victim

A. Notification of victim. The Advocate or Prosecutor shall make reasonable efforts to notify a victim of a crime involving domestic, dating or family violence when the prosecutor has decided to decline prosecution of the crime, to dismiss the criminal charges filed against the defendant, or to enter into a plea agreement.

B. No delay. Release of a defendant from custody shall not be delayed because of the requirements of subsection A of this section.

§ 3-309. Record of dismissal

When the District Court dismisses criminal charges or the Prosecutor moves to dismiss charges against a defendant accused of a crime involving domestic, dating or family violence, the specific reasons for the dismissal shall be recorded in the court file. ~~The Prosecutor shall indicate the specific reason why the witness is unavailable and the reasons the case cannot be prosecuted.~~

§ 3-310. Rights of victims; duty of Prosecutor to inform victims of rights

A. Rights of victims. A victim of a crime involving domestic, dating and family violence is entitled to all rights granted to victims of crime including but not limited to the right to:

1. To be treated with fairness, respect, and dignity, and to be free from/reasonably protected from intimidation, harassment, or abuse throughout the criminal justice process;
2. Reasonable communication to the Prosecutor;
13. Be informed of all hearing dates and continuances, and be afforded an opportunity to be present when not prohibited by the rules of evidence or other applicable law;
24. Be present at sentencing and address the Court. To be heard at any proceeding involving a perpetrator's release plea, sentencing or any parole proceedings;
35. Be advised by Recommend to the Court any of conditions of probation and parole required to ensure the safety of the victim and other family or household members; and
6. Provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of future harm;
47. Receive restitution for losses sustained as a direct consequence of any criminal conduct;
8. Be provided a waiting area that reduces contact with the defendant; and
9. Any relief the Court deems necessary.

B. Duty of Prosecutor to Inform victim of rights. An attorney prosecuting a crime involving domestic, dating or family violence shall notify the victim of domestic, dating or family violence of the victim's rights set forth in this section.

§ 3-311. Residential confinement in victim's home prohibited

In criminal cases involving domestic, dating or family violence, the District Court shall not order residential confinement for a perpetrator in the home of the victim.

§ 3-312. Diversion prohibited; deferred sentencing permitted

A. Diversion Prohibited. The District Court shall not approve diversion for a perpetrator of a crime involving domestic or family violence.

B. Deferred Sentence. The Court may defer sentencing of a perpetrator of a crime involving domestic, dating or family violence if:

1. The perpetrator meets eligibility criteria established pursuant to subsection C of this section;
2. Consent of the Prosecutor is obtained after consultation with the victim, when the victim is available;

3. A hearing is held in which the perpetrator enters a plea or judicial admission to the crime; and
4. The Court orders conditions of the deferred sentence that are necessary to protect the victim, prevent future violence, and rehabilitate the perpetrator.

C. Criteria. District Court shall establish criteria for determination of:

1. A perpetrator's eligibility for deferred sentencing;
2. A perpetrator's successful completion of the conditions imposed by the Court; and
3. Penalties for violation of the conditions imposed by the Court.

D. Dismissal. The case against a perpetrator of a crime involving domestic, dating or family violence may be dismissed if the perpetrator successfully completes all conditions imposed by the Court pursuant to subsection B of this section.

§ 3-313. Conditions of Probation

A. Considerations. Before placing a perpetrator who is convicted of a crime involving domestic, dating or family violence on probation, the Court shall consider the safety and protection of the victim of a crime involving domestic, dating or family violence and any member of the victim's family or household.

B. Conditions. The Court may condition the suspension of sentence or granting of probation to a perpetrator on compliance with one or more orders of the Court, including but not limited to:

1. Enjoining the perpetrator from threatening to commit or committing acts of domestic, dating or family violence against the victim or other family or household member;
2. Prohibiting the perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;
3. Requiring the perpetrator to stay away from the residence, school, place of employment, or a specified place frequented regularly by the victim and any designated family or household member;
4. Prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;
5. Prohibiting the perpetrator from using or possessing a firearm or other specified weapon;
6. Directing the perpetrator to surrender any weapons owned or possessed by the perpetrator;

7. Directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators established pursuant to Title 6, § 3-502, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;
8. Directing the perpetrator to pay restitution to the victim; and
9. Imposing any other condition necessary to protect the victim of domestic, dating or family violence and any other designated family or household member or to rehabilitate the perpetrator.

C. **Costs.** The perpetrator shall pay the costs of any condition of probation, according to ability.

D. **Probation Officer policies and procedures.** The Probation Officer shall establish policies and procedures for the exchange of information concerning the perpetrator with the Court and the victim; and for responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection B of this section.

E. **Immediate report required.** The probation department shall immediately report to the Court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the Court or probation department, and any threat of harm made by the perpetrator.

§ 3-314. Record of reported incidents of domestic abuse; reports

A. **Duty to maintain records.** It shall be the duty of the Lighthouse Police Administration to keep a record of each reported incident of domestic, dating and family violence as provided in subsection B of this section and to submit a monthly report of such incidents as provided in subsection C of this section. **All reported incidents shall be included regardless of whether or not action was taken.**

B. **Contents of records.** The record of each incident of domestic abuse, dating or family violence shall:

1. Show the type of crime involved in the domestic abuse;
2. Show the day of the week the incident occurred; and
3. Show the time of day the incident occurred;
4. **County of incident;**
5. **Officer who responded; and**
6. **Action taken on report.**

C. **Monthly report.** A monthly report of the recorded incidents of domestic abuse, dating or family violence as well as reports required by subsection D of Title 6,

§ 1-206, shall be submitted to the Lighthorse Commission and the Office of the Attorney General.

§ 3-315. Giving false information to Lighthorse police or other authorized law enforcement officer

It shall be a crime to knowingly and willfully present any false or materially altered protection order to any Lighthorse police or other authorized law enforcement officer to affect an arrest of any person. Such crime shall be punishable by a term of imprisonment of no more than one (1) year, or by a fine of not more than five thousand dollars (\$5,000.00) or by such fine and imprisonment.

§ 3-316. Duty to preserve evidence

A. The purpose of this section is to assist in the prosecution of perpetrators of crimes involving domestic, dating and family violence and to recognize that victims of crimes involving domestic, dating or family violence are often reluctant to cooperate or testify at subsequent hearings for many reasons, including but not limited to economic, emotional and psychological factors.

B. All law enforcement officers who respond to an allegation of a crime involving domestic, dating or family violence shall take reasonable steps to collect sufficient evidence to enable the prosecutor to secure a conviction of the perpetrator without the testimony of any victim. Reasonable steps include:

- 1. Photographing injuries to any victim, any damage to property and the location and surroundings of the alleged incident;**
- 2. Describing both the physical and emotional condition of the victim in detail;**
- 3. Noting the identity of any witnesses to the incident and determining what they observed;**
- 4. Identifying all persons present at the location at the time of the incident, including children, whether or not they witnessed the incident;**
- 5. Recording all oral comments;**
- 6. Gathering a history of the relationship and its duration;**
- 7. Describing the scene of the alleged crime on first contact and other physical evidence; and**
- 8. Gathering statements and interviewing the responding medical personnel or following up with medical personnel if the victim is transported to a facility for medical treatment.**

C. A law enforcement officer who responds to an allegation of domestic, dating or family violence shall encourage any victim to make an oral and written statement concerning the incident and shall take one from any perpetrator, if possible.

D. A law enforcement officer who responds to an allegation of a crime involving domestic, dating or family violence shall ensure that the victim is made aware of the importance of preserving evidence of the incident. In addition, the law enforcement officer shall preserve a chronology of events in written form.

E. If a child is present in the household, the officer shall note their presence. In order to preserve evidence and not taint testimony or induce additional trauma, an interview of a child shall be conducted by someone trained and qualified to interview children. However, if the child makes spontaneous statements, the officer shall note these within his or her report. If a child is present in the household, the officer shall make any reports, as required by the Tribal or other governmental agency responsible for investigating allegations of abuse or neglect.

F. Failure to comply with any of the above steps will not result in dismissal of the case but may result in disciplinary action.

§ 3-317. Officials Who Batter, Including Law Enforcement Officers; Procedure

A. Law enforcement officers and public officials who are suspected of committing crimes of domestic, dating, or family violence shall be subject to all provisions of this Code.

B. Upon receiving a report or notification that a law enforcement officer is a possible perpetrator of domestic, dating or family violence:

1. The responding officer shall immediately notify the on-duty supervisor or designate. The supervisor shall respond to the call and will notify the Chief or designate;
2. Line officers will secure the scene and ensure the safety of all parties.
3. Under no circumstances will line officers be responsible for or be assigned to investigate calls regarding other officers of equal rank or superior officers. Someone of higher rank than the alleged perpetrator shall be involved in responding.
4. The domestic violence investigator or designate shall be notified of the call.

5. Once the preceding has been completed, the line officer shall await the response of a superior.

C. Upon receiving notification that a public official is a possible perpetrator:

1. The responding officer shall notify the duty supervisor and domestic violence investigator or designate.

2. The responding officer shall proceed with all reasonable means to secure the scene and ensure the safety of all parties, if necessary, and await the response of the supervisor or domestic violence investigator.

§ 3-318. Training

All employees of the Court Staff, Family Violence and Lighthorse Police Department, as well as, Probation Officers and the Prosecutor shall participate in at least one (1) day of annual training to include but not be limited to:

1. The dynamics of domestic violence, the impact of victimization, offenders re-education programs, coordinated system response in order to facilitate the goals of this Title. In addition, law enforcement training shall include the technical aspects in making a domestic violence arrest including probable cause, self-defense, mutual arrest, evidence gathering, evidence-based prosecution and report writing.
2. Each department is responsible for submitting verification of training to Human Resources to be included in the employee's personnel file.
3. Failure to participate in the required training may result in appropriate disciplinary actions.

SUBCHAPTER 4. CIVIL PROCEDURES AND REMEDIES

§ 3-401. District Court Civil Jurisdiction

The District Court has full civil jurisdiction to issue protection orders if either the petitioner or respondent currently or temporarily resides in the Muscogee (Creek) Nation territorial jurisdiction, if the respondent currently or temporarily resides in the Muscogee (Creek) Nation territorial jurisdiction or if the domestic, dating or family violence occurred in the Muscogee (Creek) Nation territorial jurisdiction or on other land under the authority of the Muscogee (Creek) Nation; provided that such civil jurisdiction may be exercised regardless of the Indian or non-Indian status of petitioners and

respondents. There is no minimum requirement of residency to petition the District Court for an order for protection. In accordance with 18 U.S.C. § 2265(e), the District Court shall have full civil jurisdiction to enforce protection orders issued by the District Court and to enforce foreign protection orders pursuant to Title 6, §§ 3-415, 3-416 and 6-3-417.

§ 3-402. Eligible petitioners for civil protection order

A. **Petition by victim.** Any victim of domestic violence, stalking, harassment, sexual assault, dating violence or family violence as defined in subsection D of Title 6, § 3-103, may seek relief by filing a civil petition for protection order with the District Court as an independent action or by a motion in a pendent lite order in another proceeding on behalf of their self and/or any domesticated animals threatened. Provided, that if made by oral motion it shall be promptly memorialized by written motion.

B. **Petition on behalf of child.** A parent, guardian, or other representative may file a civil petition for an order for protection on behalf of a child or incapacitated adult against a family or household member who commits an act of domestic or family violence or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of this Code.

C. **Motion by Prosecutor.** The Prosecutor may move for an order of protection on behalf of a victim, minor child or incapacitated adult in an independent action or as a pendent lite order in another proceeding provided that such motion is memorialized by a written motion.

CD. **Request for emergency temporary order.** When if the domestic, dating or family violence, stalking, harassment or sexual assault occurs when the District Court is not open for business, such person may request an emergency temporary protection order as provided by Title 6, §§ 3-306 and 3-405. The District Judge or other Court officer with authority to issue an order for protection shall be available twenty-four (24) hours a day to hear motions or petitions for emergency orders for protection.

§ 3-403. Petition for protection order

A. **Form of petition.** The petition forms shall be provided by the Clerk of the District Court and shall be in substantially the following form:

IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION
_____ DISTRICT

_____)

On Behalf of: _____
_____ (if filed by a third party) _____

_____ Petitioner _____ Case No. _____

_____ vs. _____

_____ Respondent _____

MOTION/PETITION FOR PROTECTION ORDER

Petitioner, being sworn, states:

1. (Check one or more)

- The Respondent has caused or attempted to cause serious physical harm to _____
- The Respondent threatened with imminent serious physical harm.
- The Respondent has stalked or harassed _____

2. The incident causing the filing of the petition occurred on or about _____, (date)

(Describe What Happened:)

3. The victim and the respondent are related as follows:

(Check one)

- Married
- Divorced
- Parent and Child
- Persons related by blood
- Present Spouse of an ex-spouse
- Persons living in the same household
- Persons formerly living in the same household
- Biological parents of the same child
- Not related

4. (Answer this question only if the petitioner is filing on behalf of someone else, minor or incompetent)

The petitioner and the victim are related as follows:

- Parent and child
- Persons related by blood
- Next friend and incompetent
- Guardian and ward

5. (Check A or B)

A) the victim is in immediate and present danger of abuse from the respondent and an emergency ex parte order is necessary to protect the victim from serious harm. The petitioner requests the following relief in the emergency ex parte order:

(Check one or more)

order the respondent not to commit or threaten to commit any acts of domestic or family or household member

order the respondent not to harass, annoy, telephone, contact or otherwise communicate with the victim, directly or indirectly

order the respondent not to visit or stalk the victim or otherwise interfere with the victim

order the respondent to stay away from the residence of the victim located at _____ on or before _____

order the respondent to stay away from the school, place of employment or other places frequented regularly by the victim and any named family or household member specified as follows: _____ on or before _____

order the respondent not to use or possess a firearm or other weapon specified by the Court.

_____ (describe other relief that petitioner requests).

B) The petitioner does not request an emergency ex parte order.

6. Petitioner requests the following order to be made by the District Court following notice to the respondent and a hearing:

(Check one or more)

~~order the respondent not to commit or threaten to commit any acts of domestic or family violence against the victim or other family or household member.~~

~~order the respondent not to harass, annoy, telephone, contact or otherwise communicate with the victim, directly or indirectly.~~

~~order the respondent not to visit or stalk the victim or otherwise interfere with the victim.~~

~~order the respondent to stay away from the residence of the victim located at _____ on or before _____.~~

~~order the respondent to stay away from the school, place of employment or other places frequented regularly by the victim and any named family or household member specified as follows: _____ on or before _____.~~

~~order the respondent not to use or possess a firearm or other weapon specified by the Court.~~

~~order the respondent to pay restitution as follows:~~

~~Medical expenses arising from injuries caused by the respondent~~

~~Reimbursement for property damaged by the respondent~~

~~Expenses for shelter for the victim~~

~~order the respondent to pay attorney fees for the petitioner in the sum of \$ _____ on or before _____.~~

~~order the respondent to pay court costs of this action in the sum of \$ _____ on or before _____.~~

_____ (describe other relief that petitioner requests)

7. ~~Victim is a resident of the Muscogee (Creek) Nation as defined by the Constitution of the Muscogee (Creek) Nation wherein this petition is filed.~~

~~This Court has jurisdiction to hear this petition because:~~

(Check one)

~~[]~~ ~~Petitioner currently or temporarily resides in the Muscogee (Creek) Nation territorial jurisdiction (example: on an Indian restricted or trust allotment).~~

~~[]~~ ~~Respondent currently or temporarily resides in the Muscogee (Creek) Nation territorial jurisdiction (example: on an Indian restricted or trust allotment).~~

~~[]~~ ~~Respondent committed an act or acts of domestic or family violence in the Muscogee (Creek) Nation territorial jurisdiction (example: on an Indian restricted or trust allotment).~~

~~8. Petitioner, being first duly sworn on oath states: That I have read the above and foregoing document, understand the meaning thereof, and declare, under penalty of perjury, that the facts and statements contained herein are believed to the best of my knowledge to be true, and nothing but the truth.~~

Petitioner

Witness my hand and seal, affixed on the ____ day of _____
20____.

District Court Clerk,
Deputy District Court Clerk or Notary Public

IN THE DISTRICT COURT OF THE MUSCOGEE (CREEK) NATION
DISTRICT

ON BEHALF OF : _____

(if filed by a third party) _____

Case No.: _____

Petitioner)
)
)
)
)
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)
)
)
)

vs.

Respondent

MOTION FOR PROTECTION ORDER

Petitioner, being sworn, states:

This Court has jurisdiction to hear this petition because (Check all that apply):

Victim currently; resides in, is employed within the Muscogee (Creek) Nation jurisdiction;

on an Indian restricted or trust allotment

lives on tribally owned property

other

Works at:

Respondent currently resides in, and/or is employed within the Muscogee (Creek) Nation jurisdiction;

on an Indian restricted or trust allotment

lives on tribally owned property (address or location of property, if known)

other

Works at

Is the Respondent a spouse, intimate partner, or dating partner of:

a member of the Muscogee (Creek) Nation; or

an Indian residing in the Indian country of the Muscogee (Creek) Nation.

If so, what Tribe affiliation is Respondent?

1. Please tell why you are seeking a Protective Order. (Check one or more and explain)

The Respondent has caused or attempted to cause serious physical harm to (victim's name):

The Respondent threatened with imminent serious physical harm. (Victim's name)

The Respondent has stalked or harassed

(Victim's name)

2.A. The incident causing the filing of the petition occurred on or about

(Insert Date)

B. Describe what happened:

C. Where did the incident occur?

To the best of your knowledge, was this act or acts committed on Muscogee (Creek) Nation:

Indian restricted or trust allotment;

Tribal Trust land;

Tribally owned property.

D. Are there any other court actions pending between the parties?

Yes

No

If yes, in what court?

Briefly describe the action(s):

3. The Victim and the Respondent are related as follows (check one):

Married

- Divorced
 - Parent and Child
 - Persons Related by Blood
 - Present Spouse of an Ex-Spouse
 - Persons living in the Same Household
 - Persons Formerly Living in the Same Household
 - Biological Parents of the Same Child
 - In a Dating Relationship: (please describe for how long, from when to when, the type of relationship, and the frequency of interaction between the persons involved in the relationship)
-
-

Not Related: (Briefly describe how victim and respondent know each other)

4. (Answer this question only if the petitioner is filing on behalf of someone else, minor or incompetent)

The petitioner and the victim are related as follows:

- Parent and Child
- Persons Related by Blood
- Next Friend and Incompetent
- Guardian and Ward

5. (Check A or B)

A. The victim is in immediate and present danger of abuse from the respondent and an emergency ex parte (without notice to the other party) order is necessary to protect the victim from serious harm. (Please explain why an order needs to be granted immediately without notice to the Respondent)

The petitioner requests the following relief in the emergency ex parte order:
(Check one or more)

- order the respondent not to commit or threaten to commit any acts of violence against the petitioner or any domestic, dating, family or household member.
- order the respondent not to harass, annoy, telephone, contact or otherwise communicate with the victim, directly or indirectly.

order the respondent not to visit or stalk the victim or otherwise interfere with the victim.

order the respondent to stay away from the residence of the victim located at _____ on or before _____.

order the respondent to stay away from the school, place of employment or other places frequented by the victim and any named family or household member specified as follows: _____ on _____ or before _____.

order the respondent to take no action to make any changes to the utilities or telephone services at the petitioner's residence

order the respondent to refrain from having any contact with the petitioner's domestic animals.

order the respondent not to use or possess a firearm or other weapon specified by the Court.

(describe other relief the petitioner requests)

B. The Petitioner does not request an emergency ex parte order.

6. Petitioner requests the following order to be made by the District Court following notice to the respondent and a hearing:

(Check one or more)

order the respondent not to commit or threaten to commit any acts of domestic or family violence against the victim or other family or household member.

order the respondent not to harass, annoy, telephone, contact or otherwise communicate with the victim, directly or indirectly.

order the respondent not to visit or stalk the victim or otherwise interfere with the victim.

order the respondent to stay away from the residence of the victim located at _____ on or before _____.

order the respondent to stay away from the school, place of employment or other place frequented regularly by the victim and any named family or household member specified as follows:

on or before _____.

order the respondent not to use or possess a firearm or other weapon specified by the Court.

order the respondent to pay restitution as follows:

Medical expenses arising from injuries caused by the respondent

Reimbursement for property damaged by the respondent

Expenses for shelter for the victim

order the respondent to pay attorney fees for the petitioner in the sum of \$ _____ on or before _____.

order the respondent to pay court costs of this action in the sum of \$ _____ on or before _____.

(describe other relief that petitioner requests)

7. Petitioner, being first duly sworn on oath states: That I have read the above and foregoing document, understand the meaning thereof, and declare, under penalty of perjury, that the facts and statements contained herein are believed to the best of my knowledge to be the truth, and nothing but the truth.

Petitioner

Witness my hand and seal, affixed on the _____ day of _____,
20_____.

District Court Clerk
Deputy District Court Clerk or Notary Public