

PROTECTIVE ORDER PACKET



IN THE DISTRICT COURT OF WYANDOTTE NATION

Wyandotte Nation Courts
64700 E Hwy 60
Wyandotte, Ok 74370

Court Clerk Phone: 918-678-6342
Court Administrator Phone: 918-678-6394
Fax: 918-676-7002

The Petition form in this packet is to be used when filing for a Protective Order. Please read the Protective Order Information provided in this packet carefully before completing the form. The Court Clerks CANNOT accept a Petition that does not conform to the instructions included in this packet.

The Court Clerk is prohibited from providing legal advice. Different situations may require special procedures and the Court Clerk CANNOT advise you on how to proceed or what forms may be necessary in specific situations. For legal advice, you will have to consult an attorney at your own expense.

Packet contains:

1. Instructions
2. Protective Order Information
3. Petition for Protective Order
4. Protective Order Information Sheet



IN THE DISTRICT COURT OF WYANDOTTE NATION

INSTRUCTIONS
PETITION FOR PROTECTIVE ORDER

IMPORTANT INFORMATION-PLEASE READ!

1. Read the Protective Order Information to familiarize yourself with a Protective Order before starting your paperwork.
2. Complete the Petition for Protective Order
3. Petition for Protective Order must be signed in front of the Court Clerk or a Notary Public.
4. Petition for Protective Order needs to have the FULL ADDRESS OF RESPONDENT (include city, state and zip).
5. Fill out the Protective Order Information Sheet about the Petitioner and Respondent/Offender. This information is for the Court and Officer use only!
6. Return all paperwork to the Court Clerk.

**OFFICE HOURS: 8:00AM-12:00PM and 1:00PM-4:30PM, MONDAY-THURSDAY
8:00AM-12:00PM and 1:00PM-3:30PM, FRIDAY**

Mailing Address: Wyandotte Nation Court
64700 E Hwy 60
Wyandotte, OK 74370

Physical Address: 64700 E Hwy 60
Wyandotte, OK 74370

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PLEASE BE SURE YOU CAREFULLY. READ ALL THE STEPS IN THIS PACKET BEFORE STARTING YOUR PAPERWORK!

PROTECTIVE ORDER

This is to inform you about what you can do if you are being abused by someone in your life. As a victim, you have the right to ask a Judge for a Protective Order. A Protective Order from the Court orders the person who has been harassing, stalking or abusing you to stop doing so.

A Protective Order is only a court paper. YOU must take other steps to plan for your safety and the safety of your child(ren).

What is a Protective Order (P.O.)?

A Protective Order is a Civil Court Order that is designed to stop abusive behavior and to protect you from the abuser. It offers civil legal protection from Domestic Abuse to both male and female victims. It can set limits on the abusers behavior such as:

- Order the abuser to stop abusing you and your child(ren);
- Tell the abuser to leave and stay away from your home, work place and/or family;
- Direct the abuser to have no contact with you, including no phone calls, letters and/or messages through other people;
- Order the abuser to stay away from the child(ren), the babysitter, day care and/or school.
- A Protective Order is not a punishment for the abuser. It is intended to prevent future abuse.

Am I eligible to file for a Protective Order?

You can seek legal protection from acts of domestic abuse, emotional abuse, sexual assault, stalking or harassment committed by a "family or household member" against you or your minor child(ren). This means you can seek protection from:

- Spouse
- Former spouse
- Child
- Person related by blood
- Person related by marriage
- Present spouse of an ex-spouse
- Person who resides with you
- Person who formerly resided with you
- Person who has child(ren) with you
- Person who you were previously dating or in an intimate relationship with

(DEFINITIONS PER WYANDOTTE NATION DOMESTIC & FAMILY VIOLENCE CODE, TITLE 7 SECTION 4)

(3) “Domestic Abuse” means any act of physical harm, or threat of imminent physical harm which is committed by an adult, emancipated minor, or minor age sixteen (16) or seventeen (17) years against another adult, emancipated minor or minor child who are family or household members.

(10) “Harassment” means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose.

(11) “Emotional Abuse” means the repeated use of threats, intimidation, or extreme ridicule such that it would inflict humiliation and/or emotional suffering upon a reasonable person and does actually inflict such suffering upon a protected person. Emotional abuse also include the harm done to minors by domestic abuse committed in the presence of those minors.

(13) “Stalking” means the willful, malicious, and repeated following of a person by an adult, emancipated minor or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or injury.

(17) “Sexual Assault” means any unwelcome sexual contact which:

- (i) Causes another person to involuntarily engage in sexual activity by force: and
- (ii) Causes another person to involuntarily engage in sexual activity by threat of force or duress.

What types of Protective Orders are available?

There are two types of Protective Orders available for you:

- **Emergency Protective Order** (also known as an *Ex Parte* Emergency Protective Order) – The Petition for Protective Order must clearly show that the victim is in immediate and present danger of abuse and an Emergency Protective Order is necessary to protect the victim from serious harm.
- **Regular Order of Protection** (Non-emergency)

How much does it cost to get a Protective Order? Do I need a lawyer?

There are no fees to file a Protective Order. However, if the Judge finds that the Protective Order was filed for frivolous reasons, then the Judge may decide to order the Petitioner to pay court costs.

You do not need an Attorney to file a Protective Order. However, if you wish, you can have an Attorney represent you. Wyandotte Nation Family Violence Prevention Program may also be able to assist you. They provide services for domestic violence and sexual assault.

Wyandotte Nation Family Violence Prevention Program
8 Turtle Drive
Wyandotte, OK 74370
1-877-276-0669/918-678-6324
fvpp@wyandotte-nation.org

How do I get a Protective Order?

- Step 1.** Read and review the information on a Petition for Protective Order.
- Step 2.** Have information about you and about your abuser on hand.
- Identifiers, DOB, SSN, etc.;
 - Abuser's complete address;
 - Specific facts describing the act of domestic abuse (what happened in detail- who, what, when (date/time), where, why, etc.)
- Step 3.** Fill out the Petition for Protective Order (included in this packet). Carefully fill out the Petition. On the Petition, you will be the "Petitioner" and your abuser will be the "Respondent". When describing about the most recent incident of domestic abuse be specific. Include details and dates. **However, remember to be honest. Do not sign the Petition unless it is in front of the Court Clerk or a Notary Public!**
- If you need assistance, Wyandotte Nation Family Violence Prevention Program may be able to assist you in filling out the Petition.
- Step 4.** The Court Clerk will review your Petition. After you finish filling out your Petition, take it to the Court Clerk. The Court Clerk will review your Petition to ensure that all the necessary information is provided.
- Step 5.** Appear for an *Ex Parte*/Emergency Protective Order Hearing. When you appear before the Judge, you will be required to answer questions under oath. The Judge will decide whether to issue the Emergency Protective Order, and will set a date for a Show Cause hearing. You will be given an Emergency Protection Order that will state the date and time of your hearing, if the Judge issues the Emergency Protection Order.
- Step 6.** Service of Process. A copy of your Petition and the Emergency Protection Order must be served on the Respondent. Do not try and serve the Respondent in person with the papers yourself. The Court will be responsible for serving the Respondent.
- If the Judge is ordering the Respondent to leave your residence, contact Wyandotte Nation Police Department to ask how you should proceed with doing so.
- Step 7.** Show Cause Hearing. You must appear at the Show Cause Hearing. If you do not appear, your Emergency Protection Order will expire and you will no longer be protected. If the Respondent does not show up for the hearing, after being served, the Judge may still grant you a Final Protective Order, or the Judge may order a new hearing date.

At the Show Cause Hearing, you will show why you need the Final Protective Order. The best evidence is your honesty, verbal testimony. But other evidence can include:

- Police report(s);
- Pictures;
- Copies of criminal records;
- Anything else to show you have suffered acts of Domestic Abuse and need certain relief and protection.

However, the Judge will listen to your story even if you have no evidence. Tell your story in your own words, but leave out details that have nothing to do with the physical abuse or threats of harm.

Remember:

- Be on time;
- Dress clean and neat;
- Speak directly to the Judge;
- Always address the Judge as “Your Honor” and always stand when speaking;
- If you do not understand a question that the Judge asks you, just say so;
- If you do not know the answer to a question, just say so. Never make up an answer;
- Be honest.

How do I get a copy of the Final Protective Order?

After Court, if granted, the Court Clerk will prepare the Final Protective Order and you will be given a certified copy. Review it carefully before you leave. If you have any questions about it, ask the Court Clerk. If something is wrong (misspelled names, etc.) or missing information, ask the Court Clerk to correct the Order before you leave. Keep a certified copy of the Order with you at all times.



**IN THE DISTRICT COURT OF THE
WYANDOTTE NATION**

_____)
 Petitioner,)
 _____))
 _____))
 _____))
 And/or on behalf of minor family member(s))
 (Name and age))
 _____))
 vs) Case No: _____
 _____))
 Respondent,)

PETITION FOR PROTECTIVE ORDER

COMES NOW, _____, Petitioner herein, pro se, and for this cause of action, the Petitioner alleges and states the following:

1. That the Petitioner is:

- a citizen of the Wyandotte Nation,
- a citizen of another federally recognized tribe; Tribe: _____
- a resident of the Wyandotte Nation Reservation,
- is non-Indian.

That the Respondent is:

- a citizen of the Wyandotte Nation,
- a citizen of another federally recognized tribe; Tribe: _____
- a resident of the Wyandotte Nation Reservation,
- is non-Indian.

Please state Respondent's address:

The action complained of occurred, or is threatened to occur within the Wyandotte Nation Reservation.

2. (Check one or more)

The Respondent caused or attempted to cause serious physical or emotional harm or sexual abuse to _____ . (Name/s)

The Respondent threatened _____ (Name/s) with imminent serious physical harm.

The Respondent has stalked or harassed _____
_____ (Name/s).

◆ *According to Title 7-Wyandotte Domestic and Family Violence Code:*

Section 4. Definitions.

** (3) "Domestic Abuse" means any act of physical harm, or threat of imminent physical harm which is committed by an adult, emancipated minor, or minor age sixteen (16) or seventeen (17) years against another adult, emancipated minor or minor child who are family or household members.*

** (10) "Harassment" means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose.*

** (11) "Emotional Abuse" means the repeated use of threats, intimidation, or extreme ridicule such that it would inflict humiliation and/or emotional suffering upon a reasonable person and does actually inflict such suffering upon a protected person. Emotional abuse also include the harm done to minors by domestic abuse committed in the presence of those minors.*

** (13) "Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or injury.*

** (17) "Sexual Assault" means any unwelcome sexual contact which:*

(i) Causes another person to involuntarily engage in sexual activity by force: and

(ii) Causes another person to involuntarily engage in sexual activity by threat of force or duress.

3. The incident which caused the filing of this petition occurred on or about _____ 20 _____. Please describe the events which necessitated the filing of this petition:

ATTACH ADDITIONAL PAGES IF NECESSARY

4. The Petitioner and the Respondent are related as follows: (check one)

- married
- divorced
- parent and child
- persons related by blood
- persons related by marriage
- present spouse of an ex-spouse
- persons living in the same household
- not related
- persons formerly living in the same household
- biological parents of the same child

5. Complete this section only if the Petitioner is filing on behalf of someone else, minor or incompetent.

The Petitioner and the victim are related as follows: (check one)

- married
- divorced
- parent and child
- persons related by blood
- persons related by marriage
- present spouse of an ex-spouse
- persons living in the same household
- biological parents of the same child
- persons formerly living in the same household

6. (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)

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

Petitioner requests the following order(s) to be made by the court: (check one or more)

- order the Respondent not to abuse or injure the victim.
- order the Respondent not to visit, assault, molest, or otherwise interfere with the victim directly or through third parties.
- order the Respondent not to threaten the victim.
- order the Respondent to cease harassment of the victim.
- order the Respondent to leave the residence located at _____
_____ on or before _____.
- order temporary suspension of visitation with minor child(ren) due to physical violence or threat of abuse or violation of a custody order.
- order the Respondent who is a minor, age: _____, to leave the residence located at _____ by immediately placing the Respondent in any type of care authorized for children pursuant to the laws of the Wyandotte Nation.
- Additional relief requested: _____

WARNING: Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that 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 5, Section 406 of the Wyandotte Nation Criminal Offense Code is punishable by a fine not to exceed \$5,000 or by a term of imprisonment not to

exceed one (1) year, or by exclusion for a term not to exceed two (2) years or by a combination thereof.

I _____, Petitioner, being of lawful age and duly sworn state that I have read the foregoing Petition for Protective Order and am familiar with its contents and declare under penalty of perjury, that the facts and statements contained herein are true and correct to the best of my knowledge and belief.

WHEREFORE, the Petitioner prays that the Court grant and issue the Petitioner an Order against the Respondent as requested in this Petition and a hearing be set as soon as the Court deems it necessary.

Petitioner (Signature)

Petitioner (Printed Name)

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

Court Clerk/Notary Public

SEAL

Commission Expires: _____



PROTECTIVE ORDER INFORMATION SHEET
(THIS INFORMATION IS FOR THE COURT AND OFFICER USE ONLY)

PETITIONER: (To be completed by Petitioner)

Name: _____ DOB: _____

Sex: _____ Tribe: _____

On behalf of minor(s)/Incompetent:

Name: _____ DOB: _____

Sex: _____ Tribe: _____

Name: _____ DOB: _____

Sex: _____ Tribe: _____

Name: _____ DOB: _____

Sex: _____ Tribe: _____

RESPONDENT:

Name: _____ DOB: _____

Address: _____

Sex: _____ Tribe: _____ Race: _____

HT: _____ WT: _____ Eye Color: _____ Hair Color: _____

SSN: _____ DL: _____ STATE: _____ EXP: _____

Scars/Tattoos/Marks: _____

Vehicle:

Make: _____ Model: _____

Year: _____ Color: _____ Tag: _____

Alias Name(s): _____

MISC: _____

CAUTION/MEDICAL CONDITIONS ABOUT RESPONDENT:

Petitioner alleges the following CAUTION/MEDICAL conditions:

- Armed & Dangerous
- Explosives Expertise
- Sexually Violent Predator
- Heart Condition
- Epilepsy
- Hemophiliac
- Violent Tendencies
- Known to Abuse Drugs
- Sex Offender
- Alcoholic
- Suicidal
- Diabetic
- Martial Arts Expert
- Escape Risk
- International Flight Risk
- Allergies
- Medication Required
- Other: _____

Please give as much information to support each claim.

