



WYANDOTTE NATION DISTRICT COURT
WYANDOTTE NATION DISTRICT COURT
FILED in The Office of the Court Clerk

NOV 04 2020
2:59 PM KF

Date

Kurt Jink
Court Clerk

In the Matter of:

Protective Order
Packet

)
)
)
)
)
)

ADM-20-3

ADMINISTRATIVE ORDER

NOW on this 4th day of November, 2020, in the District Court of the Wyandotte Nation, the Court approves the following packet to be issued by the Court Clerk's office to the public for pro se applicants of a protective order.

Jon W. Douthitt
Judge Jon Douthitt

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: 918-678-2005

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.

Should you need assistance in preparing the Petition, you must consult with an Attorney at your own expense. This court does not have Legal Aid. The Court Clerk is prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. 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.

Packet contains:

1. Instructions
2. Protective Order Information
3. Petition



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 when you are ready to file.
4. Petition for Protective Order needs to have the FULL ADDRESS (include city, state and zip).

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

Mailing Address: Wyandotte Nation Courts
64700 E. Hwy 60
Wyandotte, Ok 74370

Physical Address: 14325 Porcupine Rd.
Wyandotte, Ok 74370

Telephone: Court Clerk: 918-678-6342
Court Administrator: 918-678-6394

Fax: 918-678-2005

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

PROTECTIVE ORDER

You have the right to be safe

This is to inform you about what you can do if you are being abused, stalked or harassed 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 or be punished by the Court.

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 violent and harassing behavior and to protect you from the abuser. It offers civil legal protection from Domestic Violence 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 violence or harassment. However, if the abuser violates the Order, the abuser can be arrested and punished.

Am I eligible to file for a Protective Order?

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

- Spouse
- Former spouse
- Person related by blood
- Person related by existing marriage
- Person related by prior marriage
- Person who resides with you
- Person who resided with abuser
- Person who has child(ren) with abuser
- Person in dating/intimate relationship
- Person in previous dating/intimate relationship

“Domestic abuse” is when a family or household member, or someone you have had a dating relationship with:

- Physically harms you, or
- Threatens to physically harm you.

What types of Protective Orders are available?

There are two types of Protective Orders available for you:

- **Emergency Order of Protection** (also known as an *Ex Parte Emergency Order of Protection*) – The Petition for Protective Order must clearly show that an act of domestic violence has occurred.
- **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 or if the Petitioner (person filing) fails to appear at the hearings, 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 help you. They provide services for domestic violence and sexual assault.

Wyandotte Nation Family Violence Prevention Program
64700 E. Hwy 60
Wyandotte, OK 74370
918-678-6324
lisaarnold@wyandotte-nation.org

How do I get a Protective Order?

- Step 1.** Read and review this 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 violence (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 violence, use

descriptive language (slapping, hitting, grabbing, choking, threatening, etc.) that fits the situation. Be specific. Include details and dates. ***But remember to be honest.***

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 a Temporary Hearing.

When you appear before the Judge, you will be required to answer questions under oath. The Judge will decide whether or not to issue the Emergency Protective Order, and will set a date for a show cause hearing. You will be given a Temporary Protection Order that 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 Temporary 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 hearing. If you do not appear, your Temporary Protection Order will expire and you will no longer be protected. If you do not appear at the hearing, it may be harder for you to be granted an Order in the future and the Court may assess court costs and service fees to you. If the Respondent does not show up for the hearing, after being served, the Judge may still grant you a Permanent Protection Order, or the Judge may order a new hearing date.

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

- Police report(s);
- Pictures of your injuries (include date, if possible);
- Pictures of your household in disarray after and episode of domestic violence;
- Copies of the abuser's criminal records;
- Anything else to help you convince the Judge you have suffered acts of Domestic Violence 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 violence or threats of violence. Also, rather than saying "He/She hit me," tell the Judge how you were hit, where on your body you were hit and how many times. Be specific.

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 Protective Order?

After Court, the Court Clerk will prepare the Protective Order and you will be given a 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 copy of the Order with you at all times.



IN THE DISTRICT COURT OF WYANDOTTE NATION

_____,)
Petitioner,)
VS.)
_____,)
Respondent.)

Case No. _____

PETITION FOR PROTECTIVE ORDER

PROTECTED PARTY (Petitioner)
First Middle Last

PROTECTED PARTY IDENTIFIERS
DOB: _____
DOB of Protected Party

And/or on behalf of minor family member(s): (list name and DOB)
_____/_____
_____/_____

VS.

RESTRAINED PARTY (Respondent)
First Middle Last

RESTRAINED PARTY IDENTIFIERS (RESPONDENT)

Table with columns: SEX, RACE, DOB, HT, WT, EYES, HAIR, INDIAN CENSUS#, DRIVERS LICENSE #, STATE, EXP DATE, SSN#

Distinguishing Features _____

Relationship to Petitioner: _____
Respondent's Address: _____

Please ask for another sheet if necessary

6. Are there any pending Actions or Judgments/Orders in this Court or any other Court between the Petitioner and Respondent? Yes No If "yes", please list below:

Name of Court-County	Case Name	Case No.	Case Type

7. The Petitioner is related to the Respondent as follows: **(Check all that apply)**
IF NONE OF THE BELOW APPLY STOP HERE AND COMPLE A PETITION FOR RETRAINING ORDER.

- | | |
|---|--|
| <input type="checkbox"/> Spouse | <input type="checkbox"/> Former Spouse |
| <input type="checkbox"/> Person Related by Blood | <input type="checkbox"/> Person Related by Existing Marriage |
| <input type="checkbox"/> Person Related by Prior Marriage | <input type="checkbox"/> Person Who Resides with Respondent |
| <input type="checkbox"/> Person Who Resided with Respondent | <input type="checkbox"/> Person has a Child with Respondent |
| <input type="checkbox"/> Person in Dating/Intimate Relationship | <input type="checkbox"/> Person in Previous Dating/Intimate Relationship |

8. (Check One)

The Petitioner **DOES NOT** request an *Emergency Ex Parte Order*, but requests the relief checked below, after notice and hearing, in an Order of Protection;

The Petitioner **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 victim requests the following relief in the *Emergency Ex Parte Order*.

RELIEF REQUEST (Check all that apply)

Order the Respondent to have no contact with the Petitioner, either in person or by telephone, at any time or place;

Order Respondent to not abuse, threaten, injure, assault, molest, stalk, harass or otherwise interfere with Petitioner;

Order Respondent to cease stalking the Petitioner;

Order Respondent to cease harassing the Petitioner;

Order Respondent to leave or remain away from the residence located at

_____;

Other relief: _____;

_____;

9. Petitioner request that the Respondent be ordered to pay Court Costs and Service Fees associated with the filing of the protective order. NOTE: No filing fee shall be charged to the Petitioner at the time the Petition is filed. The Court may assess Court Costs and Service Fee to either party at the hearing.

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

Petitioner (Sign)

Petitioner (Printed Name)

List additional address(es) where Respondent
Can be served:

VERIFICATION

I, _____, being first duly sworn to tell the truth and being of lawful age above 18 years of age, hereby state that I have prepared and read the foregoing Petition and verify that all of the factual allegations contained in this Petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY. I understand that I am required by Court Order to appear at the Hearing on my Petition.**

Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____ 20__.

Court Clerk/Deputy or Notary Public

SEAL

Commission Expires: _____

