

# PROTECTIVE ORDER PACKET

## COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

**Mailing Address:**  
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Anadarko, Oklahoma 73005

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**Physical Location:**  
Highway 281 North & Parker McKenzie Drive  
Anadarko, Oklahoma  
(located inside the Anadarko Agency)

The petition form in this packet is to be used when filing for an Protective Order. Please read the protective order information provided in this packet carefully before completing the form.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense or contact a Tribal Domestic Violence Program. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare petitions. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

### PACKET CONTAINS:

Protective Order Information

Petition for Protective Order

Apache Tribe of Oklahoma  
Violence Free Living  
Program Brochure



**Website:** <http://www.bia.gov/WhoWeAre/RegionalOffices/SouthernPlains/WeAre/ciospr/index.htm>



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# Instructions for Filing a Petition for Protective Order

## **IMPORTANT INFORMATION – PLEASE READ!**

These standard instructions are informational purposes only and do not constitute legal advice about your case. If you do not understand this information, please contact an attorney.

### **STEP 1: Complete forms.**

- Petition for Protective Order

NOTE: Forms must be typed double-spaced and on letter size paper. The forms provided in this packet are guides to be used in preparing your documents for filing divorce. The forms must be re-typed. Forms must include all the required information (addresses, telephone numbers, email addresses, etc.) It is YOUR responsibility to provide the required information on the forms.

### **STEP 2: Obtain copies of required documents.**

- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Plaintiff and/or Defendant and minor child/children if listed

NOTE: Obtaining these documents is YOUR responsibility.

### **STEP 3: Obtain a Money Order or Cashier's Check for filing.**

- \$85.00 filing fee if filing a Restraining Order
- Filing fee may be waived if filing a Protective Order

NOTE: Money Order or Cashier's Check made payable to "Bureau of Indian Affairs". No personal checks are accepted. Insure that you receive a receipt for the filing fee from the Court Clerk at the time of filing.

### **STEP 4: Submit forms, documents and filing fee for filing to the Court Clerk.**

- Petition for Protective Order
- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for Petitioner and/or Defendant and minor child/children if listed
- Money Order or Cashier's Check (\$85.00 filing fee made payable to "Bureau of Indian Affairs")

NOTE: If all forms, documents, and filing fees are not submitted at the time of filing, it will be returned back to you, until you obtain ALL required forms, documents and filing fees for filing.

Petition for Protective Order must be signed in front of the Court Clerk or a notary public.

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION  
ANADARKO, OKLAHOMA**

\_\_\_\_\_, )  
Tribal Member or Non-Indian, )  
And/or on behalf of minor family member(s), )  
\_\_\_\_\_, )  
Plaintiff(s), ) Case No. PO-\_\_\_\_-\_\_\_\_  
VS. )  
\_\_\_\_\_, )  
Tribal Member or Non-Indian, )  
Defendant. )

**PETITION FOR PROTECTIVE ORDER**

**COMES NOW**, \_\_\_\_\_, Plaintiff herein, pro se, and for this cause of action, the Plaintiff alleges and states the following:

That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.1202;

**1. (Check one and complete)**

- That the Plaintiff is an enrolled member of the \_\_\_\_\_ Tribe and the Plaintiff's address is \_\_\_\_\_; (include city, state and zip code) and has lived at this address for \_\_\_\_\_; (state length of time in months or years at this address)
- That the Plaintiff is a non-Indian and the Plaintiff's address is \_\_\_\_\_; (include city, state and zip code) and has lived at this address for \_\_\_\_\_; (state length of time in months or years at this address)

**2. (Check one and complete)**

- That the Defendant is an enrolled member of the \_\_\_\_\_ Tribe and the Defendant's address is \_\_\_\_\_; (include city, state and zip code) and has lived at this address for \_\_\_\_\_; (state length of time in months or years at this address)
- That the Defendant is a non-Indian and the Defendant's address is \_\_\_\_\_; (include city, state and zip code) and has lived at this address for \_\_\_\_\_; (state length of time in months or years at this address)

**3. (Check one or more)**

- The Defendant has caused or attempted to cause physical harm, bodily injury, or sexual assault to Plaintiff;
- The Defendant has threatened Plaintiff;
- The Defendant has harassed Plaintiff;
- The Defendant has stalked Plaintiff;

4. The incident causing the filing of this Petition occurred on or about \_\_\_\_\_, 20\_\_\_\_. Describe *specific facts* describing the act of domestic violence: (what happened in detail - who, what, when, where, why, etc.).

5.

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**Please continue on back of sheet if necessary →**

6. Are there any pending actions or judgment/orders in this Court or any other court between the Plaintiff and Defendant?     Yes     No    If “yes”, please list below:

Name of Court (CFR/Tribal/State – County)	Case Name	Case No.	Case Type

7. The Plaintiff are related to the Defendant as follows: **(Check all that apply)**  
**IF NONE OF THE BELOW APPLY STOP HERE AND COMPLETE A PETITION FOR RESTRAINING ORDER.**

- Spouse
- Person Related by Blood
- Person Related by Prior Marriage
- Person Who Resided with Defendant
- Person in Dating/Intimate Relationship
- Former Spouse
- Person Related by Existing Marriage
- Person Who Resides with Defendant
- Person has a Child with Defendant
- Person in Previous Dating/Intimate Relationship

8. **(Check one)**

- The Plaintiff DOES NOT request an Emergency Ex Parte Order, but request the relief checked below, after notice and hearing, in a Order of Protection;
- The Plaintiff is in immediate and present danger of abuse from the Defendant 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 Defendant to have no contact with Plaintiff, either in person or by telephone, at any time or place;



**VERIFICATION**

I, \_\_\_\_\_, being duly sworn on oath states: 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. *I understand that I am required by Court Order to appear at the Hearing on my Petition.*

\_\_\_\_\_  
Plaintiff

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Court Clerk/Deputy



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 children.

### 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 children;
- ❖ Tell the abuser to leave and stay away from your home, work place, and family;
- ❖ Direct the abuser to have no contact with you, including no phone calls, letters, or messages through other people;
- ❖ Order the abuser to stay away from the children, their babysitter, day care, 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. 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 (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 for filing a Protective Order. However, if the judge finds that the order was filed for frivolous reasons or if the petitioner (person filing) fails to appear at the hearings, the judge may decide to order the petitioner to pay court costs.

You do not need an attorney to file for a Protective Order. However, if you wish, you can have an attorney represent you. Tribal Domestic Violence Programs may also be able to help you. They provide crisis and emergency services for victims of sexual assault, stalking and domestic violence. It is recommended that you contact the Tribal Domestic Violence Program. Services offered:

- ❖ Emergency Shelter
- ❖ Transportation
- ❖ Referral Service
- ❖ Counseling for Domestic Violence victims
- ❖ Court advocacy
- ❖ Child advocacy
- ❖ Protective Order assistance
- ❖ Legal assistance

Apache Tribe of Oklahoma  
Violence-Free Living Programs  
Phone: 405/247-9495

Bureau of Indian Affairs  
Office of Justice Services  
Jennifer Cole-Robinson, Victims Specialist  
Phone: 918/781-4712

### **How do I get a Protective Order?**

Step 1. Read and review this information on a Petition for Protective Order. If you have any questions regarding a Protective Order, refer to the court clerk.

Step 2. Have information about you and about your abuser on hand.

- ❖ Tribal Enrollment Card or CDIB for you or the abuser;
- ❖ 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 "defendant". 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, Tribal Domestic Violence Programs 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 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.

#### Step 6. Service of process.

A copy of your petition and the temporary protection order must be served on the defendant. Do not try and serve the defendant in person with the papers yourself. The court will be responsible for serving the defendant.

If the judge is ordering the defendant to leave your residence, contact BIA or Tribal Law Enforcement Services 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 defendant does not show up for the hearing the judge may still grant you a permanent protection order, or the judge may order a new hearing date.

At the Show Causing 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 an 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 don't understand a question that the judge asks you, just say so.
- ❖ If you don't know the answer to a question, just say so. Never make up and 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.