

PETITION FOR PROTECTIVE ORDER

Miami Tribe of Oklahoma District Court

Case No. PO-20 _____

Court Phone Number: (918) 541-1456

Petitioner

First Middle Last
 and/or on behalf of minor family member(s)

VS

Defendant

First Middle Last

Relationship to Petitioner: _____

Defendant's Address (Street address, City, State, Zip Code)

Additional Petitioner Information

Name(s) and age(s) of minor family member(s)

Defendant Identifiers

SEX	RACE	DOB	HT	WT
EYES	HAIR	DISTINGUISHING FEATURES		
DRIVERS LICENSE #		STATE	EXPIRES	
Other				

(Clerk's File Stamp Below)

Petitioner, being sworn, states:

1. PETITIONER'S RELATIONSHIP TO THE DEFENDANT

INSTRUCTION: Check all that apply to the relationships between Petitioner(s) and Defendant.

- | | |
|---|---|
| <input type="checkbox"/> Married
<input type="checkbox"/> Parent & Child
<input type="checkbox"/> Persons Related by Marriage
<input type="checkbox"/> Persons Living Same Household
<input type="checkbox"/> Biological Parents of Same Child
<input type="checkbox"/> Victim of Rape | <input type="checkbox"/> Divorced
<input type="checkbox"/> Persons Related by Blood
<input type="checkbox"/> Present Spouse of an Ex-Spouse
<input type="checkbox"/> Formerly Living in the Same Household
<input type="checkbox"/> Persons in a Previous Dating Relationship |
|---|---|

2. STATEMENT OF JURISDICTION

INSTRUCTION: Check all that apply.

- Petitioner is a resident of the county wherein this Petition is filed.
- Defendant is a resident of the county wherein this Petition is filed.
- The domestic abuse occurred in the county wherein this Petition is filed.

3. ACTIONS OF THE DEFENDANT

INSTRUCTION: Check and complete one or more of the following. Fill in the blank lines of checked items.

The Defendant has caused or attempted to cause physical harm to: _____ (Name(s))

The Defendant has threatened* imminent physical harm to: _____ (Name(s))

** As a general rule, "Threat" means a threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor, or minor child who are family or household members or who are or were in a dating relationship.*

The Defendant has harassed* _____ (Name(s))

** For the sake of guidance, "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls and fear of death or bodily injury.*

The Defendant has stalked* _____ (Name(s))

"Stalking" means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested.

4. DESCRIPTION OF INCIDENT(S)

The incident(s) which caused the filing of the petition occurred on or about _____ (Date(s))

Describe what happened, when and where the event(s) occurred. List all actions or behaviors you intend to present to the Court at the hearing.

ATTACH ADDITIONAL PAGES IF NECESSARY

5. TYPE OF ORDER REQUESTED

INSTRUCTION: Check either A or B

- A.** Petitioner does not request an Emergency Ex Parte Protective Order but does request the following relief, checked below, after notice and hearing, in a Final Order;

OR

- B.** Petitioner does request an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger of domestic abuse, stalking, or harassment. Petitioner requests the following relief, checked below, in the Ex Parte Order and, after notice and hearing, requests the same relief in a Final Order.

RELIEF REQUESTED

INSTRUCTION: Check EACH item which you are requesting from the Court

- 1.** Defendant should be prohibited from attempting or having **ANY CONTACT** whatsoever with the Petitioner, either in person, through others or by telephone, mail, electronic means, or any other manner, at any time or place unless specifically authorized by the Court.
- 2.** Defendant should be prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the Petitioner, and from use, attempted use or threatened use of physical force against the Petitioner that would reasonably be expected to cause bodily injury.
- 3.** Defendant should be prohibited from engaging in other conduct that would place the Petitioner in reasonable fear of bodily injury to the Petitioner or the Petitioner's household members or relatives.
- 4.** Defendant should be ordered to leave and remain away from the residence located at: _____, on or before _____ at _____ a.m./p.m. and take no action to change utilities or telephone service.
- 5.** The Court should order Law Enforcement Officers to accompany the **Defendant** to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant leaves the premises, and the Court should further order Defendant NOT to go to the above residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present.
- 6.** The Court should Order Law Enforcement Officers to accompany the **Petitioner** (i.e. provide a "civil standby") to the current or recent past residence to remove necessary clothing and personal effects, and remain in attendance until Petitioner leaves the premises. Such residence is located at the following address: _____

- 7. Order Defendant, who is a minor, to leave the residence located at _____ (address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody.
Circle Age of Minor Defendant: 13 14 15 16 17
- 8. There is an existing child visitation order and the Court should suspend or modify child visitation to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order. .
- 9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. .
- 10. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner.
- 11. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to _____.
- 12. The Defendant should be ordered to pay the court costs and service of process fees, no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously).
- 13. The Defendant should be ordered to pay the Petitioner's attorney's fees in the amount of \$_____

PETITIONER REQUESTS THE COURT TO ORDER THE FOLLOWING ADDITIONAL RELIEF:

6. SWORN STATEMENT/AFFIRMATION OF TRUTH

- A. Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the 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 and, upon conviction, subject to penalties including a fine and/or imprisonment as provided by Tribal law.
- B. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff.

7. SWORN STATEMENT/AFFIRMATION OF TRUTH

Petitioner, being first 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 true to the best of my knowledge and belief.

PETITIONER

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

Court Clerk, Judge or Notary

Petitioner requests the following law enforcement agencies receive a copy of any Protective Order entered herein:

Name of Agency or Agencies (use additional pages if necessary):

