

Notice of Hearing (and Temporary Restraining Order)

Clerk stamps date here when form is filed.

1 Name of person who asked for the order (protected person):

Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Tribal Affiliation: _____

Domiciled/Resides or is on the _____ Reservation.

Telephone number: _____

Protected person's lawyer or Tribal Domestic Violence Advocate(if any):
(Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Chemehuevi Indian Tribal Court
1900 Palo Verde Drive
Havasu Lake, CA 92363

2 Restrained person's name: _____

Description of that person: Sex: M F Height _____

Weight: _____ Race: _____ Hair color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Tribal Affiliation: _____

Domiciled/Resides or is on the _____ Reservation

Fill in case number:

Case Number:

3 List the full names of all family or household members protected by this order: _____

4 Court Hearing Date

Clerk will fill out section below:

Hearing Date

Date: _____ Time: _____
Dept.: _____ Rm: _____

Name and address of court if different from above:

To the person in 2: At the hearing, the judge can make restraining orders that last for up to 2 years. The judge can also make other orders about your children, child support, spousal support, money, and property. File an Answer on form DV- 3 before the hearing. At the hearing, you can tell the judge that you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.

To the person in 1: At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody, visitation, and child support. Safety concerns related to the financial needs of your children will also be considered.

5 Temporary Orders

Any orders made in this form end at the time of the court hearing in 4, unless a judge extends them.

Read this form carefully. All checked boxes and items 10 and 11 are court orders.

This is a Court Order.

Case Number: _____

Your name: _____

6 **Personal Conduct Orders**

The person in (2) must *not* do the following things to the protected people listed in (1) and (3):

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal Property, disturb the peace, keep under surveillance, or block movements
- b. contact (either directly or indirectly), or telephone, or send messages or mail or email
 - Except for brief and peaceful contact as required for court-ordered visitation of children unless a Criminal protective order says otherwise
- c. Take any action, directly or through others, to get the addresses or locations of any protected persons or of their family members, caretakers, or guardians. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.

7 **Stay-Away Order**

The person in (2) must stay at least _____ yards away from:

- a. The person listed in (1)
- b. The people listed in (3)
- c. Home Job Vehicle of person in (1)
- d. The children’s school or child care
- e. Other (*specify*): _____

8 **Move-Out Order**

The person in (2) must take only personal clothing and belongings needed until the hearing and move out Immediately from (*address*): _____

9 **Child Custody and Visitation Order**

- a. Follow the orders listed in Form DV – D, which is attached.

10 **No Guns or Other Firearms or Ammunition**

The person in (2) cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, firearms, or ammunition.

11 **Turn in or sell guns or firearms**

The person in (2):

- Must sell to a licensed gun dealer or turn in to police any guns or firearms that he or she has or controls. This must be done within 24 hours of being served with this order.
- Must bring a receipt to the court within 48 hours of being served with this order, to prove that guns and firearms have been turned in or sold.

12 **Property Control**

Until the hearing, only the person in (1) can use, control, and possess the following property and things:

This is a Court Order.

Case Number: _____

Your name: _____

13 **Property Restraint**

If the people in (1) and (2) are married to each other or are registered domestic partners, they must not transfer, borrow against, sell, hide or get rid of or destroy any property, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. *(The person in (2) cannot contact the person in (1) if the court has made a "no contact" order.)*

14 **Unlawful communications may be recorded.**

The person in (1) can record communications made by the person in (2) that violate the judge's orders.

15 **No Fee to Notify (Serve) Restrained Person**

If the sheriff serves this order, he or she will do it for free.

16 **Other Orders** *(specify):* _____

17 If the judge makes a restraining order at the hearing, which has the same orders as in this form, the person in (2) will get a copy of that order by mail at his or her last known address. *(Write restrained person's address here):*

If this address is not correct, or to know if the orders were made permanent, contact the court.

18 **Time for Service**

A To: Person Asking for Order

If you do not have an attorney or advocate, the court clerk will serve the Notice of Hearing on the person being restrained.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over – **not you** – must "serve" Form DV- 3on the person in (1), then file it with the court at least _____ days before the hearing.

For help with Service or answering, read attached forms.

Date: _____

Judge (or Judicial Officer)

Certificate of Compliance With VAWA

This temporary protective order meets with all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard ad provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.

**Notice of Hearing
(and Temporary Restraining Order)**
(Domestic Violence Prevention)

Your name: _____

Warnings and Notices to the Restrained Person in 2**19) You must obey this order or be subject to fines and/or other penalties.**

- Other penalties include exclusion from the Reservation and/or imprisonment under state law and possibly Federal law.
- This protection order is valid and will be enforced against you by the Tribe as well as in all 50 states of the United States, the District of Columbia, on any Indian lands and any commonwealth, territory or possession of the United States.
- You and the party protected by the order cannot change the terms of the order against you by your own agreement. All of the provisions of this order continue in effect until the ending date of the order.

20) You cannot have guns, firearms, and/or ammunition

Federal law prohibits you from possessing or purchasing any firearms while this order is in effect as long as the order is not an ex parte order. The Federal law applies whether or not the domestic violence protection order entered against you by Tribal Court prohibits you from possessing or purchasing firearms. If you travel across state or Indian lands with the intent to violate the protection order entered against you, injure, harass or intimidate the person protected under this order, or use mail or any facility of interstate commerce across state lines with the intent to place that person or his/her family or household member in fear of serious bodily harm, you are subject to prosecution for a federal crime.

21) After You Have Been Served With a Restraining Order

- Obey all the orders
- If you want to respond, fill out Form DV- 3. Take it to the court clerk with the forms listed in item. 22)
- File DV- 3 and have all papers served on the protected person by the date listed in item 18) of this form.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not attend the hearing, the judge can make the restraining orders last for 2 years.

22) Child Custody, Visitation, and Support

- Child Custody and Visitation: If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing your side.
- Child Support: The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is 18. File and serve a *Financial Statement* (Form FL-____) or an *Income and Expense Declaration* (Form FL-____) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.
- Spousal Support: File and serve a *Financial Statement* (Form FL-____) or an *Income and Expense Declaration* (Form FL-____) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing your side.

This is a Court Order.

NOTICE OF HEARING

(and Temporary Restraining Order)

(Domestic Violence Prevention)

Your name: _____

Instructions for Law Enforcement**23 Start Date and end Date of Orders**

The start date is the date next to the judge's signature on page 3. The orders end on the hearing date on page 1 or the hearing date on Form DV-____, if attached.

24 Arrest Required If Order is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer may arrest the restrained person. A violation of the order may be in violation.

25 Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them.

Consider the restrained person "served" (noticed) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file: *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. An officer can obtain information about the contents of the order in the Domestic Violence Restraining Orders System (DVROS).

26 If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, the orders remain in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order.

27 Child Custody and Visitation

Custody and visitation orders are on Form DV- 4, items **3** and **4**. They are sometimes also written on additional pages or referenced in DV- 4 or other orders that are not part of the restraining order.

28 Enforcing the Restraining Order in California

Any Tribal, State or Federal law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, or on the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

29 Conflicting Orders

A protective order issued in a criminal case on Form _____ takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in full force. An emergency protective order (Form _____) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders.

*Clerk's Certificate**[seal]*

I certify that this Notice of Hearing (and Temporary Restraining Order) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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(and Temporary Restraining Order)**
(Domestic Violence Prevention)