

IN THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA TRIBAL COURT
Meskwaki Indian Settlement
307 Meskwaki Road
Tama, Iowa 52339-9629

Case No.

Petitioner, (the filer of this action)

VS.

**PETITION FOR
PROTECTION / RESTRAINING / INJUNCTION**

Respondent.
(the person this action is filed against)

ORDER

The PETITIONER (*the filer of this petition*) hereby states :

1. I (full legal name) _____ am the Petitioner in this action that is being filed in the Sac and Fox of the Mississippi in Iowa Tribal Court. (***Check any that apply***)
 - I am filing on behalf of myself.
 - I am filing on behalf of my child/ren (name/s at #10, see below).
 - I am filing on behalf of a Vulnerable Adult (who is 18 years old or older and unable to protect themselves from abuse, neglect or exploitation by others because of a mental or physical impairment), named (provide vulnerable adult's full legal name) _____, who lives at the address of _____ that is ___ or is not ___ located on the Meskwaki Settlement. My relationship to the vulnerable adult is described as _____.
2. I do _____ or do not _____ live on the Meskwaki Settlement.
3. **I can receive mail** at the following address (this can be different from where you reside, if safety is a concern) _____.
4. **I REQUEST THE FILING FEE BE WAIVED regarding this petition. I understand my request might be denied by a Judge, and then a filing fee may be required.**
5. The full legal name of the Respondent is: _____.
6. The Respondent does ___ or does not _____ live on the Meskwaki Settlement.
7. Respondent lives at the following address:

8. Respondent works at the following place:

9. Is Respondent 17 years old or younger? No _____ Yes _____
10. What is the Respondent's date of birth? _____

11. Give the name and age of each child under age 18 whose welfare may be affected by the controversy.

Name	Birthdate	Name	Birthdate
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

12. Relationship between Petitioner/Vulnerable Adult and Respondent at the time/s of the incident/s: (**Check all that apply**)

- Married
- Separated
- Divorced
- Adult relatives living together
- Intimate Relationship, presently
- Have been in an intimate relationship **and** have had contact within 1 year of the abuse
- Immediate Family Member (spouse, parent, child or sibling or any other person who regularly resides in a person's household or resided in a person's household within the past 6 months)
- Relative (describe how related) _____
- Other: _____
- Living together
- Lived together within one year of the assault, but not at the time of the assault
- Parents of same minor child/ren

13. Nature of the alleged abuse: (**Mark all that apply**)

- Respondent has physically abused me.
- Respondent has sexually abused me.
- Respondent has threatened me and I fear for my physical safety.
- Respondent has harassed me. ("Harassment" means a series of acts over any period of time directed at a specific person. Petitioner to read full Title 24 code Section 24-3104 to determine if the definition applies)
- Respondent has stalked me. ("Stalking" is intentional conduct of a person directed toward another person and the conduct either would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member; or the conduct would cause a reasonable person to fear death of that person or that person's immediate family member. Petitioner to read full Title 24 code Section 24-3106 to determine if the definition applies)
- Respondent has used the telephone or other electronic means to terrify, intimidate, threaten, harass, annoy or offend me.

14. **Describe IN DETAIL the most recent** incident, injury, and/or nonconsensual/against-your-will experience, and/or threats. Please clearly state how it happened, where it happened and when you were hurt or threatened (**Use additional sheets if necessary**):

15. Describe **IN DETAIL ANY PREVIOUS INCIDENTS**, injuries, or threats received from the Respondent. Please clearly state how it happened, where it happened and when you were hurt or threatened (Use additional sheets if necessary):

16. Did you or any Vulnerable Adult contact Meskwaki Nation Police Department about the most current incident or any law enforcement agency? _____

- a. If yes, did you speak to an officer? _____
- b. If yes, were you provided with a police report? _____
- c. If yes, was RISE/Meskwaki Victim Services notified? _____
- d. If yes, were criminal charges filed by the police? _____

17. Are there minor children in common between the parties? Yes No

18. Please list the minor children you have in common, their birthdate, and address. If children are living in a shelter or safe location, write only the county and state.

Name	Birthdate	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

19. Are the children currently living with other people, or have they in the past?

Name	Address	Dates (start and ending dates)
_____	_____	_____
_____	_____	_____

20. Has there ever been any court case concerning custody of the minor children you have in common with the Respondent, in Iowa or any other state? **No**

Yes, in (name of Court, and attach Order) _____

21. Are there any other parties who claim to have custody or visitation rights or physical custody of the children? Yes No

Please explain.

22. Who should have temporary custody of the minor children? _____

23. Are there any safety concerns that the Court should take into account when deciding temporary custody or visitation concerning children? Please explain.

24. If you would like custody, please give ideas of how the Respondent could visit the children without contacting you. Please explain.

25. Do you have any concerns about visitation? Please explain.

Complete the following section ONLY if you are requesting AN EMERGENCY AND/OR TEMPORARY PROTECTIVE ORDER BEFORE ANY HEARING OCCURS

I REQUEST THAT THE JUDGE immediately issue an EMERGENCY and/or a TEMPORARY Protective order to protect me **before** the hearing because I am in present danger of domestic abuse. I request that the Judge order the Respondent to: (mark all applicable items)

- Stop domestic abuse
- Stay away from my home/the family home
- Stay away from my work or school
- Not contact me either personally or through another person, whether by telephone, writing, or any other way.
- Give me temporary possession of the family home or provide other housing
- Give me temporary possession of the family care (specify make, model, year, if known) _____
- Give me temporary custody of the children, with appropriate visitation for the Respondent
- Give me temporary financial support
- Other (please state):

Complete the following section if you are filing A PROTECTIVE ORDER AND REQUEST WITH HEARING, BUT NO EMERGENCY AND/OR TEMPORARY PROTECTIVE ORDER

I REQUEST THAT THE JUDGE set a hearing on the Petition; direct Meskwaki Nation Police Department to serve the Respondent with a copy of this Petition along with a copy of the Order for Hearing; and following the hearing, issue a Protective Order (effective up to one year). I request that the Judge order the Meskwaki Nation Police Department to serve the Respondent with a copy of any Protective Order issued. I request that the Judge grant any relief authorized by law, including ordering the Respondent to: (mark all applicable)

- Stop domestic abuse / harassment / stalking / intimidation
- Stay away from my home/the family home
- Stay away from my work or school
- Not contact me either personally or through another person, whether by telephone, writing, or any other way.
- Give me possession of the family home or provide other housing
- Give me possession of the family care (specify make, model, year, if known)
- _____
- Give me custody of the children, with appropriate visitation for the Respondent
- Give me financial support
- Take part in counseling
- Other (please state):
- _____

If you change your mind about any of these requests, you must tell this to the Judge at the hearing which you will have after you file this petition. You may cancel any of the requests you make in this petition, or you may ask the Judge the grant you any of the requests even if you did not mark them on this petition.

BEFORE SIGNING THE PETITION, read the statements below **AND INITIAL ALL** to show that you have read and understand each statement

INITIAL ALL STATEMENTS below, this page and next two (2) pages:

_____ I understand that there will be a court hearing in front of a Judge after I file this Petition.

_____ I understand that a law enforcement officer will give the Respondent a copy of this Petition if the Respondent can be found, and that the Respondent will receive other court papers.

(INITIAL these statements, *continued*)

_____ I understand that I must attend the hearing. If I change my mind and do not want the Protective Order, I should fill out and file with the Tribal Clerk of Court a “Motion to Dismiss” before the scheduled hearing. Contact the Tribal Clerk of Court for a “Motion to Dismiss” form.

_____ If you fail to attend the hearing or if you do not file a “Motion to Dismiss,” the Judge could allow the Respondent to present testimony and might give the Respondent what he or she asks for, such as custody of the children or the home. If you file a motion to dismiss, the Judge can dismiss the Temporary Protective Order so that it will no longer have any effect.

_____ I understand that the hearing is my opportunity to tell the Judge how I was hurt or threatened, where it happened, and when it happened. I can bring people with me to the hearing who saw the Respondent abusing me or saw the injuries. I can bring any evidence that I have which shows I have been abused, such as medical reports, pictures, pulled hair, or anything else that might help convince the Judge that I need a Protective Order.

_____ I understand that the court will give primary consideration to the safety of me and my children. I should tell the Judge how we will be in danger if the Respondent is given temporary custody or unrestricted visitation.

_____ I understand that the hearing is my opportunity to tell the Judge if paying court costs would hurt my ability to pay for my needs or my children’s needs. I should be ready to provide financial information at the hearing, such as income and living expenses and other expenses.

_____ I understand that the Protective Order could be in effect for up to one year. I also understand that if the Protective Order is granted, it may be extended beyond one year, by filing for an extension prior to the expiration of the Order.

_____ I understand that if I believe the Protective Order has been violated, I can bring this to the court’s attention by filling out and filing with the Tribal Court Clerk an “Affidavit to Start Contempt Proceedings.” Contact the Tribal Court Clerk for a copy of this form.

_____ I understand that if a Protective Order is issued, Peace Officers can use every reasonable means to enforce the Protective Order, including taking the Respondent into immediate custody and that if a court finds that the Respondent has violated the Protective Order, the Respondent could be put in jail and have to pay a fine. **I ALSO UNDERSTAND THAT I COULD BE ARRESTED AND JAILED FOR AIDING AND ABETTING RESPONDENT’S VIOLATION OF THE PROTECTIVE ORDER.**

(INITIAL these statements, *continued*)

_____ I understand that a Protective Order is a serious legal action. If I want to change any part of the Protective Order, I should go back and tell the Judge. I should fill out and file with the Tribal Court Clerk a “Request for Cancellation, Modification, or Extension of a Protection Order.” Contact the Tribal Court Clerk for a copy of this form.



CONFIDENTIALITY AND/OR RESTRICTED INFO

If you would like all or part of this file to remain confidential from the general public in order to protect the safety or privacy of any person, then you must request the Court to seal all or part of this file. The person from whom you are seeking relief will have access to the file, even if it is sealed. Court orders and support payment records will not be sealed. The court, if requested, may order that address and location information be redacted from those records.



Mark one or more of the following if you want this file sealed or restricted:



I request my personal information be restricted, redacted and NOT BE PROVIDED TO THE OTHER RESPONDENT. (*Circle all that apply*):

Home/Mailing Address Telephone/s Other: _____



I request all portions of this file be sealed from the Public



I request that my residence and mailing address be redacted from the Public



I request that the full names and addresses of my children or wards be sealed from Public



Other request: _____

[*Inform Clerk staff if you have checked any boxes about restrictions/confidentiality, noted above*]

NOTE: PLEASE WAIT TO SIGN THIS SECTION BELOW UNTIL IN THE PRESENCE OF A NOTARY OR TRIBAL COURT CLERK STAFF

PLAINTIFF/PETITIONER’S SIGNATURE

I, (print name) _____, the Plaintiff named above, have read the above Petition and the information provided is true and accurate to the best of my knowledge.

Dated: _____

Petitioner’s Signature

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

Notary Public