

Form 24.3108: Petition for Protection / Restraining / Injunction Order on Behalf of a Vulnerable Adult

Use this form if you or the person who needs help is a “vulnerable adult,” a person eighteen years of age or older who is unable to protect himself/herself from abuse, neglect, or exploitation by others because of a mental or physical impairment and includes, but is not limited to, any adult over whom any court has appointed a guardian or conservator and any adult being cared for, whether voluntarily or involuntarily, in a mental health facility, hospital, nursing home, extended care facility, or similar care facility.

Before using this form, read through the Domestic Violence FAQ’s brochure, or Title 24 Section 24.3108, Section 24-3104 or Civil Rules of Practice & Procedure Section C-36 of the Tribal Code on the Tribal Court website at <https://meskwakicourt.org/tribal-code-%26-court-rules>. These will explain what domestic abuse is, court procedures, and how to contact an attorney. You may want to, or should, see an attorney if:

- You do not know how to use this form, or do not understand this form.
- You think the Respondent will hire an attorney.

You may privately hire an attorney in this case at any time, although you are not required to. If you cannot find an attorney, the Tribal Court website has a list of Tribal Court Bar Members.

CAUTION: You must complete a separate Protected Information Sheet to provide confidential or personal information the Court requires but that cannot be listed in this Petition.

For other general information about Domestic Abuse, please call RISE at (641) 484-4444. **IF YOU ARE NEEDING IMMEDIATE ASSISTANCE, PLEASE CONTACT THE TRIBE’S CRISIS LINE (641) 481-0334**

IN THE TRIAL COURT OF THE SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA

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|---|--|
| <p>_____, Petitioner, on behalf of _____, Vulnerable Adult vs. _____, Respondent.</p> | <p>Case No. _____</p> <p style="text-align: center;">PETITION FOR PROTECTION / RESTRAINING / INJUNCTION ORDER ON BEHALF OF A VULNERABLE ADULT</p> |
|---|--|

- 1. I am the Petitioner. My full legal name is:** _____
- 2. The Vulnerable Adult’s Date of Birth is:** ____ / ____ / ____
- 3. The Vulnerable Adult’s age is:** _____
- 4. I** **AM** or **AM NOT** an enrolled member of the Sac & Fox Tribe of the Mississippi in Iowa.
- 5. I** **DO** or **DO NOT** live on the Meskwaki Settlement.
- 6. The Vulnerable Adult** **IS** or **IS NOT** an enrolled member of the Sac & Fox Tribe of the Mississippi in Iowa.

7. **The Vulnerable Adult** DOES or DOES NOT live on the Meskwaki Settlement.

8. **I am filing this action because I am asking for a protection / restraining / injunction order on behalf of a Vulnerable Adult.**

9. **I can receive mail about this case at the following address:**

If you do not want Respondent to know where you live, you may use any of the following addresses: a mailing address, a public or private post office box, or any other mailing address with permission of the resident of that address. Copies of court documents may be sent to this address, so use an address where you are sure mail will be received.

Mailing Address *City* *State* *Zip Code*

10. **The Vulnerable Adult can receive mail about this case at the following address:**

If you do not want Respondent to know where you live, you may use any of the following addresses: a mailing address, a public or private post office box, or any other mailing address with permission of the resident of that address. Copies of court documents may be sent to this address, so use an address where you are sure mail will be received.

Mailing Address *City* *State* *Zip Code*

You MUST tell the Clerk of Court if your mailing addresses change. This will help make sure you get information about your cases as soon as possible. *If you have an email address, the Clerk of Court can coordinate sending court documents via email as an additional courtesy notice. *This option does not negate the Clerk of Court needing a valid mailing address.**

11. The Respondent's full legal name is: _____

12. The Respondent DOES or DOES NOT live on the Meskwaki Settlement.

13. Respondent lives at the following address:

Address *City* *State* *Zip Code*

14. Respondent's age

a. Respondent is 17 years of age or younger: Yes No Do not know

b. Provide Respondent's date of birth, if known: ____ / ____ / ____

15. **IF RESPONDENT IS 17 OR YOUNGER:**

a. Name of Respondent's parent(s) or legal guardian(s): _____

b. Parent(s) or legal guardian(s) address:

Address *City* *State* *Zip Code*

16. Respondent's Employer and work address, if known:

Employer

Address

City

State

Zip Code

17. Relationship of the Vulnerable Adult and Respondent

a. Describe the Vulnerable Adult's relationship to the Respondent in your own words, for example, romantic couple, brother and sister, parent and child, roommates, etc.:

b. Describe the Vulnerable Adult's relationship to the Respondent **at the time** of the incident(s) according to the following descriptions: *Check all that apply. If NONE of these boxes accurately describe the relationship, select other and explain relationship in greater detail.*

****Intimate relationship**** means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.

****Non-Domestic relationship**** may entail, not having a physical relationship, never living with the other person, not sharing minor children, and possibly never meeting this person.

- | | |
|---|--|
| <input type="checkbox"/> Married | <input type="checkbox"/> Relatives living together |
| <input type="checkbox"/> Separated | <input type="checkbox"/> Parents of same minor child |
| <input type="checkbox"/> Intimate relationship*, presently | <input type="checkbox"/> Relative: <i>Describe how related</i> |
| <input type="checkbox"/> Living together | _____ |
| <input type="checkbox"/> Expecting a child with the other party | |
| <input type="checkbox"/> Lived together within one year of the assault, but not at the time of the assault. | |
| <input type="checkbox"/> Have been in an intimate relationship and have had contact within 1 year of the abuse. | |
| <input type="checkbox"/> Immediate family member (spouse, parent, child, or sibling or any other person who regularly resides in the same household or resided in the same household within the past 6 months .) | |
| <input type="checkbox"/> Other or Non-Domestic Relationship**: <i>Describe in detail</i> | |
-
-

18. Nature of the alleged abuse: *Please carefully read definitions below. Check all that apply*

***Harassment** means a series of acts over any period of time directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose. **Tribal Code Title 24 Sec 24-3104.**

****Stalking** means when a person intentionally or knowingly engages in a course of conduct that is directed toward another person and 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. **Tribal Code Title 24 Sec 3106.**

- Respondent has physically abused the Vulnerable Adult.
- Respondent has sexually abused the Vulnerable Adult.
- Respondent has threatened to physically harm the Vulnerable Adult, and I fear for their safety

- Respondent has harassed* the Vulnerable Adult.
- Respondent has stalked** the Vulnerable Adult.
- Respondent has used the telephone or other electronic means to terrify, intimidate, threaten, harass, annoy or offend*** the Vulnerable Adult.

19. Details of Alleged Abuse

- a. These are the **most recent** incidents, injuries, and/or nonconsensual experiences, and/or threats made against the Vulnerable Adult by the Respondent. *Describe **IN DETAIL** how, when and where the alleged abuse occurred, including any injuries or medical treatment the child received. The Court nor the Judge will do any additional research outside of what is described here, so provide detailed information to the best of your ability.*

- b. Describe any **previous incidents**, injuries, or threats the Vulnerable Adult has received from the Respondent. *Describe **IN DETAIL** how, when and where the alleged abuse occurred, including any injuries or medical treatment the child received. The Court nor the Judge will do any additional research outside of what is described here, so provide detailed information to the best of your ability.*

20. Attachments or exhibits will be included with the Petition? YES NO

If yes, please provide description of what each attachment is referencing AND include exhibit letter or number associated with each attachment or exhibit. (ie. A- photograph of... , I- text messages of...)

| | | | |
|----------------|--|--|--|
| Child 2 | | | |
| Child 3 | | | |
| Child 4 | | | |

Check this box if you have attached a page with additional information.

26. Are there any other parties who claim to have custody or visitation rights or physical custody of the children? YES NO

If yes, please explain. _____

27. The following person should have custody of these children:

Vulnerable Adult Respondent Other *Identify below*

28. The Court’s decision about custody or visitation will affect the Vulnerable Adult’s safety and the children’s safety in the following way(s): *Describe how safety will be affected*

29. If the Vulnerable Adult has custody of these children, Respondent could have the following visitation. *Describe how Respondent could visit the children without contacting The Vulnerable Adult – for example: through friends, relatives, or baby-sitters. List any suggestions or concerns you have about visitation and suggest where and how the visitation and/or exchanges take place.*

30. I ask the Court to require the Respondent to pay temporary financial support.

Yes* No **If yes, you may have to provide a financial statement to the Court.*

If you check yes, explain how much support and for what reasons it is needed (child support, rent, food, utilities, childcare). Include the Vulnerable Adult’s monthly income and Respondent’s monthly income (if known) from all sources (including work, any public assistance, disability payments):

| Monthly support requested | Reasons for monthly financial support |
|----------------------------------|--|
| \$ | |
| \$ | |
| \$ | |

| | |
|------------------------------------|----|
| \$ | |
| \$ | |
| My Monthly Income | \$ |
| Respondent's Monthly Income | \$ |

31. Counseling

I ask the Court to order counseling for: *Check all that apply*

- No one Vulnerable Adult Respondent Children *Initials* _____

The reason for counseling is because:

32. Additional Requests

I ask for possession of the following: *Check all that apply*

- Residence** *List address and reason why the Vulnerable Adult should have priority to occupy the residence*

Check this box if you have attached an additional page of information

- Vehicle** *List the year, make, and model of the vehicle, and why the Vulnerable Adult should have Possession*

Check this box if you have attached an additional page of information

- Other** *List other items and reason why you should have possession*

Check this box if you have attached an additional page of information

33. I ask that the Respondent be ordered to stay away from places such as the Vulnerable Adult's residence, school, and work. *Check Yes or No*

- Yes No

If you check Yes, describe those places, explain why the Respondent should stay away, and list any reason the Respondent has to be at those places.

| Place Respondent should stay away from | Why Respondent should stay away | Reasons Respondent has to be at this place |
|--|---------------------------------|--|
| A. | | |

| | | |
|-----------|--|--|
| B. | | |
| C. | | |
| D. | | |

Check this box if you have attached an additional page of information

34. Request for Court Order

Note: There are two kinds of protective orders. A temporary protective order that will last until the Court holds a hearing on the Petition. Also, a permanent protective order that lasts up to ONE YEAR, and the Court issues it only after a full hearing takes place.

I REQUEST THAT THE JUDGE DO THE FOLLOWING:

- Issue a Temporary Protective/Restraining Order or Injunction to protect the Vulnerable Adult before the hearing because I am in present danger.
- Set a hearing on this Petition and issue a one-year permanent Protective/Restraining Order or Injunction Order

Order Respondent to:

- Stop the domestic abuse
- Stay away from the Vulnerable Adult
- Stay away from the Vulnerable Adult’s children
- Stay away from the Vulnerable Adult’s home or the family home
- Stay away from the Vulnerable Adult’s work, school, and any other place listed in paragraph 25
- Not be in the Vulnerable Adult’s presence and not contact my child, or attempt to contact the Vulnerable Adult, personally or through another person, whether by telephone, social media, writing or any other way.
- Be removed from having access to the Vulnerable Adult’s financial accounts and assets.
- Give the Vulnerable Adult possession of the family home
- Give the Vulnerable Adult possession of the family car
- Give the Vulnerable Adult custody of the children, with appropriate visitation for the Respondent
- Provide financial support
- Take part in counseling
- Not have firearms, ammunition, or other dangerous weapons
- Give the Vulnerable Adult possession of all “other” items listed in paragraph 24
- Other *Please describe*

Check this box if you have attached an additional page of information

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

35. Petitioner’s understanding of this Petition- READ THE STATEMENTS BELOW AND CHECK ALL to show that you have read and understand each statement.

When you file this Petition with the Court, several legal matters are set into motion. Check each statement after reading it.

- I understand** there will be a court hearing scheduled after I file this Petition. At this hearing, the Judge will decide whether to give the Vulnerable Adult a Permanent Protective/Restraining Order or Injunction. I understand that if we cannot be there on that date, I must immediately **ask the Court in writing** to change the hearing date, and I should contact the Clerk of Court.
- I understand** that the Vulnerable Adult I am filing on behalf of, is temporarily or permanently unable to request an Order with the knowledge and constant of the Vulnerable Adult, if they are able to understand and consent.
- I understand** that if the Vulnerable Adult I am filing on behalf of is physically or mentally impaired, consent and knowledge are not required.
- I understand** that I must attend the hearing. If I change my mind and do not want a Permanent Protective/Restraining Order or Injunction, I should file with the Clerk of Court a “Request to Cancel” before the scheduled hearing. This form is available at the Clerk of Court’s Tribal Office and on the Meskwaki Tribal Court website.
- I understand** that a law enforcement officer will give the Respondent a copy of this Petition, if the Respondent can be found, and that Respondent will receive other relevant court papers even if the file is, “sealed”.
- I understand** that if I do not attend the hearing, or if I file a request to cancel the Protective/Restraining Order or Injunction, the Court can dismiss the Temporary Protective/Restraining Order or Injunction so that it will no longer have any effect.
- I understand** that the hearing is my opportunity to tell the Judge how the Vulnerable Adult was abused or threatened, where it happened, and when it happened. I can bring people with me to the hearing who can confirm the allegations against the Respondent in the first person, or saw my injuries. I can bring any evidence I have that shows the allegations, such as medical reports, police reports, texts, voice messages, social media messages, pictures, other documents, or anything else that might help convince the Judge that the Vulnerable Adult needs a Permanent Protective/Restraining Order or Injunction. I may bring paper copies of any information I want the Judge to see from my cell phone or other electronic devices, such as screen shots of social media posts, pictures, texts, and emails.

- I understand** it is my responsibility to provide the Judge and Court with any/all documentation to support my claims against the Respondent. The Judge and Court will not do any additional research or investigation outside of the evidence and claims that I have provided in this Petition and the evidence I have provided prior to or at the hearing.
- I understand** that the Court will give primary consideration to the safety of the Vulnerable Adult and the Vulnerable Adult’s children. I should tell the Court how they will be in danger if the Respondent is given custody or unrestricted visitation.
- I understand** that the hearing is my opportunity to tell the Court what financial support the Vulnerable Adult needs, if any. I should be ready to provide financial information at the hearing, such as income and living expenses and other expenses.
- I understand** that the Permanent Protective/Restraining Order or Injunction Order could be in place for up to **one year**, I also understand that if the Permanent Protective/Restraining Order or Injunction is granted, it may be extended beyond one year by personally filing for an extension **before** it expires.
- I understand** that if I believe the Respondent has violated the Temporary or Permanent Protective/Restraining Order or Injunction, I must call law enforcement for immediate assistance. I can also bring this to the Court’s attention by filing with the Clerk of Court an Affidavit to Initiate Contempt Proceedings”. This form is available the Clerk of Court’s Office and on the Meskwaki Tribal Court website.
- I understand** that if a Temporary or Permanent Protective/Restraining Order or Injunction Order is issued, law enforcement officers can use every reasonable means to enforce the Order, including arresting the Respondent for violating the Order.
- I understand** that if a Court finds that the Respondent has violated the Protective/Restraining Order or Injunction Order, the Respondent could be put in jail and have to pay a fine.
- I also understand that the Vulnerable Adult could be arrested, jailed, and fined if they initiate or voluntarily maintain any contact with the Respondent in violation of the Order, or if they otherwise violate the Protective/Restraining Order or Injunction.**
- I understand** that requesting a Protective/Restraining Order or Injunction 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 file with the Clerk of Court a, “Request to Cancel, Modify, Extend”. This form is available at the Clerk of Court’s Office and on the Meskwaki Tribal Court Website.

Please Continue to Next Page

CONFIDENTIALITY AND/OR RESTRICTED INFORMATION

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

Home/Mailing Address Telephone Number(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 full names and addresses of my children or wards be sealed from Public

Other request: _____

****PLEASE WAIT TO SIGN & DATE UNTIL IN FRONT OF A NOTARY****

I, the Petitioner, have read this Petition, and certify under penalty of perjury and pursuant to the laws of the Meskwaki Nation that the information I have provided is true and correct.

Signature

Date

Signed before me on ____ day of _____, 20____.

 Signature of Notary Public, State of _____

Tribal Court Staff Title: _____