

Other Facts You Should Know:

- Domestic abuse protection orders can order who gets custody of your children for up to ninety days.
- You are not required to have a lawyer but having one may be a good idea, especially if you have children and you expect the other party to seek custody. If the other party has a lawyer and you do not, you may be at a disadvantage.
- **Criminal sanctions** CAN be ordered for non-compliance or violation of a Protection Order.
- Protection Orders issued by a Tribal Judge are valid on AND OFF the Meskwaki Indian Settlement. **The Tribal Order is good in every state and any Indian Reservation;** they are entered into a National Database.
- If you contact the Clerk of Court's office regarding a Protection Order, make sure you have the case number on hand. This number is located near the top right hand side of the document you were served.

Dec. 2012



"Information for Respondents About Orders of Protection"

*This brochure only provides you with some general
information regarding Protection Orders.*

*Contact an attorney for legal advice and more
complete information.*

*Visit the Clerk of Court's office at the
Meskwaki Justice Center on the
Meskwaki Indian Settlement for a listing of
attorneys admitted to practice in Tribal Court.*

Meskwaki Tribal Court
(641) 484-9300
www.meskwakicourt.org

Information for RESPONDENTS About ORDERS OF PROTECTION

Frequently Asked Questions



Common Questions about Protection Orders

What is a “Protection Order”?

It is an order from a judge to protect people from abuse or harassment.

What types of protection orders are there?

- 1) A “**Domestic Abuse Protection Order**” is for people who have close relationships (“relationships” are defined as being relatives, spouses or former spouses, people who have lived or are living together). It is granted because someone attempted, threatened, caused bodily injury, or intimidated the other person.
- 2) A “**Restraining Order**” does not depend upon relationships, but requires a number of telephone or personal contacts that seriously terrify, threaten, or intimidate the victim and serve no legitimate purpose. This type is issued if there has been police involvement at some point. Generally speaking, a Restraining Order is utilized if a criminal act has already occurred.
- 3) If neither of the above conditions apply, an attorney can be retained by a party for direction on how to proceed with pursuing a Civil remedy such as seeking an “**injunction.**” There are no forms available for this type of action, since they vary so broadly. An Attorney creates this type of document that is then filed with a court.

How was the protection order granted?

The person who filed for the protection order, known as the petitioner, filed forms for a protection order with the Tribal Clerk of Court’s office. The Clerk of Court gave the forms to a judge. The judge signed the order “ex parte” which means without an immediate hearing and before you receive notice.

What happens after the judge signs the protection order?

The order is effective when it is signed by the judge and you are given a copy by Meskwaki Tribal Police. All “ex parte” orders will have a hearing scheduled. Please check this order for a date and/or contact the clerk as the date may be scheduled after the order is served. At this hearing, both you and the petitioner will be able to tell their perspective of what happened. If not listed on the order, the Clerk of Court’s office will let you know the time and date of the hearing. It is important that the Clerk knows how to get in touch with you.

How long does a protection order last?

An “ex parte” protection order lasts until you go to court. At court, the judge decides if the protection order will be canceled or if a final order will be issued. The order is good for ONE YEAR FROM THE DATE IT WAS ISSUED or as otherwise ordered by the judge.

Do I need to bring anything to court?

Although it is not required, you should bring any proof with you which shows that the order should not remain in effect, such as any written information, that will help the judge decide what happened. You may hire a lawyer to help you, particularly if children are involved. If you do not attend the hearing, you should expect that the judge will grant a final protection order.

What’s the “Meskwaki Victim Advocacy Program”?

It’s the Tribe’s Sexual Assault & Domestic Violence victim advocacy and support service program, located at the Meskwaki Family Service building at the Tribe’s South Farm property. All Protected Parties (Petitioners) are advised to immediately contact a counselor at the Tribe’s Crisis Line: (641) 481-0334. They provide advocacy during medical & legal proceedings and a wide range of other services to Protected Parties. Respondents also may be contacted by a counselor from their office.

What do I do after the court hearing?

If the judge decides a final order should be granted, it is effective for one year from the date it was signed. You should follow the order at all times. If you have questions about whether or not the order is active, please contact the Clerk of Court or MNPD. This protection order is good in every state, even if the petitioner travels to or moves to another state or Indian Reservation.

What if the protection order is not obeyed?

Review the Order carefully, so as to have a clear understanding what is prohibited. If you violate the order, you should expect that the police will be called. Per tribal statute, you will be arrested and may be jailed and convicted of a crime.

What if the person who filed for/obtained the protection order tells me that he or she does not want the order to continue?

A Protection Order is a judge’s order... not the petitioner’s order. Until a judge says IN WRITING that the protection order is dismissed, modified, or canceled it is still in effect. Do not try to influence the person who filed for/obtained the order to change it. This action could be a violation of the order. Communications should be directed to the Clerk of Court’s office (listed below).

Meskwaki Tribal Court

Clerk of Court

Mailing Address: 307 Meskwaki Rd
Physical Address: 307 Meskwaki Rd.
Tama, IA 52339

641-484-9300 PHONE
641-484-2221 FAX