

Form 24.3101: Petition for Protection / Restraining / Injunction Order

Before using this form, read through the Domestic Violence FAQ’s brochure, or Title 24 Section 24.3101, 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 think the Respondent will try to get custody of your children.

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

<p>_____, Petitioner,</p> <p>vs.</p> <p>_____, Respondent.</p>	<p>Case No. _____</p> <p style="text-align: center;">PETITION FOR PROTECTION / RESTRAINING / INJUNCTION ORDER</p>
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- 1. I am the Petitioner. My full legal name is:** _____
- 2. My Date of Birth is:** _____
3. I AM or AM NOT an enrolled member of the Sac & Fox Tribe of the Mississippi in Iowa.
4. I DO or DO NOT live on the Meskwaki Settlement.
- 5. I am filing this action because I am asking for a protection / restraining / injunction order for myself.**
- 6. I can receive mail about my 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 address changes. This will help make sure you get information about your case 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*

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7. I REQUEST THE FILING FEE BE WAIVED REGARDING THIS PETITION. I UNDERSTAND MY REQUEST MAY BE DENIED BY A JUDGE, AND THEN A FILING FEE MAY BE REQUIRED.

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

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

10. Respondent currently resides and/or can receive mail at the following address:

Address *City* *State* *Zip Code*

11. 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: ____ / ____ / ____

12. 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*

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

Employer

Address *City* *State* *Zip Code*

14. Relationship of Petitioner and Respondent

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

b. Describe your 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 your 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.

Married

Separated

Divorced

Intimate relationship*, presently

Adult relatives living together

Parents of same minor child

Relative: *Describe how related*

QUESTION B. CONTINUED ON NEXT PAGE

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20. There ARE or ARE NOT any other cases (pending or outstanding) regarding any/all of the allegations provided in this Petition? YES NO

***If yes, please provide County, State, Court Case Number, and Certified Copy of Order**

_____ County State Case Number

21. There ARE or ARE NOT any other cases (pending or outstanding) regarding maternity, paternity, custody, annulment, legal separation, or dissolution between the Petitioner and Respondent? YES NO

***If yes, please provide County, State, Court Case Number, and Certified Copy of Order**

_____ County State Case Number

Numbers 22-27. If you and the Respondent have no biological or adopted children under the age of 18 in common, skip questions 22 through 27 and go to question 28. Questions 22-27 relate to child custody and the Court's duty to decide custody, and visitation issues. If you are unsure how to answer these questions, you may need to contact an attorney for assistance.

22. Children

a. List the children under age 18 you have in common with the Respondent, either biologically or by adoption. List ONLY children's initials, birth year, and county and state where they live. Use the Protected Information Sheet to provide full names and birth dates to the Court.

	Child's Initials	Birth Year	County and State where child lives
Child 1			
Child 2			
Child 3			
Child 4			
Child 5			
Child 6			

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

23. Has there ever been any Court Case concerning the custody of the minor children you have in common with the Respondent, in the Tribal Court, Iowa or any other State?

YES Provide Court Case Number and attach copy of Order _____
 NO

24. 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. _____

25. The following person should have custody of our children:

Myself (Petitioner) Respondent Other *Identify below*

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

27. If I have custody of our children, Respondent could have the following visitation.

Describe how Respondent could visit the children without contacting you – 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.

28. 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 your 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	\$

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29. Counseling

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

No one Me *Petitioner* Respondent Children *Initials* _____

The reason for counseling is because:

30. Additional Requests

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

Residence *List address and reason why you 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 you 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

31. I ask that the Respondent be ordered to stay away from places such as where I reside, 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

32. 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 me 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 me
- Stay away from my children
- Stay away from my home or the family home
- Stay away from my work, school, and any other place listed in paragraph 25
- Not be in my presence and not contact me, or attempt to contact me, personally or through another person, whether by telephone, social media, writing or any other way.
- Give me possession of the family home
- Give me possession of the family car
- Give me custody of our children, with appropriate visitation for the Respondent
- Provide financial support
- Take part in counseling
- Not have firearms, ammunition, or other dangerous weapons
- Give me 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 additional requests even if you did not mark them on this Petition.

33. 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 me a Final Protective/Restraining Order or Injunction. I understand that if I 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 I must attend the hearing. If I change my mind and do not want a Final 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 I 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 I need a Final 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 me and my children. I should tell the Court how we 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 I need, 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 Final Protective/Restraining Order or Injunction Order could be in place for up to **one year**, I also understand that if the Final 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 Final 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 I could be arrested, jailed, and fined if I initiate or voluntarily maintain any contact with the Respondent in violation of the Order, or if I 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.

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 the Public

Other request: _____

Please Continue to Next Page

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****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: _____