

Victim of sexual assault/stalking/assault/other: _____

The court has jurisdiction over the parties and subject matter.

The terms of this Order shall be effective for 30 days unless terminated earlier by another Court Order or unless the Petitioner/Protected Person requests a hearing.

NOTICE AND WARNING TO RESPONDENT: The Respondent be advised, as required by Title V Part XI, 19, of the following, a violation of an order of protection is a Class 2 offense punishable by imprisonment for up to six (6) months or fine of up to \$500 or both. The Respondent is forbidden to enter or stay at the petitioner's/protected person's residence, even if invited to do so by the petitioner/protected person or any other person; in no event is the order of protection voided. A peace officer must arrest without warrant and take into custody a person whom the peace officer has probably caused to believe has violated an order or protection. The Respondent may also be subject to State and Federal criminal and civil liabilities for violating this Order of Protection if the respondent is within Federal jurisdiction or the jurisdiction of another State at the time of the violation of the Order of Protection.

Pursuant to Title V, Part 9 F.P.A. Sec. 9(c), upon request of the Petitioner, a full hearing shall be set not later than seven days from the issuance of the Ex-Parte Order of Protection. If the Petitioner does not request a full hearing at the time of filing, the Respondent may request a full hearing upon the receipt of the Ex-Parte Order of Protection. If the Respondent requests a hearing it shall be set not later than ten days or earlier than eight days upon receipt. If neither party requests a hearing, the Ex-Parte Order of Protection will remain in effect as it so reads.

Findings

(Initial All That Apply)

- ___ 1. Respondent is restrained from the Petitioner/Protected Person and from committing acts of domestic violence against the Petitioner/Protected Person, minor family and/or household members; and
- ___ 2. Respondent is excluded from the dwelling of the Petitioner/Protected Person and his/her family/household members including their work places, and is restrained from any contact with the Petitioner/Protected Person, personally, directly, indirectly, or through third party; and
- ___ 3. Petitioner/Protected Person is awarded temporary custody of minor family and household members, including without visitation as such visitation jeopardizes the safety of the Petitioner/Protected Person and any minor family and/or household members; and
- ___ 4. That both parties are restrained from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life and to account to the Court for all such transfers, encumbrances, dispositions, and expenditures made after the Order or communicated to the party restrained in open court; and

5. Respondent shall not harass, stalk, threaten, or cause bodily injury to Petitioner/Protected Person, minor family and/or household members; and
6. Respondent must not possess or receive firearms and/or ammunition; and
7. Respondent is advised that because he/she is the subject of this Court, it is violation of Federal Law 18 U.S.C. 922(g) for him/her to ship, transport in interstate commerce, or possess in or affecting commerce, any firearms or ammunition, or to receive any firearms or ammunition which has been shipped in interstate or foreign commerce. The maximum term of imprisonment for a violation of 18 U.S.C 922(g) is 10 years; and
8. That Respondent be ordered to pay certain costs and fees such as rent, child support, expense for shelter, court costs, lost wages or any out of pocket expenses caused by abuse; and
9. That Petitioner/Protected Person be granted possession of his/her automobile, and other essential effects regardless of ownership; and
10. The Petitioner/Protected Person states there is not an existing Order of Protection in effect; and
11. The Court, order Fort Belknap Tribal Police or Process Server to immediately serve upon the Respondent an Ex-Parte Order of Protection and confiscate any firearm(s), ammunition owned, possessed, or within the immediate access of the Respondent; and
12. That the Court, upon request of the Petitioner/Protected Person, order the Fort Belknap Tribal Police to accompany the Petitioner/Protected Person to assist in placing Petitioner/Protected Person in possession of the dwelling or residence or to obtain possession or otherwise assist in the execution of the Order of Protection; and
13. That the Judge give notice to the respondent the consequences of violations of an Order of Protection according to the Laws of the Fort Belknap Indian Community; and
14. That the Petitioner/Protected Person be granted such relief as this Court may deem just and equitable; and
15. That a No-Contact Order is in effect for both parties for the duration of this Order of Protection.

Hearing

Petitioner/Protected Person **does** request a full hearing to be set not later than seven days from the issuance of the Ex-Parte Order of Protection.

Petitioner/Protected Person **does not** request a full hearing.

NOTICE:

Petitioner: If you do not appear at the hearing, the petition shall be dismissed. you should immediately report any violation of this Order to law enforcement. you also have the right to return to court to report any violation of this Order.

Respondent: If you fail to appear for the hearing, the judge will make a decision about the Order of Protection in your absence. A longer protection may be issued against you. This decision could affect your ability to own or possess firearms.

Date: _____

Signed: _____
Honorable Judge Fort Belknap Tribal Court

I have received a copy of this Order. I understand I am required to notify the court of my current mailing address and telephone number as future notices will be delivered to me by mail.

Date: _____

Signed: _____
Petitioner/Protected Person

ATTENTION: KEEP A COPY OF THIS ORDER IN YOUR POSSESSION AT ALL TIMES IN ORDER TO ASSIST PEACE OFFICERS. IMMEDIATELY REPORT ANY VIOLATION OF THIS ORDER TO LAW ENFORCEMENT.

CERTIFICATE OF SERVICE

I served this Temporary Order of Protection on the Respondent by delivering a copy to him/her at:

_____, on
_____, _____ at _____ a.m./p.m.

Dated this _____ day of _____, _____.

Process Server

(Check all that apply).

The Respondent does not live with me.

I live with the Respondent at _____

I have left a residence where I lived with the Respondent. I want to return:

to live at that residence

to get personal belongings

other (describe): _____

A business is run from the home.

Type of business (describe): _____

The business is run by: me Respondent both me and Respondent

4. Relationship. (Please check all that apply to the relationship between the Respondent (the person you want restrained) and you or the person(s) for whom you are seeking protection)

I (or the Person I want protected) have/has a relationship with Respondent as follows:

Married

Were married, but are now separated

Divorced

Are currently dating or having an ongoing intimate relationship

Live together

Lived together in the past

Have a child and/or children together

Is a family member or a former family member of Respondent

Dated or had an ongoing intimate relationship in the past

If a dating relationship please describe:

Nature of relationship _____

Length of time of the dating relationship _____

How often saw each other _____

Time since relationship ended _____

Victim of Sexual Assault/Stalking/Other: (describe how you know Respondent)

I am the parent, guardian or other person supervising the welfare of a child less than 16 years of age and request that Respondent, who is a person over 18 years of age and who has no legal right of supervision or control over the child, to stop contacting the child.

5. Information about the violence. Please explain what the Respondent did to you (and/or the person you want protected). Be specific. Write down places and dates as well as you can remember. It does not matter when the abuse happened or whether you reported it to the police. But you must tell the judge why you are afraid now.

A. Recent Abuse

Date of the most recent abuse: _____

Who was there? _____

Where did it take place? _____

What did the Respondent do or say that made you (and/or person you want protected) afraid? _____

Did the Respondent use or threaten to use a gun or other weapon? If yes, list how:

Describe any injuries: _____

Did the police come? yes no

Where are the firearms located? _____

7. Other Court Cases (check all that apply)

A divorce, legal separation or custody case between me (and/or the person I wanted protected and Respondent has been filed in _____ County, State of _____

Is the family law case listed above still pending? yes no

Did the Court issue a parenting plan? yes no

A criminal charge of _____ was filed against me or Respondent in _____ Court in _____ County, State of _____

List any other cases that you (and/or the person you want protected) or Respondent are in have been involved in: _____

I ask the Court to Order the Following:

1. Respondent shall not commit or threaten to commit acts of violence against me (and/or the person I want protected) and the following people including family members: _____

2. Respondent shall not harass, annoy, disturb the peace of, telephone, email, contact, or otherwise communicate, directly or indirectly, with me (or the person I want protected), and the following family members, other victims of abuse, or witnesses to the abuse: _____

3. Respondent shall not take the following child/ren out of this County or State:

4. (List the distance, up to 1500 feet, that you want Respondent to stay away from you and/or the person you want protected and the places you check below).

Respondent shall stay at least _____ feet from:

Me (Petitioner)

Minor child/ren: _____

Other people: _____

My home (if you want the location of your home to be secret, do not list)

My job or workplace: _____

My vehicle: _____

The child/ren's school and/or childcare: _____

Other places (describe): _____

5. Respondent used or threatened me with firearms. Respondent shall not possess these firearms (describe): _____

6. Respondent shall not take, hide, sell, damage or dispose of property belonging to me (and/or the person who I want protected) or Respondent or both of us.

7. Respondent shall give me (or the person I want protected) possession or use of the following items (items may include the residence, automobile and other essential personal property no matter who owns it): _____

8. I (and/or the person I want protected) need a peace officer to help get possession of the property listed in Number 7, or I request that a peace officer come with Respondent when picking up his/her property belongings.

9. The Court should order Respondent to complete violence counseling, which may include alcohol or chemical dependency counseling or treatment, if appropriate.

10. The Court should order the following to provide for the safety and welfare of me and/or the person I want protected, and family: _____

11. Parenting of Child/ren

Note: The Tribal Court can protect minor children by listing them on the Order of Protection. Although they can provide short visitation plans, but if you need a parenting plan, it will be a different filing. The clerk can assist you.

(Choose one)

- Parenting of children does not apply in this case.
- The protections I have asked for in Paragraph 2 will keep Respondent away from the children. Therefore a visitation schedule is unnecessary.
- I want the children listed in Appendix A to have parenting time with Respondent. I am attaching Appendix A that says what visitation schedule I want. (fill in and attach Appendix A).

12. Other Relief: The Court should order other protection as it deems just and proper.

I SWEAR UNDER OATH OR AAFIRM I HAVE READ THIS APPLICATION, OR HAVE HAD IT READ TO ME, AND THE FACTS STATED IN THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I ALSO UNDERSTAND THAT PROVIDING FALSE INFORMATION IS A CRIME.

Date: _____ Signed: _____

NOTARY SEAL

STATE OF MONTANA)

: SS.

COUNTY OF _____)

SUBSCRIBED AND SWORN to before me this ____ day of _____, _____.

Clerk of Court/Notary

(signed)

Name _____

Notary Public for the State of Montana.

Residing at _____

My Commission Expires _____