

INSTRUCTIONS FOR PETITION FOR ELDER PROTECTIVE RESTRAINING ORDER

These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with an attorney.

For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law can be found on the Nation's website located at www.ho-chunknation.com/HCNLaws.aspx or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.

Do not include these instruction sheets when you file the completed form.

Petition:

A petition is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the petitioner's claim, and the demand for relief.

The petitioner is the party who brings the action to court i.e. the person who fills out the petition.

The respondent is the party being sued in the action i.e. the person who the petition is brought against.

Instructions:

- **Page 1, Lines 1-8:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. Enter the respondent's full, legal name on the respondent line. There can be more than one respondent. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Line 9:** A cause of action is a factual situation that entitles one person to obtain a remedy in court from another person.
- **Page 1, Number 1:** Check the corresponding box identifying who you are. State the name of the person you are seeking to obtain a restraining order against on the line provided.
- **Page 1, Number 2:** State the name of the Elder who is subject to abuse, neglect, or exploitation on the line provided. Also, provide the Elder's enrollment number.
- **Page 2, Number 3:** Enter the applicable information as it relates to the respondent.
- **Page 2 & 3, Number 4:** Check all the boxes that apply i.e. indicate how the respondent has subjected or threatened to subject the elder to abuse, neglect, or exploitation.

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- **Page 3, Number 5:** List all prior civil or criminal cases between the elder and respondent in other jurisdictions, if any. For each case, provide the name of the court, the case number, and the date the case commenced.
- **Page 4, Number 6:** Provide a summary of the incident and circumstances resulting in this action.
- **Page 5: Lines 1-8**
A witness is someone who sees, knows, or can vouch for something. List any people that you intend to call to provide testimony in support of your claim(s).
- **Page 5, Lines 9-14:** Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The petitioner must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action. Read the statement set forth in this section.
- **Page 5, Lines 15-23: Notice & Hearing.** Read the statement set forth in this section.
- **Page 5, Line 26:** A request for relief is a request for a determination of the rights and liabilities of one or more parties in an action that a legal authority allows the court to decide by a judgment. In simpler terms, a request for relief is what you are asking the court to do with your case i.e. what do you want to occur in your case.
- **Page 6, Number 1(a):** Check the box if you want the Court to issue an order stopping the respondent from threatening to commit or committing further acts of abuse, neglect, or exploitation. Explain what you want to court to stop the respondent from doing on the lines provided.
- **Page 6, Number 1(b):** Check the box if you want the court to issue an order prohibiting the respondent from contacting, harassing, telephoning, or otherwise communicating with the elder.
- **Page 6, Number 1(c):** Check the box if you want the court to issue an order requiring the respondent to stay away from the Elder's residence or any other location occupied by the elder.
- **Page 6, Number 1(d):** Check the box if you want the court to issue an order prohibiting the respondent from interfering with the investigation of abuse, neglect, or exploitation of the Elder, the provision of services to the Elder, or otherwise harassing or intimidating CFS workers or other individuals employed to carry out its goals.

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- **Page 6, Number 1(e):** Check the box if you want the court to issue any other relief that you deem necessary. Explain the relief you request on the lines provided.
- **Page 7, Number 2(a):** Check the box if you want the court to issue an order prohibiting the respondent from harassing or intimidating CFS workers or other individuals.
- **Page 7, Number 2(b):** Check the box if you want the court to issue an order prohibiting the respondent from intentionally preventing a CFS Elder Protection worker from meeting, communicating, or being in visual or audio contact with the Elder.
- **Page 7, Number 2(c):** Check the box if you want the court to issue any other relief that you deem necessary and consistent with the purposes of the Elder Protection Act or the customs and traditions of the community. Explain the relief you request on the lines provided.
- **Page 8, Lines 1-28:** If you are self-represented, you must date and sign the document. If you are represented by a lawyer, the lawyer must date and sign the document.
- **Page 9, Lines 1-15:** Enter the applicable information as it relates to the elder subjected to abuse, neglect, or exploitation.
- **Page 9, Lines 1-15:** If the petition is filed by someone other than the Elder, provide your applicable information.