

INSTRUCTIONS FOR PETITION FOR ORDER FOR PROTECTION

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:** Enter your name and the respondent's name and address on the lines provided.
- **Page 1, Number 2:** Check the corresponding box that identifies which law supports this action.
- **Page 1, Number 3:** Provide a summary of the incident and circumstances resulting in this action.
- **Page 1, Lines 24-26:** 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

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dispute. The petitioner must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action.

- **Page 1, Number 1(a):** Check the box if the incident occurred on tribal land.
- **Page 1, Number 1(b):** Check the box if the petitioner lives on tribal trust land of the Ho-Chunk Nation.
- **Page 1, Number 1(c):** Check the box if the respondent lives on tribal trust land of the Ho-Chunk Nation AND the petitioner and respondent are family or household members.
- **Page 2, Number 2(a):** Check the box if the petitioner is a member of the Ho-Chunk Nation.
- **Page 2, Number 2(b):** Check the box if the petitioner lives on tribal trust land of the Ho-Chunk Nation.
- **Page 2, Number 3(a):** Check the box if the respondent is a member of the Ho-Chunk Nation.
- **Page 2, Number 3(b):** Check the box if the respondent lives on tribal trust land of the Ho-Chunk Nation.
- **Page 2, Number 3(c):** Check the box if the court has personal jurisdiction over the respondent for other reasons. If you checked the box, state why the court has personal jurisdiction.
- **Page 2, Lines 17-21:** Read the statement set forth in this section.
- **Page 2, Lines 25-28:** 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 3, Number 1(a):** Check the box if you want the Court to issue an order stopping the respondent from threatening to commit or committing acts of domestic abuse against yourself and any family or household members. List the names of the family members or household members on the lines provided, if any.

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- **Page 3, Number 1(b):** Check the box if you want the court to issue an order prohibiting the respondent from harassing, menacing, annoying, telephoning, contacting, or otherwise interfering or communicating with you.
- **Page 3, Number 1(c):** Check the box if you want the court to issue an order requiring the respondent to stay away from your residence, school, place of employment, or any other place you or your family or household members visit. If requesting an order requiring the respondent to stay away from your school, state the name of your school on the line provided. If requesting an order requiring the respondent to stay away from places you or your family or household members visit, state the name of the places on the line provided.
- **Page 3, Number 1(d):** Check the box if you want the court to issue an order prohibiting the respondent from using or possessing a firearm or other weapon. List the weapons on the line provided.
- **Page 3, Number 1(e):** Check the box if you want the court to issue an order prohibiting the respondent from removing a minor child from the jurisdiction of the Court.
- **Page 3, Number 1(f):** Check the box if you want the court to issue any other relief that you deem necessary.
- **Page 3, Number 1(g):** Check the box if you want the court to issue an order granting you possession of any essential personal effects.
- **Page 3, Number 1(h):** Check the box if you want the court to issue an order granting you possession and use of an automobile.
- **Page 3, Number 1(i):** Check the box if you want the court to issue an order removing or excluding the respondent from your residence. State how far away the court should require the defendant to stay from your residence.
- **Page 4, Number 1(j):** Check the box if you want the court to issue an order granting you temporary custody of the parties minor child(ren). For each child, state their name and date of birth.
- **Page 4, Number 2:** Read the statement set forth in this section.
- **Page 4, Number 3(a):** Check the box if you want the court to issue an order specifying arrangements for visitation with any minor child by the respondent.

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- **Page 4, Number 3(b):** Check the box if you want the court to issue an order prohibiting the respondent from transferring, encumbering or otherwise disposing of specified property. List the property on the line provided.
- **Page 4, Number 3(c):** Check the box if you want the court to issue an order requiring the respondent to pay your attorney's fees.
- **Page 4, Number 3(d):** Check the box if you want the court to issue an order requiring the respondent pay/reimburse you for any of the following:
 1. Rent, Mortgage, child and spousal support.
 2. Expenses associated with the domestic abuse.
 3. Costs and fees incurred in bring this action.
 4. Emergency monetary relief.
- **Page 4, Number 3(e):** Check the box if you want the court to issue any other relief that you deem necessary.
- **Page 5, Lines 7-19:** A witness is someone who sees, knows, or can vouch for something. List any people that you intend to call to provide testimony about the domestic abuse. For each person listed, provide their name, address, and phone number.
- **Page 5, Lines 20-25:** Provide the names of any other non-tribal law enforcement agency that should be notified, if any, if this court issues a protective order.
- **Page 6, 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.