

Ho-Chunk Nation Trial Court
Petition for Order for Protection
Confidential Supplement

1. If filing on behalf of a minor victim, does the (alleged) victim reside with the petitioner?

Yes No.

If no, please write the (alleged) minor victim's address in addition to your own address.

2. Petitioner's Name: _____

Petitioner's Street Address: _____

City: _____ State: _____ Zip: _____

Petitioner's Phone Number: (_____) _____

E-mail Address (if available): _____

3. Victim's Street Address: _____

City: _____ State: _____ Zip: _____

APPLICABLE LAW:

DOMESTIC ABUSE ACT 4 HCC § 5
CHAPTER III - CIVIL ORDERS FOR PROTECTION

Subsec. 8 Standard Form and Required Statements for Petitions and Orders

a. The Ho-Chunk Trial Court must:

(1) Develop and adopt standard forms for petitions and orders for protection, including but not limited to such orders issued pursuant to divorce, custody, emancipation, and other domestic relations hearings. The standard forms for protection shall instruct the Petitioner to not disclose her or his address, telephone number, or other similar identifying information.

Subsec. 9 Continuing Duty to Inform Court of Other Proceedings; Effect of Other Proceedings; Delay of Relief Prohibited; Omission of Petitioner's Address

b. Petitioner shall be instructed to omit her or his address or telephone number from all documents filed with the Court. The petitioner must provide the Court a mailing address which the Court shall keep strictly confidential.

**PLEASE LEAVE THIS FORM WITH THE SHERIFF'S OFFICE
DOMESTICE ABUSE INFORMATION SHEET**

Case Title: _____

Petitioner's DOB: _____ Petitioner's Phone Number: _____
Respondent's DOB: _____ Date of Filing: _____

The Sheriff's Office will deliver your Petition and other papers to the respondent as soon as possible. Since the hearing cannot be held until the respondent is served, it is important to have accurate and reliable information to help locate the respondent. By filling out this form as completely as possible, you can help avoid unnecessary delays.

RESPONDENT'S INFORMATION

Name: _____ Phone Number: _____

Currently Living At: _____

Employer's Name and Address: _____

Work Phone: _____ Occupation: _____

Does the Respondent work at a location other than the employer's address? _____

If so, where?: _____ Work Hours: _____

Where else might we be able to locate the Respondent?

IDENTIFYING CHARACTERISTICS:

Beard?: _____ Moustache?: _____ Glasses?: _____

Scars?: _____ Tattoos?: _____ Other?: _____

Does the Respondent possess any weapons? _____ If so, what kind of weapons are they, and where are they carried/stored? _____

Is the Respondent a heavy drinker? _____ Drug User? _____

Describe any history of violence that the Respondent may have; other than what is stated on this petition: _____

DESCRIPTIONS OF RESPONDENT'S VEHICLE:

Color: _____ Year: _____

Make and Model: _____ License Number: _____

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**IN THE
HO-CHUNK NATION TRIAL COURT**

PETITION FOR PROTECTION ORDER

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_____,
Petitioner,
v.
_____,
Respondent.

Case No.: DV/AR - _____
[assigned by the Court]

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I. CAUSE OF ACTION

1. I, _____, (*petitioner's name*), request the Court
to consider granting an *Order for Protection* against _____
(*respondent's name*).

Respondent's address: _____

2. I bring this action under the:

- DOMESTIC ABUSE ACT as I have been a victim of domestic violence.
 ADULT-AT-RISK ACT as I am an adult-at-risk and I have been abused, neglected,
self-neglected or exploited.

3. Describe the circumstances: (*Include date of incident, place where incident occurred and
injuries suffered, if any. List the most recent incident first and specify whether weapons or children were
involved. Attach additional sheets if necessary.*)

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II. JURISDICTION

1. The Ho-Chunk Nation Trial Court has subject matter jurisdiction over this case
because: (*Check all that apply*)

- a. the incident occurred on tribal trust land, and/or;
b. the petitioner lives on tribal trust land of the Ho-Chunk Nation, and/or;

1 c. the respondent lives on tribal trust land of the Ho-Chunk Nation, and the petitioner
2 and respondent are family or household members as defined in the HO-CHUNK NATION DOMESTIC
3 ABUSE ACT OF 2000, 4 HCC § 5. The ACT defines family or household members as: (1) current or
4 former spouse; (2) persons who presently live together or who have lived together in the past; (3)
5 persons who are dating or have dated in the past; (4) persons who are engaged in or were engaged
6 in a sexual relationship; (5) persons who have a child in common or who are expecting a child
7 together; (6) persons related by blood, adoption, or marriage; and (7) minor children of persons
8 described in (1) through (6). *Id.* § 5.1.

9
10 2. The Ho-Chunk Nation Trial Court has personal jurisdiction over me, the petitioner,
11 because: *(Check all that apply)*

- 12 a. I am a member of the Ho-Chunk Nation, and/ or
13 b. I live on tribal trust land of the Ho-Chunk Nation.

14
15 3. The Ho-Chunk Nation Trial Court has personal jurisdiction over the respondent
16 because: *(Check all that apply)*

- 17 a. the respondent is a member of the Ho-Chunk Nation, and/or
18 b. the respondent lives on tribal trust land of the Ho-Chunk Nation, and/or
19 c. other: _____

20
21 **III. NOTICE & HEARING**

22 I understand that the Court may issue a written or oral *Ex Parte Order for Protection*
23 without notice to the respondent if it appears from the *Petition for an Order for Protection* that
24 domestic abuse has occurred, and the Court deems it necessary to protect me. Otherwise, the Court
25 must provide notice and a hearing prior to the issuance of an *Order for Protection*.

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27 **IV. REQUEST FOR RELIEF**

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29 1. I request that the Court grant the following relief in the *Order for Protection*: *(Check*
30 *all that apply)*

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A subsequent granting by the Court of requests for relief identified in 1a. - 1f. will require providing the respondent an opportunity to request a hearing on the petition within thirty (30) days after receipt of an *Ex Parte Order for Protection*.

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6 a. An order enjoining (stopping) the respondent from threatening to
7 commit or committing acts of domestic abuse against me and the following family or
8 household members: _____

9
10 b. An order prohibiting the respondent from intimidating, harassing,
11 menacing, annoying, telephoning, contacting, or otherwise interfering or communicating
12 with me, directly or indirectly;

13 c. An order requiring the respondent to stay away from my residence,
14 school (*insert name*) _____, and/or place of employment,
15 and/or the following specified place(s) that is/are frequented by myself or a family or
16 household member:

17
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19 d. An order prohibiting the respondent from using or possessing a firearm
20 or other weapon: (*list weapon(s)*) _____

21
22 e. An order prohibiting the respondent from removing a minor child from
23 the jurisdiction of the Court;

24 f. Any other relief the Court deems necessary to protect and provide for
25 my safety, and the safety of other family and household members;

26 g. An order granting me possession of my other essential personal effects,
27 and directing the appropriate community or law enforcement officer to accompany me to
28 the residence to ensure that I am safely restored to possession of my essential personal
29 effects, or to supervise the respondent's removal of personal property;

A subsequent granting by the Court of requests for relief identified in h. – j. in an *Ex Parte Order for Protection* will require convening a hearing within fifteen (15) days after the filing of the *Petition*.

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- h. An order granting me possession and use of an automobile;
- i. An order removing or excluding the respondent from my residence, and to not come within _____ (*distance*) of the residence;
- j. An order granting me temporary custody of the parties' minor child(ren).

<u>Name</u>	<u>Date of Birth</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

2. I request that the Court hold a hearing on the petition within thirty (30) days. *See 4 HCC §5.12a.*

3. I additionally request that the Court grant the following relief after affording notice and a hearing to the respondent (the Court **cannot** grant the below forms of relief within an *Ex Parte Order for Protection*): (*Check all that apply*)

- a. An order specifying arrangements for visitation with any minor child by the respondent and requiring supervision of that visitation by a third party or deny visitation if necessary to protect my safety or the minor child.
- b. An order prohibiting the respondent from transferring, encumbering or otherwise disposing of specified property: (*list property*) _____
 _____ mutually owned or leased by the parties.
- c. An order requiring the respondent to pay my attorney's fees.
- d. An order requiring the respondent to:
 - (1) Pay rent or make mortgage payments on my residence and pay for the support of myself and minor child(ren) if the respondent is found to have the duty to support me or minor child(ren).

1 (2) Reimburse me for expenses associated with the domestic abuse,
2 including but not limited to, loss of earnings or other support, out-of-pocket losses
3 for injuries sustained, cost of counseling, shelter expenses, moving or other travel
4 expenses, and cost of repairs or replacement of property damaged or taken.

5 (3) Pay the costs and fees I have incurred in bringing this action.

6 (4) Pay an award for emergency monetary relief to myself and other
7 dependents, if any.

8 e. Any other relief the Court deems necessary to protect and provide for
9 my safety, and the safety of other family and household members.

10 *Note: The Ho-Chunk Nation Legislature limited the amount of monetary recovery*
11 *to \$5,000. 4 HCC §12e.*

12
13 **V. LIST OF WITNESSES THAT MAY BE CALLED IN THIS CASE:**

14 I may call the following witnesses to testify about the domestic abuse: *(list as many as you*
15 *would like, provide contact information if subpoenas are requested to be served by the Court. See HCN R. Civ. P.*
16 *44(A).)*

17 1. _____

18 _____

19 2. _____

20 _____

21 3. _____

22 _____

23 4. _____

24 _____

25 5. _____

26 _____

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28 **VI. OTHER LAW ENFORCEMENT AGENCIES**

29 Provide the names of any other non-tribal law enforcement agency that should be notified
30 if a protective order is issued by this Court: _____

31 _____

32 _____

1 **PLEASE INCLUDE YOUR CONTACT INFORMATION ON ATTACHED**
2 **CONFIDENTIAL SUPPLEMENT. FAILURE TO DO SO WILL RESULT IN**
3 **THE COURT'S INABLITY TO CONTACT YOU OR PROVIDE SERVICE**
4 **OF SUBSEQUENT COURT ORDERS OR NOTICES OF HEARING.**

5
6 **RESPECTFULLY SUBMITTED BY PETITIONER,**

7
8 Signature: _____

9 Date: _____, 20 _____

By: _____
Title: _____
Capacity: _____
(Fill out if signed for incapacitated petitioner)

10
11 Signature of counsel (if any): _____

12 Mailing address of counsel: _____

13
14 E-mail address of counsel: _____

15 Telephone number of counsel: _____

16 Facsimile number of counsel: _____

17 Ho-Chunk Bar number of counsel: _____

18
19 If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been
20 attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),¹ and/or I
21 have applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk*
22 *Nation Rules for Admission to Practice*.

23
24
25 **SUBSCRIBED AND SWORN TO** before me this _____ day of _____, 20____

26 at _____.
27 City State

28
29
30 _____
31 Notary Public for _____
State

32 My commission expires: _____
33

¹ Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at http://www.ho-chunknation.com/media/35078/rules_of_civil_procedure.pdf.