

**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.

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

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**PETITION FOR PROTECTION ORDER**

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

Case No.: DV \_\_\_\_\_  
[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*).

2. I have been the victim of domestic violence by respondent as described below. (*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.*)

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

1 together; (6) persons related by blood, adoption, or marriage; and (7) minor children of persons  
2 described in (1) through (6). *Id.* § 5.1.

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

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

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

- 10 a.  the respondent is a member of the Ho-Chunk Nation, and/or  
11 b.  the respondent lives on tribal trust land of the Ho-Chunk Nation, and/or  
12 c.  other: \_\_\_\_\_

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14 **III. NOTICE & HEARING**

15 I understand that the Court may issue a written or oral *Ex Parte*<sup>1</sup> *Order for Protection*  
16 without notice to the respondent if it appears from the *Petition for an Order for Protection* that  
17 domestic abuse has occurred, and the Court deems it necessary to protect me. Otherwise, the Court  
18 must provide notice and a hearing prior to the issuance of an *Order for Protection*.

19 **IV. REQUEST FOR RELIEF**

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

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23 A subsequent granting by the Court of requests for relief identified in  
24 1a. - 1f. will require providing the respondent an opportunity to request  
25 a hearing on the petition within thirty (30) days after receipt of an *Ex*  
26 *Parte Order for Protection*.

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28 \_\_\_\_\_  
<sup>1</sup> “*Ex Parte*” means “from the part” in Latin, and for purposes of legal usage denotes the absence of “notice to or argument from the adverse party.” BLACK’S LAW DICTIONARY, 597 (7<sup>th</sup> Ed. 1999).

1 a.  An order enjoining (stopping) the respondent from threatening to  
2 commit or committing acts of domestic abuse against me and the following family or  
3 household members: \_\_\_\_\_

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5 b.  An order prohibiting the respondent from intimidating, harassing,  
6 menacing, annoying, telephoning, contacting, or otherwise interfering or communicating  
7 with me, directly or indirectly;

8 c.  An order requiring the respondent to stay away from my residence,  
9 school (*insert name*) \_\_\_\_\_, and/or place of employment,  
10 and/or the following specified place(s) that is/are frequented by myself or a family or  
11 household member:  
12 \_\_\_\_\_

13 d.  An order prohibiting the respondent from using or possessing a firearm  
14 or other weapon: (*list weapon(s)*) \_\_\_\_\_

15 e.  An order prohibiting the respondent from removing a minor child from  
16 the jurisdiction of the Court;

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

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

23 

A subsequent granting by the Court of requests for relief identified in 24 h. – j. in an <i>Ex Parte Order for Protection</i> will require convening a 25 hearing within fifteen (15) days after the filing of the <i>Petition</i> .
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26 h.  An order granting me possession and use of an automobile;

27 i.  An order removing or excluding the respondent from my residence, and  
28 to not come within \_\_\_\_\_ (*distance*) of the residence;

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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).

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

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

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

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

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

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

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

- 1. \_\_\_\_\_
- \_\_\_\_\_
- 2. \_\_\_\_\_
- \_\_\_\_\_
- 3. \_\_\_\_\_
- \_\_\_\_\_
- 4. \_\_\_\_\_
- \_\_\_\_\_
- 5. \_\_\_\_\_
- \_\_\_\_\_

**VI. OTHER LAW ENFORCEMENT AGENCIES**

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

\_\_\_\_\_

\_\_\_\_\_

1 **RESPECTFULLY SUBMITTED BY PETITIONER,**

2  
3 Signature: \_\_\_\_\_

4 Date: \_\_\_\_\_, 20 \_\_\_\_\_

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

5 Signature of counsel (if any): \_\_\_\_\_

6 Mailing address of counsel: \_\_\_\_\_

7 \_\_\_\_\_

8 E-mail address of counsel: \_\_\_\_\_

9 Telephone number of counsel: \_\_\_\_\_

10 Facsimile number of counsel: \_\_\_\_\_

11 Ho-Chunk Bar number of counsel: \_\_\_\_\_

12

13 If not a member of the Ho-Chunk bar, a  *Motion to Appear Pro Hac Vice* has been  
14 attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),<sup>2</sup> and/or  I  
15 have applied for membership in the Ho-Chunk Nation bar in accordance with the *Ho-Chunk  
Nation Rules for Admission to Practice*.

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17 **SUBSCRIBED AND SWORN TO** before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

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19 at \_\_\_\_\_.

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City

State

Notary Public for \_\_\_\_\_  
State

My commission expires: \_\_\_\_\_

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

<sup>2</sup> 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](http://www.ho-chunknation.com/media/35078/rules_of_civil_procedure.pdf).