IN THE HO-CHUNK NATION TRIAL COURT

	Petitioner,	PETITION FOR ELDER PROTECTIVE RESTRAINING ORDER			
v.		Case No.: EP - [assigned by the Court]			
	Respondent.				
I.	CAUSE OF ACTION				
1.	Pursuant to the ELDER PROTECTION ACT	r, 4 HCC § 1, the petitioner, a/the: (Check only one)			
	HCN Tribal Elder				
	Family or household member of	a HCN Tribal Elder			
	HCN Children and Family Servi	ices, on behalf of a HCN Tribal Elder			
files	this action requesting an Elder	Protective Restraining Order against the			
respo	ndent,				
2.	The Elder allegedly subject to abuse, ne	eglect or exploitation is:			
	Full name:	;			
	DOB:				
	Enrollment number: 439A00	<u>_</u> .			
X	IMPO	RTANT—			
***************************************	mailing or physical address, telephone	e do not include within this <i>Petition</i> the number, e-mail address, or other contact information must be included within the			

attached *Confidential Supplement*, which will not be disclosed to the respondent

or general public.

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2								
3	3.	Т	he followi	ng informatic	on relates to	the RESP	ONDENT alleged	to have caused or
4				_			_	to have edused of
5	thr	eatene	d to cause a	abuse, neglect	or exploitation	on of the Eld	der:	
6		Z	1.	Name:				
7		TIO	2.					
8		MA	3.	Date of Birt	th:			
9		FOR	4.	Physical Ac	ddress (last kno	wn):		
10			ı					
11		VT'S	5.	Mailina Ad	dmaga (1 , 1	City		Zip Code
12		DE	٥.	Mannig Au	diess (last knov	vn)		
13		RESPONDENT'S INFORMATION	ı			City	State	Zip Code
14		RES	ı			•		
15	[5.	Phone: ()		()	
16			6.					Yes or No.
17				Respondent	t's enrollmen	t number (if	known) is: 439A	.00
18			7.	Dagnandani	t'a ralationahi	n to Eldon		(four numbers)
				Kespondeni	i s relationsin	ip to Elder.		·
			/.					
19								
19 20	4.		he respond	lent has subjec	cted or threa	tened to sub	oject a Ho-Chunk	Nation Elder to the
19 20 21				lent has subjec	cted or threa	tened to sub	oject a Ho-Chunk	Nation Elder to the
19 20 21 22			The respond	ent has subject				
19 20 21 22 23			The respond g: (check all	lent has subject that apply) ical Abuse: In	ntentional or	reckless infl	iction of bodily ha	rm, or attempting to
19 20 21 22 23 24			The responding: (check all Physicause	lent has subject that apply) ical Abuse: In the physical harr	ntentional or	reckless infl	iction of bodily ha	
19 20 21 22 23 24 25			The respond g: (check all section of the check all sections of the check all sectio	lent has subject that apply) ical Abuse: In e physical harr aker;	ntentional or n	reckless infl ary, or assau	iction of bodily ha Ilt on an Elder or t	rm, or attempting to he Elder's family or
19 20 21 22 23 24 25 26			The responding: (check all second check	lent has subject that apply) ical Abuse: In e physical harr aker; al Abuse: Any	ntentional or n m, bodily inju y non-consen	reckless infl ary, or assau asual sexual	iction of bodily ha ilt on an Elder or t contact, including	rm, or attempting to he Elder's family or unwanted touching,
19 20 21 22 23 24 25			The responding: (check all second check	lent has subject that apply) ical Abuse: Interphysical harmaker; al Abuse: Anythin al assault, and	ntentional or many that it is not the many that it is not the many that it is not the many that is not the many th	reckless influry, or assautions assaution in the second in	iction of bodily ha ilt on an Elder or t contact, including ides unreasonable	rm, or attempting to he Elder's family or unwanted touching, behavior toward an
19 20 21 22 23 24 25 26			The responding: (check all series) Physicause careta Sexual sexual Elder	lent has subject that apply) ical Abuse: In the physical harmaker; al Abuse: Any al assault, and the of a sexual the	ntentional or many that it is not the many that it is not the many that it is not the many that is not the many th	reckless influry, or assautions assaution in the second in	iction of bodily ha ilt on an Elder or t contact, including ides unreasonable	rm, or attempting to he Elder's family or unwanted touching,
119 220 221 222 223 224 225 226 227			The responding: (check all second check	lent has subject that apply) ical Abuse: In the physical harmaker; al Abuse: Any al assault, and the of a sexual the	ntentional or many that it is not the many that it is not the many that it is not the many that is not the many th	reckless influry, or assautions assaution in the second in	iction of bodily ha ilt on an Elder or t contact, including ides unreasonable	rm, or attempting to he Elder's family or unwanted touching, behavior toward an

1		Emotional Abuse: Language or behavior that serves no legitim	ate purpo	se and is
2		intended to be intimidating, humiliating, threatening, frighten	ing, or o	therwise
3		harassing, and that does or reasonably could intimidate, h	umiliate,	threater
4		frighten, or otherwise harass the individual to whom the condu	act or lan	guage is
5		directed;		
6		Verbal Abuse: Deliberate oral statements made toward an Elde	r which a	re mean
7		to insult, frighten, humiliate, threaten, and/or to demean an Elder	r;	
8		Exploitation : Taking unjust advantage of an elder, financially	or other	wise, for
9		one's own benefit;		
10		Neglect: (1) Failure of a caregiver, as evidence by an act, omis	ssion, or c	ourse of
11		conduct, to endeavor to secure or maintain adequate care, service	es, or sup	pervision
12		for an individual including food, clothing, shelter, or physical	or ment	al health
13		care, and creating significant risk or danger to the individual p	hysical o	r menta
14		health; or (2) The interference with the delivery of neces	ssary ser	vices of
15		resources; or (3) The failure to report abuse, neglect, self-negle	ect or exp	loitation
16		of an Elder; or (4) The failure to provide services or resource	es essenti	al to the
17		Elder's practice of his or her customs, traditions, or relig	gion; or	(5) The
18		abandonment of an Elder by his or her family, guardian, or caret	aker.	
19		Interference with CFS Investigation/Services		
20		Unreasonable Confinement		
21				
22	5. Please	e list all prior civil or criminal temporary restraining orders, i	njunction	s, or no
23	contact orders	s in other jurisdictions involving the Elder and respondent, beginn	ning with	the mos
24	recent:			
25	(1)	Court: Case No.: Date	::/	
26	(2)	Court: Case No.: Date		
27	(3)	Court: Case No.: Date	::/	
28				

1	(4) Court:	Case No.:	Date://
2			
3			
4	6. Please describe in your own wo	ords the specific facts or cir	cumstances of alleged Elder
5	abuse, neglect or exploitation or the fac	cts which led you to believe	e the respondent has, or will
6	likely interfere with either an Elder prote	ection investigation or the de	elivery of protective services
7	If known, please indicate whether the I	Elder believes him/herself to	o be in immediate danger of
8	further abuse, neglect or exploitation.	(Include dates of incidents, place	ces where incidents occurred and
9	injuries suffered, if any. List the most recent in	cident first and specify whether w	veapons or children were involved
10	Attach additional sheets if necessary.)		
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28	Petitioner's Printed Name	a·	·
	1 cuttoner 5 i inica ivania		

1		Petitioner's Signature:		
2		Date:	/	
3	II.	LIST OF WITNESSES THAT MAY	BE CALLED IN THIS CASE:	
4		I may call the following witnesses to	testify about the alleged Elder abuse,	, neglect c
5	explo	itation: (list as many as you would like)		
6		1		
7		2		
8		3		
9		4		
0		5		
1				
2	III.	JURISDICTION		
3		This Court has original jurisdiction over	this case pursuant to the "cases and co	ontroversy
4	clause	e of the Ho-Chunk Nation Constitution, A	rt. VII, § 5(a), providing that the Trial	Court sha
5	have	"original jurisdiction over all cases and co	ontroversies," in law and equity arisin	g under th
	Const	titution, laws, customs, and traditions of th	e Ho-Chunk Nation.	
16				
7 8	IV.	NOTICE & HEARING		
19		I understand that the Court may issue		-
20		ective Restraining Order without notice to		
21		lieve, based upon credible evidence cont		
22		ediate danger, or that the respondent has	•	-
23		tigation or delivery of CFS services, and		_
24		and/or other family or household men	ibers or will impede upon an Elder	protectio
25	inves	tigation or delivery of CFS services.		
26	IV.	REQUEST FOR RELIEF		
27		The Court is permitted to grant the following	Howing limited forms of emergency	relief
28		without notice to the respondent and price	•	

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2	
3	1. I request that the Court grant the following relief in the Elder Protective
4	Restraining Order: (Check all that apply)
5	
6	a. An order enjoining (stopping) the respondent from threatening to commit or committing further acts of abuse, neglect, or exploitation of the Elder as
7	follows:
8	
9	
10	
11	b. An order prohibiting the respondent from contacting, harassing,
12	telephoning, or otherwise communicating with the Elder, either directly or indirectly.
13	
14	c. An order requiring the respondent to stay away from the Elder's
15	residence or any other location temporarily occupied by the Elder.
16	d. An order prohibiting the respondent from interfering with the
17	investigation of abuse, neglect, or exploitation of an Elder, the provision of services to the
18	Elder, or otherwise harassing or intimidating CFS workers or other individuals employed
19	to carry out its goals.
20	
21	e.
22	the Elder's safety and the safety of the following family and household members:
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¹ "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 (7th Ed. 1999).

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4	If the Court determines to grant the requested form(s) of emergency relief listed
5	above, or if the petitioner requests any additional forms of relief below, the Court shall convene a hearing within fifteen (15) days to allow the parties an opportunity
6	to present evidence of the alleged Elder abuse, neglect or exploitation. If the petitioner meets his/her burden of proof at the hearing, the Court shall issue a non-
7	temporary <i>Elder Protective Restraining Order</i> for a period not to exceed five (5) years without further extension.
8	
9	2. I further request that the Court grant the following relief within an Elder
10	Protective Restraining Order after affording the respondent with notice and hearing (the Cour
11	cannot grant the below forms of relief within a Temporary Elder Protective Restraining Order)
12	(Check all that apply)
13	An and an analytic the magnet from homogeine on intimidation
14	a.
15	Cr's workers of other marviduals employed to earry out the goals of this subsection.
16	b.
17	CFS Elder Protection Worker from meeting, communicating, or being in visual or audio
18	contact with the Elder.
19	
20	c. Any other relief the Court deems necessary and consistent with the
21	purposes of the ELDER PROTECTION ACT or any Traditional Cultural Disposition that may
22	be consistent with and will reinforce the customs and traditions of the community
23	
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		ER,		
Signature:				
Date:, Z	20			
Signature of counsel (if any):				_
Mailing address of counsel:				_
_				_
E-mail address of counsel:				_
Telephone number of counsel:				_
Facsimile number of counsel:				_
Ho-Chunk Bar number of counsel:				_
If not a member of the Ho-Chund attached in accordance with <i>Ho-Chund</i>				
have applied for membership in the Ho	o-Chunk Nati			
Nation Rules for Admission to Practic	e.			
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Petition for Elder Protective Restraining Order Confidential Supplement

The following information relates to the **ELDER** alleged to have been subjected to abuse, neglect, or exploitation:

	1.	Name:			
7	2.	Maiden name (if applicable):			
TIOL	3.	Physical Address (last known):			
ELDER'S INFORMATION	4.	Mailing Address (last known):_	City	State	Zip Code
ELDE	5.	Phone: ()	City (State) Work	Zip Code

If the *Petition for Elder Protective Restraining Order* is filed by someone other than the affected Elder, please provide the following information for the **PETITIONER**:

	1.	Name:				
	2.	Maiden name (if applicable):				
MAT	3.	Physical Address (last known):				
PETITIONER'S INFORMATION	4.	Mailing Address (last known):_	City		State	Zip Code
TIONER		-	City		State	Zip Code
PETI	5.	Phone: ()		(_)	

PLEASE LEAVE THIS FORM WITH THE SHERIFF'S OFFICE

1

2 **Elder Protection Restraining Order Information for Law Enforcement:** 3 Case Title: 4 5 Petitioner's DOB: Petitioner's Phone Number: Respondent's DOB: Date of Filing: 6 7 The Sheriff's Office will deliver your Petition and other papers to the respondent as soon as possible. Since the 8 hearing cannot be held until the respondent is served, it is important to have accurate and reliable information to 9 help locate the respondent. By filling out this form as completely as possible, you can help avoid unnecessary delays. 10 11 RESPONDENT'S INFORMATION 12 Phone Number: _____ Currently Living At: _____ 13 Employer's Name and Address: ____ 14 Work Phone: Occupation: 15 Does the Respondent work at a location other than the employer's address? Work Hours: 16 Where else might we be able to locate the Respondent? 17 18 **IDENTIFYING CHARACTERISTICS:** 19 Beard?: _____ Moustache?: _____ Glasses?: 20 Scars?: Tattoos?: Other?: 21 Does the Respondent possess any weapons? _____ If so, what kind of weapons are they, and where are they carried/stored? 22 Is the Respondent a heavy drinker? _____ Drug User? _____ 23 Describe any history of violence that the Respondent may have; other than what is stated on this petition: 24 25 26 DESCRIPTIONS OF RESPONDENT'S VEHICLE: 27 Color: _____ Year: Make and Model: _____ License Number: 28