

**WHITE EARTH BAND OF OJIBWE
TRIBAL COURT**

In the Matter of:

Petitioner (first, middle, last)

**Emergency (Ex parte)
Order for Protection**

vs.

Respondent (first, middle, last)

File No. _____

TO: _____, the Respondent named above:

Based on the Affidavit and Petition for an Order For Protection in this matter, the Court Finds:

1. The Petition alleges an immediate danger of domestic abuse.
2. An order for protection should be issued.
3. The safety of the Petitioner and the child(ren) requires that temporary custody be granted to the Petitioner.
4. The petition contains allegations of child abuse.
5. Petitioner is requesting a hearing.
6. A hearing is required to address the relief requested in the petition.
7. A Court Order is in effect which awarded Petitioner/Respondent custody.
8. Paternity of the children has not been established.
9. Other

Based upon these findings, IT IS ORDERED:

1. A. A hearing will be held at the White Earth Tribal Court, 26246 Crane Rd., White Earth, MN 56591 on _____ at _____. The Court will decide at that time
(Date) (Time)
whether to grant the relief requested in the Petition for an Order for Protection.

IF RESPONDENT FAILS TO APPEAR FOR THE HEARING, THE ORDER REQUESTED BY PETITIONER MAY BE GRANTED. IF RESPONDENT FAILS TO APPEAR AT THE HEARING, THE RESPONDENT MUST STILL OBEY THIS ORDER OR ANY OTHER ORDER FOR PROTECTION ISSUED BY THE COURT IN THIS CASE. IF PETITIONER FAILS TO APPEAR FOR THE HEARING, THE CASE MAY BE DISMISSED.

- B. A hearing will not be held unless requested by Respondent. The Respondent has the right to request a hearing.

2. Respondent shall appear personally and respond to the petition.

IF YOU FAIL TO APPEAR YOU MAY BE HELD IN CONTEMPT OF COURT

3. The following relief is granted:

A. Respondent shall not commit acts of domestic abuse against the petitioner. This means that Respondent may not harm or cause fear of harm to the Petitioner or the child(ren), and that Respondent may not use, attempt to use, or threaten to use physical force that would reasonably be expected to cause bodily injury to Petitioner or the child(ren).

B. Respondent must not have any contact with (Petitioner) (children) whether in person, with or through other persons, by telephone, letter or in any other way.

C. Respondent must not enter Petitioner's residence located at (address) _____, (Petitioner's residence is not disclosed) OR ANY FUTURE RESIDENCE. RESPONDENT MUST NOT ENTER OR STAY AT PETITIONER'S RESIDENCE FOR ANY REASON, EVEN IF INVITED TO DO SO. PETITIONER IS NOT IN VIOLATION OF THIS ORDER AND THE ORDER REMAINS IN EFFECT IF RESPONDENT IS FOUND AT PETITIONER'S RESIDENCE. NOTE: DO NOT PUT YOUR ADDRESS HERE IF YOU DO NOT WANT IT DISCLOSED.

D. Respondent may remove necessary belongings from the Petitioner's address under the supervision of the police or sheriff.

E. Respondent must not enter or call Petitioner's place of employment at _____.

OR

Respondent's contact with Petitioner at Petitioner's place of employment is limited as follows: _____.

F. Respondent must continue all existing insurance coverage without changing coverage or beneficiaries.

G. Temporary custody of the following child(ren) is granted to the Petitioner: _____.

H. The prior custody order giving Petitioner/Respondent custody remains in effect.

I. Neither party shall sell, give away, damage, destroy, hide or permit any other person to obtain legal rights in any property, whether real estate or personal property, owned or possessed by the parties together [or solely by the other party if the parties are married], except in the usual course of business or for the necessities of life.

4. It is further ordered at follows:

5. Respondent is ordered to bring to the hearing a statement of earnings from Respondent's employer or pay stubs for the past six months, or the most current federal and state income tax returns.

6. The _____ County Sheriff's department and the _____ and Tribal Police Department shall enforce the provisions of this Order for Protection and shall help the Petitioner execute and/or serve this Order, without charge. Peace officers licensed by the State of Minnesota and correction officers, including, but not limited to, probation officers, court service officers, parole officers and employees of jails or correctional facilities may serve an Order for Protection. If the application for relief is brought in a county in which the Respondent is not present, the sheriff shall forward the pleadings necessary for service upon the Respondent to the sheriff of the county in which the Respondent is present. This must be expedited to allow for timely service. **Every police department and sheriff's office in Minnesota is responsible for enforcing this order.** Enforcement of this order may include assisting in obtaining physical custody of child(ren), removing respondent from the residence, and getting property back from the Respondent.

7. As required by law, a copy of the Petition and this Order shall be forwarded to the Child Protection Agency of County for an assessment of the allegation of child abuse.

8. A Guardian ad Litem shall be appointed to represent the following minor child(ren): _

Notice to Respondent

- A police officer shall arrest you and take you to jail if the police officer believes you have violated this Order and shall hold you in jail for at least 36 hours excluding the day of arrest, Sundays, and holidays, unless you are released by a judge or judicial officer.
- Violations of this Order may be treated at a misdemeanor, or felony. A misdemeanor violation may result in a sentence of up to 90 days in jail and/or a fine of up to \$1,000. Some repeated violations are gross misdemeanors which may result in a sentence of up to one year in jail and/or a fine up to \$3,000. Other violations are felonies and may result in a sentence of imprisonment for up to five years and/or a fine of up to \$10,000.
- The Violation Against Women Act (13 U.S.C. 2265) makes this Order enforceable in all 50 states, Washington D.C., Tribal lands, and U.S. territories. A violation of this Order may result in federal charges and punishment.

- You must comply with the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. § 922 (g)(3), concerning the shipping, transporting, possession, or receiving of firearms and ammunition.

Notice to Both Parties:

If a hearing is scheduled, be prepared on the scheduled date. You may be asked to testify at that time or depending on the Court's calendar the hearing may be rescheduled. You should bring any available documentation, such as police reports, hospital and doctor reports, pictures, witnesses or other items.

NOTE: Notify the Court administrator right away if an attorney will be with you at the hearing. You may not be able to use written reports, affidavits, or statements from persons who are not at the hearing as witness.

NOTE: If an Order for Protection is issued, the Court must consider the Order in making a decision in any visitation proceeding, if requested by Petitioner.

- This Order will be effective for a period of seven days from the date of this order.
- This Order will be effective for a period of _____ from the date of this order, or until modified or vacated at hearing.

Dated: _____

 White Earth Tribal Court
 P.O. Box 418
 White Earth, MN 56591
 Tel: (218) 983-3285
 Fax: (218) 983-3294

Distribution

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| _____ Certified copy of original - Return to Court Administrator with Affidavit of Personal Service attached | _____ Copy for Respondent |
| _____ Copy of Petitioner(s) | _____ Copy for local police department |
| _____ Copy for file until original | _____ Copy for Tribal police |
| _____ Copy for Sheriff | _____ Other: _____ |
| _____ Dissolution | |
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