

DISTRICT COURT OF THE KAW NATION  
Drawer 50  
698 Grandview Drive  
Kaw City, OK 74641  
(580) 269-2552 x 111

This form packet is supplied by the Kaw Nation Court Clerk's Office. Nothing in these forms is to be construed as providing legal advice. It is highly recommended that you review these documents with an attorney. The Kaw Nation Court Clerk, Kaw Nation District Court, nor the Kaw Nation shall be liable for any use of the following forms.

Parties seeking an Order of the Court are responsible for completing all required documents. The Court Clerk cannot fill out the form for you nor can they give out legal advice. The Kaw Nation does not provide lawyers, legal advice, or legal assistance. If you need legal advice or representation, you must retain an attorney at your expense. Your selected Attorney must be registered to practice law with the Kaw Nation Bar Association prior to representing you in the Kaw Nation District Court. You may contact the Court Clerk for a current list of KNBA attorneys.

All fees, including service fees, must be paid at the time of filing. Fees cannot be waived unless a Paupers Affidavit has been filed and approved by the Judge prior to filing. This form may be requested from the Court Clerk.

**INSTRUCTIONS FOR FILING**

1. A filing fee of \$75.00 is required when filing a Petition for Divorce. Most other filings are \$50.00. There is no cost to file a Protective Order. Please be prepared to inform the Court Clerk as to which type of Process Service you will be utilizing at the time of filing your packet.
2. All parties must be notified of the filing of a Petition and any pending hearings. Respondents are allowed twenty (20) days from service of a Petition to file an answer with the Court. It will be at least a month from your file date before a court date will be set unless the Respondent signs a Waiver. A Notice of Hearing and/or Summons may be served by Tribal Police within Kay and Osage County for a Service Fee of \$50.00. If the parties reside outside of the Kay and Osage County areas, a private process server may need to be hired for service at a starting rate of \$99.00. You will be billed for the remaining due amount.
3. The Notice may also be served through Certified Mail. A Service Fee of \$17.00 will be assessed for the Court Clerk to mail the Notice.

4. It is required by law that Notice be given to the Respondent, so it is necessary to have a current mailing and physical address for this person. If you do not have an address, additional charges will need to be paid to obtain Notice by Publication in the local newspaper. THIS FEE CANNOT BE WAIVED AND WILL NEED TO BE PAID WHEN FILING FORMS. A fee of \$75.00 (average publication cost) will be assessed. Keep in mind that the fee assessed for publication is an average cost and it could cost more. If the cost is more than \$75.00, you will be responsible for the balance due at the end of publication.
5. To begin the filing process, the following required documents must be submitted to the Court Clerk:
  - Copy of your Driver's License (or State ID)
  - Copy of your Marriage Certificate
  - Copies of Birth Certificates
  - Copies of Death Certificates (if applicable)
  - Copies of CDIB Cards
  - Contact Information Sheet
  - Petition
  - Financial Affidavit (Divorce)
  - Statement of Facts (Guardianship)
  - OK Sex Offenders Registration Affidavit (Adoption, Custody and Guardianship)
  - Request for Hearing
  - Summons
  - Filing and Service fees
6. Please ensure that all required documentation has been attached and provided at the time of filing your Petition. Make sure that you completely fill out the documents and attach the required documentation. Documents that are not completely filled out can delay the process of your case. Parties are responsible for completing their own petition forms. The court clerk cannot give legal advice or assist you in filling out the forms.
7. Once your Petition and all required documentation has been received, an Order for Hearing will be issued by the Court Clerk informing all parties of the date and time of the scheduled hearing.
8. In an adoption, you MUST have an attorney. Also, once the Petition is filed, an in-home study must be completed before the adoption can be finalized (unless it is a step-parent adoption).

# CONTACT INFORMATION

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**Petitioner's Full Name:** \_\_\_\_\_

Previous Names: \_\_\_\_\_

If Married, To Whom: \_\_\_\_\_ Date: \_\_\_\_\_ City/County/State: \_\_\_\_\_

Mailing Address (Including County): \_\_\_\_\_

Physical Address (Including County): \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

CDIB No: \_\_\_\_\_ Tribe: \_\_\_\_\_

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Born in City/County/State: \_\_\_\_\_ Birth Certificate #: \_\_\_\_\_

DL No: \_\_\_\_\_ DL State: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Race: \_\_\_\_\_

Distinguishing Features (Tattoos, Scars, etc.) \_\_\_\_\_

Attorney: \_\_\_\_\_

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**Respondent's Full Name:** \_\_\_\_\_

Previous Names: \_\_\_\_\_

If Married, To Whom: \_\_\_\_\_ Date: \_\_\_\_\_ City/County/State: \_\_\_\_\_

Mailing Address (Including County): \_\_\_\_\_

Physical Address (Including County): \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ Email: \_\_\_\_\_

CDIB No: \_\_\_\_\_ Tribe: \_\_\_\_\_

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Born in City/County/State: \_\_\_\_\_ Birth Certificate #: \_\_\_\_\_

DL No: \_\_\_\_\_ DL State: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Race: \_\_\_\_\_

Distinguishing Features (Tattoos, Scars, etc.) \_\_\_\_\_

Attorney: \_\_\_\_\_

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Notes:

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<b>PETITION FOR PROTECTIVE ORDER</b>	(Stamp)
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District Court of Kaw Nation Kaw City, Oklahoma  Case No. PO-20_____-_____  Court Phone Number (580) 269-2552 x111
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<p style="text-align: center;"><b>Petitioner</b></p> <hr/> First                      Middle                      Last And/or behalf of minor family member(s)	<p style="text-align: center;"><b>Additional Petitioner Information</b> Name(s) and DOB(s) of minor family member(s)</p> <hr/> <hr/> <hr/>
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<b>-VS-</b>	<b>Defendant Identifiers</b>										
<b>Defendant</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">SEX</th> <th style="width: 15%;">RACE</th> <th style="width: 15%;">DOB</th> <th style="width: 15%;">HT</th> <th style="width: 15%;">WT</th> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	SEX	RACE	DOB	HT	WT					
SEX	RACE	DOB	HT	WT							
<hr/> First                      Middle                      Last  Relationship to Petitioner:  <hr/> <b>Defendant's Address</b> (Street Address, City, State, Zip Code)  <hr/> <hr/> <hr/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">EYES</th> <th style="width: 15%;">HAIR</th> <th style="width: 55%;">DISTINGUISHING FEATURES</th> </tr> <tr> <td style="height: 30px;"></td> <td></td> <td></td> </tr> </table>	EYES	HAIR	DISTINGUISHING FEATURES							
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	<p><b>Other</b></p> <hr/> <hr/>										

**1. Information About the Parties.**

**Several factors may apply. Please read ALL items below carefully & check any that apply.**

- A.** The  Petitioner  Respondent is an enrolled member of the Kaw Nation;  
OR  
The  Petitioner  Respondent has resided within the Kaw Tribal Jurisdiction for more than a three (3) month period preceding the filing of this Petition;  
OR  
That the  Petitioner  Respondent is an enrolled member of \_\_\_\_\_  
a federally recognized tribe or band of Indians and has consented to the Court's jurisdiction.

**B.** The Defendant's Relationship to Petitioner(s):

**I. Intimate Partner:**

- Defendant is my current spouse
- Defendant is my former spouse
- Defendant and I are dating, or have dated, each other
- Defendant and I are, or have been, engaged in a sexual relationship
- Defendant and I are the biological parents of the same child
- Defendant and I currently live together, or previously lived together, in an intimate relationship.
- Defendant is an intimate Partner of a minor child listed above

**II. Family or Household Member:**

- Defendant is my parent, grandparent, stepparent, adoptive parent, or foster parent
- Defendant is my child, grandchild, stepchild, adopted child, or foster child
- Defendant is otherwise related to me (by marriage or blood) and lives in the same household as me
- Defendant is a Family or Household Member of the minor child(ren) listed above

**B.** If you DID check one or more items in Section A above, then complete this section.

Petitioner is a (check all that apply):

- Victim of Domestic Violence/Abuse
- Victim of Stalking
- Victim of Harassment
- Victim of Rape
- Family or Household Member of the Minor Child/Children Listed Above

**C.** If you DID NOT check one or more items in Section A above, then complete this section.

Defendant has committed the following acts against Petitioner and/or the minor(s) listed above.

- Rape
- Sex Offense
- Assault and Battery with a Deadly Weapon

- Forcible Sodomy
- Kidnapping
- Stalking\* (police report required, see definition below)

D.  First Degree Murder (check if applicable). Petitioner is an Immediate Family Member of a Victim of First-Degree Murder, and Defendant has Been Charged and Convicted of that Crime.

- **Definition:** “Stalking” means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually cause the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to: (a.) following or appearing within the sight of that individual, (b.) approaching or confronting that individual in a public place or on private property, (c) appearing at the workplace or residence of that individual, (d.) entering onto or remaining on property owned, leased, or occupied by that individual, (e.) contacting that individual by telephone, (f.) sending to, property owned, leased or occupied by that individual; 22 O.S. §60.1(9). **If you are NOT a family or household member, or in a dating relationship, with Defendant, you must have filed a STALKING complaint against the Defendant with the proper law enforcement agency before filing this Petition (a copy of the complaint must be attached or provided at the hearing).**

**2. Statement of Jurisdiction.**

**INSTRUCTION: Check all that apply**

- Petitioner is a resident of the county wherein this Petition is filed.
- Defendant is a resident of the county wherein this Petition is filed.
- The domestic abuse occurred in the county wherein this Petition is filed.

**3. Actions of the Defendant**

**INSTRUCTION: Check and complete one or more of the following. Fill in the blank lines of checked items.**

- The Defendant has caused or attempted to cause physical harm to: \_\_\_\_\_  
 \_\_\_\_\_ Name(s)
- The Defendant has threatened\* imminent physical harm to: \_\_\_\_\_  
 \_\_\_\_\_ Name(s)

\*According to 22 O.S. §60.1(2), "Threat" means a threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor, or minor child who is currently or was previously an intimate partner or family or household member.

The Defendant has harassed\* \_\_\_\_\_ . Name(s)

\*According to 22 O.S. §60.1(5). "Harassment" means a knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of 21 O.S. §1172 and fear of death or bodily injury.

The Defendant has stalked\* \_\_\_\_\_ . Name(s)

\*If the Petitioner is a victim of stalking but is not a family or household member or an individual who is or has been in a dating relationship with the Defendant, you must file a complaint against the Defendant with the proper law enforcement agency before filing a petition for a protective order with the District Court. The Petitioner shall attach a copy of the complaint to the petition or present the complaint to the court at the time of the hearing. (See definition of "stalking" in section 1, above)

The Defendant has committed:  Rape  Sex Offense  Assault and Battery with a Deadly Weapon  Forcible Sodomy  Kidnapping against \_\_\_\_\_

#### **4. Description of Incident(s)**

The incident(s) which caused the filing of the petition occurred on or about \_\_\_\_\_ Date(s)

Describe what happened, when and where the event(s) occurred. List all actions or behaviors you intend to present to the Court at the hearing.

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**ATTACH ADDITIONAL PAGES IF NECESSARY**

**5. Other Cases: Please list all cases (divorce, protection orders, paternity, guardianship, criminal, juvenile, civil) involving the Defendant and yourself, or a child you have with Defendant (attach additional sheets of paper if necessary):**

Case Name	Case Number	County & State
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

**6. Type of Order Requested.**

**INSTRUCTION: Check either A or B**

**A.** The Petitioner does not request and Emergency Ex Parte Protective Order but does request the following relief, checked below, after notice and hearing, in a Final Order;

**OR**

**B.** The petitioner requests an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger. Petitioner requests the following relief, checked below, in the Ex Parte Order and, after notice and hearing, requests the same relief in a Final Order.

**RELIEF REQUESTED**

**INSTRUCTION: Check EACH item which you are requesting from the Court**

1. Defendant should be prohibited from attempting or having ANY CONTACT whatsoever with the Petitioner, either in person, through others or by telephone, mail,

electronic means, or any other manner, at any time or place unless specifically authorized by the Court.

2. Defendant should be prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the Petitioner, and from use, attempted use or threatened use of physical force against the Petitioner that would reasonably be expected to cause bodily injury.

3. Defendant should be prohibited from engaging in other conduct that would place the Petitioner in reasonable fear of bodily injury to the Petitioner or the Petitioner's household members or relatives.

4. Defendant should be ordered to leave and remain away from the residence located at:

\_\_\_\_\_,  
Oklahoma, on or before the \_\_\_ day of \_\_\_\_\_, 20\_\_\_ at \_\_\_\_\_ a.m./p.m. and take no action to change utilities or telephone service.

5. The Court should order Law Enforcement Officers to accompany the **Defendant** to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant leaves the premises, and the Court should further order Defendant NOT to go to the above residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present.

6. The Court should Order Law Enforcement officers to accompany the **Petitioner** (i.e. provide a "civil standby") to the current or recent past residence to remove necessary clothing and personal effects and remain in attendance until Petitioner leaves the premises. Such residence is located at the following address:

\_\_\_\_\_, \_\_\_\_\_, Oklahoma.

7. Order Defendant, who is a minor, to leave the residence located at:

\_\_\_\_\_, \_\_\_\_\_, Oklahoma  
(address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to 10A O.S. §2-2-101(A).

Circle Age of Minor Defendant: 13 14 15 16 17

8. There is an existing child visitation Order and the Court should suspend or modify child visitation to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order. 22 O.S. §60.4(I)(1).

9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. 22 O.S. § 60.4(C)(1) and (E)(1).

10. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner.

11. Pursuant to 22 O.S. §60.17, Petitioner makes application to monitor the location of the Defendant by computer or cellular inquiry. The Defendant should be ordered to

use an active, real-time, twenty-four-hour GPS monitoring device pursuant to 22 O.S. §60.17, and costs of the GPS device and monitoring should be paid by the Defendant.

12. Pursuant to 22 O.S. §60.4, Petitioner requests that billing responsibility and rights to the following household utilities and/or wireless telephone number (and wireless numbers for minor children) be transferred to petitioner's name.

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Note: A public utility or wireless service provider's normal requirements for setting up a new account still apply. The Petitioner will be responsible for paying for the account.

13. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to

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14. The Defendant should be ordered to pay the court costs and service of process fees (pursuant to 22 O.S. §60.2(C)(1), no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously.

15. The Defendant should be ordered to pay the Petitioner's attorney's fees in the amount of \$\_\_\_\_\_.

PETITIONER REQUESTS THE COURT TO ORDER THE FOLLOWING ADDITIONAL RELIEF:

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### **7. Warnings To Petitioner:**

A. Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to 21 O.S. §§500 and 504, the penalty for perjury, or subornation of perjury, is a felony by imprisonment for not more than five (5) years.

B. If the Court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff pursuant to 22 O.S. §60.2(c)(2). It is against the law to file a petition for a protective order against a spouse or former spouse for the purposes of harassment, undue advantage, intimidation or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause. Violators may be subject to criminal penalties pursuant to 22 O.S. §60.4(H).

### **8. Sworn Statement/Affirmation of Truth**

I state, under penalty of perjury under the laws of Oklahoma, that I have read the above and forgoing document, understand the meaning thereof, and declare that the facts and statements contained herein are true to the best of my knowledge and belief.

\_\_\_\_\_  
PETITIONER

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Deputy Court Clerk, Judge or Notary

Petitioner requests the following law enforcement agencies receive a copy of any Protective Order entered herein:

\_\_\_\_\_  
\_\_\_\_\_  
Name of Agency or Agencies (use additional pages if necessary)

FINAL PROTECTIVE ORDERS  
DEFENDANT (RESPONDENT) INFORMATION

Full Name (Including Middle): \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

DL or State ID #: \_\_\_\_\_ State: \_\_\_\_\_ Exp: \_\_\_\_\_

Distinguishing Features: \_\_\_\_\_

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PLAINTIFF (PETITIONER) INFORMATION

Full Name of Protected Person (Including Middle): \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_

DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

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TO BE FILLED OUT BY COURT

PO Date of Issue: \_\_\_\_\_ PO Service Date: \_\_\_\_\_ PO Exp Date: \_\_\_\_\_

Case #: \_\_\_\_\_ PO #: \_\_\_\_\_

PO Conditions: \_\_\_\_\_



**IN THE DISTRICT COURT OF KAW NATION  
KAW CITY, OKLAHOMA**

\_\_\_\_\_) )  
Petitioner ) )  
vs. ) ) Case No. \_\_\_\_\_ )  
\_\_\_\_\_) )  
Defendant ) )

**ORDER AND NOTICE OF HEARING ON PETITION FOR PROTECTIVE ORDER**

Emergency Ex Parte Order **GRANTED**

TO:

\_\_\_\_\_  
Name

**-or- (check only one)**

\_\_\_\_\_  
Address

**NO** Emergency Ex Parte Order is in place

\_\_\_\_\_  
City, State, Zip

YOU ARE HEREBY NOTIFIED that a **Petition for Protective Order** has been filed against you in the Kaw Nation District Court, Kaw City, Oklahoma. You are hereby ordered to appear and answer as to the foregoing Petition.

HEARING DATE: This matter will be heard before Judge Gifford at the Kaw Nation Courthouse located at 698 Grandview Dr., Kaw City, Oklahoma 74641 at \_\_\_\_\_:\_\_\_\_\_ o'clock \_\_\_\_M., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

You are not required to have an attorney present at the hearing, but you may if you wish. Court Costs are filing fees may be assessed to either party at the hearing. Please review the attached Petition carefully before the hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge, Court Clerk, or Deputy

\_\_\_\_\_