

<p style="text-align: center;"><b>PETITION FOR EMERGENCY TEMPORARY PROTECTIVE ORDER</b></p> <p><b>(Note: This form is for use when the Court is <u>NOT</u> <u>open</u> for business)</b></p>	<p style="text-align: center;">Case No PO- 20_____ - _____</p> <p style="text-align: center;">Kaw Nation District Court Kaw City, Oklahoma</p> <p style="text-align: center;">Court Phone Number (580) 269-2552</p>																																								
<p style="text-align: center;"><b>Petitioner</b></p> <p>_____</p> <p style="text-align: center;">First                      Middle                      Last</p> <p>and/or on behalf of minor family member(s)</p>	<p style="text-align: center;"><b>Additional Petitioner Information</b></p> <p style="text-align: center;">Name(s) and DOB(s) of minor family member(s)</p> <p>_____</p> <p>_____</p> <p>_____</p>																																								
<p><b>-VS-</b></p> <p style="text-align: center;"><b>Respondent</b></p> <p>_____</p> <p style="text-align: center;">First                      Middle                      Last</p> <p>Relationship to Petitioner: _____</p> <p><b>Respondent's Address</b> (Street Address, City, State, Zip Code)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;"><b>Respondent Identifiers</b></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <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> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="5"><b>Other</b></td> </tr> <tr> <td colspan="5"> </td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE	EXPIRES							<b>Other</b>									
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**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 Respondent's Relationship to Petitioner(s):**

**I. Intimate Partner:**

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

**II. Family or Household Member:**

- Respondent is my parent, grandparent, stepparent, adoptive parent, or foster parent
- Respondent is my child, grandchild, stepchild, adopted child, or foster child
- Respondent is otherwise related to me (by marriage or blood) and lives in the same household as me
- Respondent 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.**

Respondent 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 Respondent 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 Respondent, you must have filed a STALKING complaint against the Respondent 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.
- Respondent is a resident of the county wherein this Petition is filed.
- The domestic abuse occurred in the county wherein this Petition is filed.

3. **Description of Incident(s)**

Describe what happened, when and where the event(s) occurred.

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ATTACH ADDITIONAL PAGES IF NECESSARY

**4. Relief Requested**

- Respondent 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.
- Respondent 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.
- Respondent 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.

**5. Request for Order of Protection**

**INSTRUCTION: If granted, the EMERGENCY TEMPORARY EX PARTE ORDER shall be effective only until the court date that is assigned by the Court during the approval of this order. You must come to the courthouse on that day if you want further Protective Order relief. If the Court does NOT grant an Emergency Temporary Ex Parte Order, you may still file a Petition when the Court opens for business.**

REQUEST: The Court is not open for business, and the Petitioner requests an EMERGENCY TEMPORARY EX PARTE ORDER OF PROTECTION (22 O.S. §60.2(A)(2), §60.3(C), and §40.3). Petitioner requests the Court to authorize a law enforcement officer to complete the written statement attached to this Petition, and to impose all terms and conditions in the Emergency Temporary Ex Parte Order which are necessary to protect the Petitioner(s) from immediate and present danger.

**6. 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 punishable 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).
- C. 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).

**7. Sworn Statement/Affirmation of Truth**

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

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PETITIONER

DATE

**STATEMENT OF PEACE OFFICER ATTESTING TO  
EMERGENCY TEMPORARY ORDER OF PROTECTION**

**INSTRUCTION: This section should be completed when the Emergency  
Temporary Order is Granted**

Name of Attesting Officer	
Law Enforcement Agency	
Office Address	
Telephone Number(s)	
Date and Time of Judge's Authorization	Approval of Order was granted on this _____ day of _____, 20____ at ____:_____
Date of Court Hearing	_____ day of _____, 20____ at ____:_____ Kaw Nation District Court

Pursuant to 22 O.S. §60.3(C) and §40.3, I hereby state and attest to the following facts:

1. The following individual, \_\_\_\_\_ (name of Petitioner), has requested an Emergency Temporary Order of Protection, and has completed the attached Petition for such Order.
2. The Court is not open for business at the time of this request.
3. I have notified Judge Gifford of the Kaw Nation District Court of the request for an Emergency Temporary Order of Protection and I have described the circumstances to the Judge.
4. The Judge has found that there is reasonable cause to believe that the Order is necessary to protect the victim, and has verbally APPROVED the Emergency Temporary Order of Protection, with the following terms:
  - a. Respondent is prohibited from attempting or having ANY CONTACT whatsoever with the Petitioner, hereinafter "protected person," either in person, through others or by telephone, mail, electronic means, or any other manner.
  - b. Respondent is prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the protected person(s), and

from use, attempted use or threatened use of physical force against the protected person(s) that would reasonably be expected to cause bodily injury.

- c. Respondent is prohibited from engaging in other conduct that would place the protected person(s) in reasonable fear of bodily injury to the protected person(s) or the protected person(s) household members or relatives.
- d. Other Terms and Conditions Authorized by the Court:

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- 5. The Judge has verbally directed me to complete and sign this statement attesting to the Order authorized by the Court.
- 6. This signed statement will serve as evidence of the verbal granting of the Emergency Temporary Order of Protection, and will remain in effect until the Court Date listed above.

\_\_\_\_\_  
Signature of Attesting Officer

\_\_\_\_\_  
Date

**INSTRUCTION TO PETITIONER: This EMERGENCY TEMPORARY EX PARTE ORDER shall be effective until the Court Date listed above. You must come to the courthouse that day if you want further Protective Order relief.**

**WARNING TO RESPONDENT: A violation of this order is punishable by a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment for up to one (1) year in the county jail, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year in the county jail or a fine of up to Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Additional offenses and penalties are provided in federal and state law, including 22 O.S. §60.6.**