

INSTRUCTIONS FOR FILING
IMPORTANT INFORMATION
PLEASE READ!!!

Should you need assistance in preparing any documents, you must consult with an attorney at your own expense. This court does not have legal aid. Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks **CANNOT** advise you on how to proceed or what forms may be necessary in specific situations.

1. Submit ORIGINAL documents. Documents must be signed in front of the Court Clerk or a notary public when you are ready to file.
2. Filing fees, copy fees, etc. must be made in the form of a MONEY ORDER payable to “Ponca Tribal Court” OR a debit/credit card. Filing and service fees MUST be paid at the time of filing your petition. If you are unsure of the amount of the filing fees, contact the Court Clerk. Fees are non-refundable.
3. Documents must have the FULL ADDRESS including street, city, state & zip of the parties to be served. Obtaining this information is your responsibility.
4. Petitions filed MUST have copies of the following items included:
 - Identification
 - Tribal Enrollment Cards/CDIB cards
 - Relevant Birth Certificates

- Relevant Death Certificates

Obtaining these documents is YOUR responsibility.

Fees

1. FILING FEE - A filing fee of **\$65.00** is required when filing a Petition. There is no cost to file a Protective Order, but there is a service fee. See below. 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. SERVICE FEE - 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 BIA Police within White Eagle for a Service Fee of **\$40.00**. If the parties reside outside of White Eagle, a private process server may need to be hired for service at a starting rate of **\$50.00**. You will be billed for the remaining due amount. The Notice may also be served through Certified Mail. A Service Fee of **\$20.00** will be assessed for the Court Clerk to mail the Notice.

3. PUBLICATION FEE - 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. Name change, adoption, and other petitions/documents require publication also. You will be responsible for the charges.

Court Clerks WILL NOT accept documents that do not conform to these Instructions.

You must also file a Contact Information Sheet and a Summons.

THANK YOU

WHAT IS A PROTECTIVE ORDER?

The Petition in this packet is to be used when filing for a Protective Order. Please read the protective order information provided in this packet carefully before completing the form.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense or contact a Tribal Domestic Violence Program. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare Petitions. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

This is to inform you about what you can do if you are being abused, stalked, or harassed by someone in your life. As a victim, you have the right to ask a judge for a Protective Order. A Protective Order from the court orders the person who has been harassing, stalking, or abusing you to stop doing so or be punished by the court.

What is a Protective Order (PO)?

A Protective Order is a civil court order that is designed to stop violent and harassing behavior and to protect you from the abuser. It offers civil legal protection from domestic violence to both male and female victims. It can set limits on the abuser's behavior such as:

- ✓ Order the abuser to stop abusing you and your children;
- ✓ Tell the abuser to leave and stay away from your home, workplace, and family;
- ✓ Direct the abuser to have no contact with you, including no phone calls, letters, or messages through other people;
- ✓ Order the abuser to stay away from the children, their babysitter, day care, or school.

A Protective Order is not a punishment for the abuser. It is intended to prevent future violence or harassment. However, if the abuser violates the order, the abuser can be arrested and punished.

Am I eligible to file a Protective Order?

You can seek legal protection from acts of domestic abuse committed by a “family or household member” against you or your minor child. This means you can seek protection from:

- ✓ Spouse
- ✓ Former spouse
- ✓ Person related by blood
- ✓ Person related by existing marriage
- ✓ Person related by prior marriage
- ✓ Person who resides with you
- ✓ Person who resided with abuser
- ✓ Person who has child(ren) with abuser
- ✓ Person in dating/intimate relationship
- ✓ Person in previous dating/intimate relationship

“Domestic abuse” is when a family or household member, or someone you have had a dating relationship with:

- ✓ Physically harms you, or
- ✓ Threatens to physically harm you.

What types of Protective Orders are available?

There are two types of Protective Orders available for you:

- ✓ Emergency Order of Protection (Ex Parte Emergency Order of Protection) - The Petition for Protective Order must clearly show that an act of domestic violence has occurred.
- ✓ Regular Order of Protection (Non-emergency)

How much does it cost to get a Protective Order? Do I need a lawyer?

There are no fees for filing a Protective Order. However, if the judge finds that the order was filed for frivolous reasons or if the Plaintiff/Petitioner (person filing) fails to appear at the hearings, the judge may decide to order the Plaintiff/Petitioner to pay court costs. You are responsible for the service fee. You may have the Protective Order served by certified mail for \$20.00 or you may have a process server serve it. A process server charges \$40.00 and up. These fees are due at the time of filing. You may pay with a money order made payable to Ponca Tribal Court or you may use a credit/debit card.

You do not need an attorney to file a Protective Order. However, if you wish, you can have an attorney represent you. Tribal Domestic Violence Programs may also be able to help you. They provide crisis and emergency services for victims of sexual assault, stalking and domestic violence. It is recommended that you contact the Tribal Domestic Violence Program. Services offered:

- ✓ 24/7 Crisis Hotline
- ✓ Cultural Healing
- ✓ Support Groups
- ✓ Community Education
- ✓ Counseling Referrals
- ✓ Shelter Placement
- ✓ Victim Advocacy
- ✓ Safety Planning
- ✓ Crisis Intervention
- ✓ Court Advocacy
- ✓ Limited Legal Assistance
- ✓ Direct Services
- ✓ Accompany to Sane Safestar
- ✓ Assistance with Victims Compensation

How do I get a Protective Order?

Step 1. Read and review this information on a Petition for Protective Order. If you have any questions regarding a Protective Order, refer to the court clerk.

- Step 2. Have information about you and about your abuser on hand.
- ✓ Tribal Enrollment Card or CDIB for you and/or the abuser; and
 - ✓ Abuser's complete address.

Step 3. Fill out the Petition for Protective Order (included in this packet).

Carefully fill out the Petition. On the Petition, you will be the "Plaintiff/Petitioner", and your abuser will be the "Defendant/Respondent". When describing the most recent incident of violence, use descriptive language (slapping, hitting, grabbing, choking, threatening, etc) that fits the situation. Be specific. Include details and dates. But remember to be honest.

If you need assistance, Tribal Domestic Violence Programs may be able to assist you in filling out the petition. You may contact **Ponca Tribal Victim Services at 580-718-1199. The Crisis line is 580-352-4287 and the email address is ashley.hein@ponca-nsn.gov or lyndsey.warrior@ponca-nsn.gov**

Step 4. The court clerk will review your petition.

After you finish filling out your petition, take it to the court clerk. The court clerk will review your petition to ensure that all the necessary information is provided.

Step 5. Appear for a temporary hearing.

When you appear before the Judge, you will be required to answer questions under oath. The Judge will decide whether or not to issue the emergency order, and will set a date for a show cause hearing. You will be given a Temporary Protection Order that states the date and time of your hearing.

Step 6. Service of process.

A copy of your Petition and the Temporary Protection Order must be served on the Defendant/Respondent. Do not try and serve the Defendant/Respondent in person with the papers yourself. The court will be responsible for serving the Defendant/Respondent.

If the Judge is ordering the Defendant/Respondent to leave your residence, contact BIA or Tribal Law Enforcement Services to ask how you should proceed with doing so.

Step 7: Show Cause Hearing.

You must appear at the hearing. If you do not appear, your temporary protection order will expire, and you will no longer be protected. If you do not appear at the hearing, it may be harder for you to be granted an order in the future, and the Court may assess court costs and service fees to you. If the defendant does not show up for the hearing the Judge may still grant you a permanent protection order, or the Judge may order a new hearing date.

At the Show Causing Hearing, you will show why you need the Protective Order. The best evidence is your honesty and verbal testimony. Other evidence can include:

- ✓ Police report(s);
- ✓ Pictures of your injuries (include dates if possible);
- ✓ Pictures of your household in disarray after an episode of domestic violence; and
- ✓ Copies of the abuser's criminal records.

The Judge will listen to your story even if you have no evidence. Tell your story in your own words but leave out details that have nothing to do with the physical violence or threats of violence. Also, rather than saying "he/she hit me," tell the judge how you were hit, where on your body you were hit, and how many times. Be specific.

Remember:

- ✓ Be on time;
- ✓ Dress clean and neat;
- ✓ Speak directly to the Judge;
- ✓ Always address the judge as "Your Honor" and always stand when speaking;
- ✓ If you don't understand a question that the judge asks you, just say so;
- ✓ If you don't know the answer to a question, just say so. Never make up an answer; and
- ✓ Be honest.

How do I get a copy of the Protective Order?

After court, the court clerk will prepare the Protective Order, and you will be given a copy. Review it carefully before you leave. If you have any questions about it, ask the court clerk. If something is wrong (misspelled names, etc) or there appears to be missing information, ask the court clerk to correct the order BEFORE you leave. ALWAYS keep a copy of the order with you!

CONTACT INFORMATION

Plaintiff/Petitioner's Full Name: _____

Previous Names: _____

If Married, To Whom: _____ Date: _____ City/County/State: _____

Divorced or Separated From: _____ Date: _____

Mailing Address (Including County): _____

Physical Address (Including County): _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate No: _____

Race: _____ If Native American, Which Tribe: _____ CDIB No: _____

Attorney: _____

Defendant/Respondent's Full Name: _____

Previous Names: _____

If Married, To Whom: _____ Date: _____ City/County/State: _____

Divorced or Separated From: _____ Date: _____

Mailing Address (Including County): _____

Physical Address (Including County): _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Cell Phone: _____ Email: _____

DOB: _____ SSN: _____

Born in City/County/State: _____ Birth Certificate No: _____

Race: _____ If Native American, Which Tribe: _____ CDIB No: _____

Attorney: _____

If asking for a Protective Order, fill out the following also (regarding Defendant/Respondent):

DL No: _____ DL State: _____ DL Exp: _____

Hair Color: _____ Eye Color: _____

Height: _____ Weight: _____

Distinguishing Features (Tattoos, Scars, etc.) _____

PETITION FOR PROTECTIVE ORDER	In the District Court for The Ponca Tribe of Oklahoma White Eagle, Oklahoma				
	Case No. PO-20_____-_____				
Plaintiff/Petitioner	Additional Plaintiff/Petitioner Information Name(s) and age(s) of minor family member(s)				
First Middle Last					
and/or on behalf of minor family member(s)					
vs.					
Defendant/Respondent	SEX	RACE	DOB	HT	WEIGHT
	EYES	HAIR	DISTINGUISHING FEATURES		
First Middle Last	DRIVER'S LICENSE #		STATE	EXPIRES	
Relationship to Plaintiff/Petitioner:					
Defendant/Respondent's Address (Street address, City, State, Zip Code)	OTHER				

- Are there any pending actions or judgment/orders in this Court or any other court between the Plaintiff/Petitioner and Defendant/Respondent? Yes No

If “yes”, please list below:

Court (Tribal/County/etc)	Case Name	Case No	Case Type

Plaintiff/Petitioner, being sworn, states as follows:

1. Plaintiff’s/Petitioner's Relationship to the Defendant/Respondent.

INSTRUCTIONS: Check ALL boxes that apply to the relationship between Plaintiff/Petitioner and Defendant/Respondent.

- Married
- Parent and Child
- Persons Related by Marriage
- Persons Living in Same Household
- Biological Parents of Same Child
- Victim of an Act of Sexual Nature
- Divorced
- Persons Related by Blood
- Present Spouse of an Ex-Spouse
- Formerly Living in Same Household
- Persons in a Previous Dating Relationship

2. Statement of Jurisdiction.

INSTRUCTIONS: Check ALL boxes that apply.

- Plaintiff/Petitioner is a member of the **Ponca Tribe of Oklahoma.**
- Defendant/Respondent is a member of the **Ponca Tribe of Oklahoma.**
- Plaintiff/Petitioner is a resident of or is employed within White Eagle wherein this Petition is filed.
- Defendant/Respondent is a resident of or is employed within White Eagle wherein this Petition is filed.
- Plaintiff/Petitioner is an Indian who resides within the Indian country of the Ponca Tribe of Oklahoma wherein this Petition is filed.
- Defendant/Respondent is an Indian who resides within the Indian country of the Ponca Tribe of Oklahoma wherein this Petition is filed.
- Plaintiff/Petitioner is a member of the _____ Tribe.
- Defendant/Respondent is a member of the _____ Tribe.

3. Actions of the Defendant/Respondent.

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

The Defendant has **caused or has attempted to cause Domestic Violence or physical harm** to:

Name(s): _____

The Defendant has **threatened imminent physical harm** to:

Name(s): _____

The Defendant has **harassed**:

Name(s): _____

According to the Ponca Tribal Code, "harassment" means unwanted contact and or any of the following: a) a knowing and willful course or pattern of conduct

5. Type of Order Requested.

INSTRUCTIONS: Check **either** A or B.

- A. Petitioner DOES NOT request an Emergency Ex Parte Protective Order, but does request the following relief, checked below, after notice and hearing, in a Final Order.

OR

- B. Petitioner DOES request an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger of domestic abuse, stalking, or harassment. 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.

6. Relief Requested.

INSTRUCTIONS: Check EACH item which you are requesting from the Court.

- A. Defendant/Respondent should be prohibited from attempting or having **ANY CONTACT** whatsoever with the Plaintiff/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
- B. Defendant/Respondent should be prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the Plaintiff/Petitioner, and from use, attempted use or threatened use of physical force against the Plaintiff/Petitioner that would reasonably be expected to cause bodily injury.
- C. Defendant/Respondent should be prohibited from engaging in other conduct that would place the Plaintiff/Petitioner in reasonable fear of bodily injury to the Plaintiff/Petitioner or the Plaintiff's/Petitioner's household members or relatives.

- D. Defendant/Respondent should be ordered to leave and remain away from the residence located at _____, on or before the ____ day of _____, 20____, at _____ a.m./p.m., and take no action to change utilities or telephone service.
- E. The Court should order Law Enforcement Officers to accompany the Defendant/Respondent to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant/Respondent leaves the premises, and the Court should further order Defendant/Respondent NOT to go to the above residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present.
- F. The Court should Order Law Enforcement Officers to accompany the Plaintiff/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 Plaintiff/Petitioner leaves the premises. Such residence is located at the following address:

_____.
- G. Order Defendant/Respondent, who is a minor, to leave the residence located at (address, city, state):

by immediately placing Defendant/Respondent in any type of care authorized for children taken into custody pursuant to the Ponca Tribal Code.
Circle Age of Minor Defendant/Respondent: 13 14 15 16 17
- H. There is an existing child visitation order, and the Court should suspend or modify child visitation to protect the child(ren) from threats of abuse or physical violence by the Defendant/Respondent or a threat to violate a custody order.
- I. The Defendant/Respondent should be ordered to obtain domestic abuse counseling or treatment.
- J. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant/Respondent to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Plaintiff/Petitioner.
- K. Plaintiff/Petitioner makes application to monitor the location of the Defendant by computer or cellular inquiry. The Defendant/Respondent should be ordered to use an active, real-time, twenty-four-hour GPS monitoring device.

- L. Defendant/Respondent should immediately surrender all firearms and other dangerous weapons within the Defendant's/Respondent's possession or control and any concealed carry license.
- M. The Defendant/Respondent should be ordered to pay the court costs and service of process fees; no fees or costs shall be charged to the Plaintiff/Petitioner.
- N. The Defendant/Respondent should be ordered to pay the Plaintiff's/Petitioner's attorney's fees in the amount of \$ _____.
- O. PLAINTIFF/PETITIONER REQUESTS THE COURT TO ORDER THE FOLLOWING ADDITIONAL RELIEF:

7. Warnings to Plaintiff/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. The penalty for perjury, or subornation of perjury, is a felony punishable by imprisonment for not more than three (3) years.
- B. 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 the Ponca Tribal Code.

8. Sworn Statement/Affirmation of Truth.

Plaintiff/Petitioner, being first duly sworn on oath states: I have read the above and foregoing document, understand the meaning thereof, and declare, under penalty of perjury, that the facts and statements contained herein are true to the best of my knowledge and belief.

PETITIONER SIGNATURE

Printed Name

Street Address

City, State, Zip

Phone No

Email Address

STATE OF OKLAHOMA)
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me on this _____ day of _____,
20_____.

Notary Public

Commission Expires On: _____

Commission No: _____

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)

Bureau of Indian Affairs

Kay County Sheriff's Office

Ponca City Police Department

**IN THE DISTRICT COURT FOR
THE PONCA TRIBE OF OKLAHOMA
WHITE EAGLE, OKLAHOMA**

_____,)
Plaintiff/Petitioner,)
vs.) Case No. _____
_____,)
Defendant/Respondent.)

OR

IN RE THE MATTER OF:)
_____,) Case No. _____
DOB: _____)

SUMMONS

Do you want the Defendant to be served via:

- Certified Mail (\$20)**
or a
 Process Server (\$40 and Up)
or
 Publication (\$75 and Up)?

THE PONCA TRIBE OF OKLAHOMA TO/FROM:

Plaintiff/Petitioner's Name and Address Defendant/Respondent's Name and Address

From _____ To _____

To the above-named Defendant:

You are ordered and directed to appear at the Tribal District Court for the Ponca Tribe of Oklahoma, in Ponca City, Oklahoma, on the _____ day of _____, 20_____, at _____ o'clock am/pm.

If you fail to appear and/or file an answer to the Petition attached hereto within twenty (20) days of receiving this Summons, a default judgment may be rendered against you.

You may seek the advice of an attorney in any matter connected with this suit or your answer. Such attorney should be consulted immediately.

Issued this _____ day of _____, 20_____.

Court Administrator/Clerk

AFFIDAVIT OF SERVICE

SERVICE BY PROCESS SERVER

I, _____, hereby certify that I served this Summons together with a copy of the Petition upon _____ at _____ am/pm on the _____ day of _____, 20_____ and made the return according to law, and that I am duly authorized to endorse this affidavit, so help me God.

Police Officer/Process Server

First Attempt: _____

Second Attempt: _____

Final Attempt: _____

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

Notary Public's Signature: _____

My commission expires: _____

My commission number: _____

CERTIFICATION OF SERVICE BY MAIL

I hereby certify that I mailed copies of the foregoing Summons with a copy of the Petition attached to the following named parties at the address shown by certified mail, addressee only, return receipt requested, on the _____ day of _____, 20____.

Court Administrator/Clerk

CERTIFICATION OF SERVICE BY PUBLISHING

I hereby certify that I published notice of this case on the following dates:

_____, 20____
_____, 20____
_____, 20____
_____, 20____

Court Administrator/Clerk