

<h2 style="margin: 0;">PETITION FOR PROTECTIVE ORDER</h2>	<p>District Court Choctaw Nation of Oklahoma</p> <p>Case No. PO-20 _____</p> <p>Court Phone Number (580) 920-7027</p>																																			
<p>Petitioner</p> <hr/> <p>First Middle Last</p> <p>and/or on behalf of minor family member(s)</p>	<p>Additional Petitioner Information</p> <p>Name(s) and age(s) of minor family member(s)</p> <hr/> <hr/> <hr/>																																			
<p>-VS-</p> <p style="text-align: center;">Defendant</p> <hr/> <p>First Middle Last</p> <p>Relationship to Petitioner: _____</p> <p>Defendant's Address (Street address, City, State, Zip Code)</p>	<p>Defendant Identifiers</p> <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> </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">Other</td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE	EXPIRES							Other				
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(Clerk's File Stamp Below)

Petitioner, being sworn, states:

1. Petitioner's Relationship to the Defendant

INSTRUCTION: Check all boxes that apply to the relationship between Petitioner and Defendant

- | | |
|---|--|
| <input type="checkbox"/> Married | <input type="checkbox"/> Divorced |
| <input type="checkbox"/> Parent & Child | <input type="checkbox"/> Persons Related by Blood |
| <input type="checkbox"/> Persons Related by Marriage | <input type="checkbox"/> Present Spouse of an Ex-Spouse |
| <input type="checkbox"/> Persons Living Same Household | <input type="checkbox"/> Formerly Living in Same Household |
| <input type="checkbox"/> Biological Parents of Same Child | <input type="checkbox"/> Persons in a Previous Dating Relationship |
| <input type="checkbox"/> Victim of Rape | |

*** If you do not meet one of the above relationship tests then a protective order is only available if you are a victim of Stalking. Under the Protection from Domestic Abuse Act,**

2. Statement of Jurisdiction

INSTRUCTION: Check all that apply

Petitioner is a resident of or employed in the Indian Country of the Choctaw Nation of Oklahoma wherein this petition is filed.

Petitioner is a spouse or intimate partner of a member of the Choctaw Nation of Oklahoma or an Indian who resides in the Indian Country of the Choctaw Nation of Oklahoma wherein this petition is filed.

Defendant is a resident of or employed in the Indian Country of the Choctaw Nation of Oklahoma wherein this Petition is filed.

Defendant is a spouse or intimate partner of a member of the Choctaw Nation of Oklahoma or an Indian who resides in the Indian Country of the Choctaw Nation of Oklahoma 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 Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.2(A)(3), "Threatening" means words or conduct which place another in fear of bodily harm or property damage.*

The Defendant has harassed* _____ (Name(s))

** According to Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.2(A)(8), "Harassment" means a conduct which causes emotional alarm and distress to another by shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity. Examples of harassing conduct include, but are not limited to the following: a. Unwelcome visiting or following of a person; b. Unwelcome sexual propositioning, reference to body functions or attributes, or other comments of a sexual nature; c. Unwelcome communications, made by phone or by other methods, containing intimidating, taunting, insulting, berating, humiliating, offensive, threatening, or violent language; or d. Unwelcome lingering around the home,*

school, or work place of a person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Choctaw Nation of Oklahoma Criminal Code § 1172.

The Defendant has stalked* _____ . (Name(s))

** According to Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.2(A)(10), "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 causes 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 mail or electronic communications to that individual, or (g.) placing an object on, or delivering an object to, property owned, leased or occupied by that individual; Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.2(A)(10). **If you are seeking a protective order as a victim of Stalking, and you do not meet one of the above relationship tests, you must have filed a 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).***

Victim of Stalking

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.

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 _____

(address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to the Choctaw Nation of Oklahoma Childrens Code § 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. Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.6(I)(1).
9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. Choctaw Nation Code of Criminal Procedure § 60.6(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 Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.16, 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 Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.16, and costs of the GPS device and monitoring should be paid by Defendant.
- 12. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to _____.
- 13. The Defendant should be ordered to pay the court costs and service of process fees (pursuant to Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.3(C)(1), no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously).
- 14. 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:

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 the Choctaw Nation of Oklahoma Criminal Code §§ 500 and 504, the penalty for perjury, or subornation of perjury, is a felony punishable by imprisonment for not more than three (3) 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 Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.3(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 Choctaw Nation of Oklahoma Code of Criminal Procedure § 60.6(H).

7. Sworn Statement/Affirmation of Truth

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

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)