

**IN THE CROW TRIBAL COURT
IN AND FOR THE CROW INDIAN RESERVATION**

<p style="text-align: center;">_____ Petitioner/Victim,</p> <p style="text-align: center;">vs.</p> <p style="text-align: center;">_____ Respondent.</p>	<p style="text-align: right;">Case No. _____</p> <p style="text-align: center;">PETITION FOR TEMPORARY ORDER OF PROTECTION AND REQUEST FOR HEARING</p>
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Under oath and as provided by the Crow Law and Order Code, I request that the Court issue a Temporary Order of Protection against Respondent. I believe I am in danger of harm if the court does not issue a Temporary Order of Protection immediately.

PERSONAL IDENTIFIERS

Petitioner/Victim

Name: _____
 Date of Birth: _____
 Sex: Male Female
 Race: _____
 Mailing Address: _____
 Residential Address*: _____

**You may omit your residential address and request that it not be revealed to the Respondent. Should you omit your residential address, the Court shall inquire in private and maintain the information under seal, to be used on a confidential basis. CLOC §8E.5.04.*

Respondent:

Please provide as much information about the Respondent as you are able. If you don't know all of the requested information, that is OK and will not affect your ability to get a Temporary Order of Protection.

<p>Name: _____ Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____ Scars/Marks/Tattoos: _____ _____ *Date of Birth: _____</p>	<p>Driver's License #: _____ State: _____ Exp. Date: _____ Veh. Make/Model: _____ Color: _____ Plate #: _____ *Social Security #: _____</p>
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**If you can provide either Respondents' date of birth or social security number, law enforcement will be able to enter your Temporary Order of Protection into the Federal criminal information database and possible the State's. It is helpful if you have this information, but you can still receive a Temporary Order of Protection even if you don't.*

RESIDENCY

PETITIONER: I live, or am staying, in the City of _____, County of _____, State of _____.

This is within the exterior boundaries of the Crow Indian Reservation. (Check yes or no)

- Yes
- No

RESPONDENT: The Respondent lives in the City of _____, County of _____, State of _____.

This is within the exterior boundaries of the Crow Indian Reservation. (Check yes or no)

- Yes
- No

LOCATION OF ABUSE: _____
Address, City, County, and State

This is within the exterior boundaries of the Crow Indian Reservation. (Check yes or no)

- Yes
- No

RELATIONSHIP

Circle the description that best describes your Relationship with Respondent. To qualify for a Temporary Order of Protection, you must meet one of the descriptions listed below.**

- A. We are married.
- B. We were married, but we are now separated or divorced.
- C. We have a child and/or children together or are expecting a child in common.
- D. We are close family member, related by blood or marriage to the Respondent.
- E. We are presently residing together or who have resided together in the past.
- F. We have or have had a dating relationship and are over 13 years of age.
- G. We have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.
- H. Petitioner/Respondent is physically or mental disabled and the Petitioner/Respondent is the caregiver.
- I. Petitioner/Respondent is sixty years of age or older and the Petitioner/Respondent is the caregiver.
- J. Other (Describe): _____

**None of the relationships listed above are required if you were a victim of *stalking, incest, sexual assault, or sexual intercourse without consent.*

DESCRIPTION OF ABUSE

Circle the description below that best describes the abuse you suffered from the Respondent. To qualify for a Temporary Order of Protection, you must satisfy one of the situations described above and have been a victim of one or more of the types of abuse listed below.

- A. **Partner Family Member Assault:** Respondent, who is my partner or family member, caused bodily injury to me, used a weapon to cause bodily injury to me, or caused me to fear bodily injury.
- B. **Assault:** Respondent caused bodily injury to me, had physical contact of an insulting or provoking nature, or caused me to fear bodily injury. (Assault can include use of a weapon against you.)
- C. **Intimidation:** Respondent threatened me with physical harm or confinement, so I would obey him/her.

- D. **Endangerment:** Respondent created a risk of death or serious bodily injury to me.
- E. **Kidnapping/Restraint:** Respondent held me against my will and interfered with my liberty.
- F. **Arson:** Respondent burned my property or placed me in danger of death or bodily injury by fire or explosives.
- G. **Incest:** I am a family member of Respondent and he/she had sexual contact with me.
- H. **Sexual Assault:** Respondent had sexual contact with me without my consent.
- I. **Sexual Intercourse Without Consent:** Respondent had sexual intercourse with me without my consent.
- J. **Stalking:** Respondent caused me emotional distress or fear of death or injury by repeatedly following me, harassing me or threatening me in person, by phone, by mail or some other method.
- K. **Deliberate Homicide or Mitigated Deliberate Homicide:** Respondent killed my partner or family member.

NARRATIVE

This is where you can explain to the Judge why you are afraid of the Respondent AT THIS MOMENT. Be as specific as you can. Be sure to explain, as well as you can remember, WHEN the abuse occurred, WHERE it happened, and WHO was there. It does not matter how long ago the abuse happened, or whether you reported it to the police, but you must explain to the Judge why you are afraid now. Start with most recent events of abuse and include any and all past events of abuse.

[] **Check here if you need more space to write.** Attach to your Petition, a sheet of 8 ½ x 11 paper with “*Explanation of What Happened*” written at the top. Do NOT use the back of this form.

FIREARMS

List all firearms and other weapons currently possessed by Respondent, and the location of each: _____

CHILDREN

Please CIRCLE ALL THAT APPLY and complete the required information. If you have children together, you must complete the applicable sections below and Appendix A. If there are other children for whom a temporary visitation schedule needs to be established, you must also complete Appendix A.

A. The Respondent and I do not have children together.

B. The Respondent and I are the parents of the following children:

Name	DOB	Race	Sex	Lives With

C. The following children live with me and are the Respondent's children:

Name	DOB	Race	Sex

D. The following children live with me but are not the Respondent's children:

Name	DOB	Race	Sex

OTHER COURT CASES

If there are other court cases between you and the Respondent, list them here. If there is other information not covered in this form that you think the Judge should know, put it here. Please circle ANY of the following statements THAT APPLY TO YOU:

- A. A *divorce, legal separation or custody* case has been filed in the following Court(s):
 a. _____ County, State of _____.

b. _____ Tribal Court, State of _____.
The Court in the case(s) listed above issued a parenting plan. [] Yes [] No
A copy of the parenting plan is attached to this Petition [] Yes [] No [] N/A

- B. A criminal charge of _____ was filed against (circle one) MYSELF or the RESPONDENT in the:
- a. County of _____, State of _____.
 - b. _____ Tribal Court, State of _____.

C. I am involved in the following court cases with the Respondent. (Please list the date, nature of the case, and where the case was filed for each:

REQUEST FOR RELIEF

Petitioner respectfully requests that this Court issue Temporary Order of Protection containing the following: (CIRCLE all of the provisions you want the court to include in your order and provide all required information for each provision circled):

1. **Respondent is restrained from assaulting, threatening, abusing, harassing, following or stalking me. Respondent must not harass, annoy or disturb my peace or do any of those things to the following people** (Please provide the NAME and DATE OF BIRTH for any family members, witnesses to the offense, or other victims of the offense you are requesting be protected under your Order):

2. **Respondent must not threaten to commit or commit acts of violence against me or against these family members** (Please provide the NAME and DOB for each family member):

3. **The following applies to my present residence** (circle one):

- a. My current location is a secret and I want it to remain confidential.
- OR
- b. Respondent must stay away from my residence at (provide physical address):

4. **Respondent must stay 1,500 feet OR** (write-in other requested distance) _____ **feet away from me at the following locations:** [] my residence; [] my place of work; [] my school; [] other _____

5. Respondent must not telephone, email, write, contact or otherwise communicate, directly or indirectly or through a third party, with me or the following people (Please provide the NAME and DOB for each):

6. Respondent must not take the following children out of this county (Please provide the NAME and DOB for each):

- a. _____
- b. _____
- c. _____
- d. _____

7. Respondent used or threatened me with a firearm. Respondent is prohibited from owning, possessing, and/or purchasing a firearm.

8. Respondent must not take, hide, sell, damage or dispose of our/my property.

9. Respondent must give me possession or use of the following items (items include the residence, automobile and other essential person property regardless of ownership): _____

10. I need a peace officer to come with me to pick up the property listed in Number 9, or I request that Respondent be accompanied by a peace officer when picking up his/her property or belongings.

11. The court should order the following to provide for my safety and welfare, and my family's safety and welfare (list any other requirements you believe should be ordered by the court): _____

12. Other relief requested (as permitted by CLOC § 8E.5.10): _____

HEARING

Petitioner respectfully request that the Court set a hearing on this case within 10 judicial days and if personal service is not possible within 5 days to set a hearing on this case within 20 judicial days, as required by CLOC § 8E.5.08. The Respondent will then have a chance to be heard and explain why the Order of Protection should not be issued. I request that the Court issue an Order of Protection with the above listed protection after the hearing.

OTHER RELIEF

The Court should order other protection for me as it deems just and proper.

I SWEAR UNDER OATH OR AFFIRM THAT I HAVE READ THE ABOVE PETITION, KNOW THE CONTENTS, AND THAT THE STATEMENTS ARE TRUE OF MY OWN KNOWLEDGE, EXCEPT THOSE STATED UPON INFORMATION AND BELIEF, AND I BELIEVE THOSE TO BE TRUE. I ALSO UNDERSTAND THAT PROVIDING FALSE INFORMATION IS A CRIME.

Date: _____

Signed: _____

Petitioner

NOTARY SEAL

STATE OF MONTANA)
).ss
County of _____)

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

(SEAL)

Notary Public or Clerk of the Crow Tribal Court

My Commission Expires: _____

APPENDIX A

Complete this form if you are asking the court for an Order of Protection and there are children for whom temporary visitation schedule needs to be established. If you and the Respondent have children together, the Judge will ask you and the Respondent how temporary visitation is to take place under safe and peaceful conditions.

Visitation schedules generally provide for:

- Exchanges that are made in public places;
- Visits that take place on a regular basis; and
- Visits that vary in length depending on the age and attitudes of the children.

Respondent and I are the parents of the following children (*identify each child's name, date of birth, and with whom the child currently lives*):

Name: First, Last	DOB	Lives With

CIRCLE the visitation option that applies to you, and complete the required information:

A. I request the following visitation schedule: _____

B. I request the Respondent have no visitation with the child(ren) because (*You must have a very good reason before the Judge will deny the Respondent visitation.*): _____
