

IN THE DISTRICT COURT OF THE CHEROKEE NATION

	)	
Plaintiff	)	
Vs.	)	CV- _____
	)	
	)	
Defendant		

PETITION FOR PROTECTIVE ORDER

Plaintiff, being sworn, states:

--Check all that apply--

1. The Defendant:

_____ Caused or attempted to cause serious physical harm to _____

_____ Threatened _____
with imminent serious harm.

2. The incident causing the filing of this petition occurred on or about _____
(date)

Describe the incident: _____

(If more space is required, attach additional sheets)

3. The victim and the defendant are related as follows: (check one)

- _____ Married
- _____ Divorced
- _____ Parent and child
- _____ Persons related by blood
- _____ Persons related by marriage
- _____ Persons living in same house hold
- _____ Persons formerly living in same household

4. The plaintiff and the victim are related as follows:

(Answer this question only if the plaintiff is filing on behalf of someone else, a minor or incompetent)

- _____ Married
- _____ Divorced
- _____ Parent and child
- _____ Persons related by blood
- _____ Persons related by marriage
- _____ Persons living in same house hold
- _____ Persons formerly living in same household

5. _____ The plaintiff DOES NOT request an emergency ex parte order.
_____ The victim is in immediate and present danger of abuse from the defendant and an emergency ex parte is necessary to protect the victim from serious harm. The plaintiff requests the following relief in the emergency ex parte order:

(check one or more)

- _____ Order the defendant not to abuse or injure the victim.
_____ Order the defendant not victim or communicate with the victim
_____ Order the defendant not to threaten the victim.
_____ Order the defendant to leave the residence located at _____
_____ on or before _____
_____ Describe other relief that the plaintiff requests: _____

6. Plaintiff requests the following order be made by the court following notice to the Defendant and a hearing:

- _____ Order the defendant not to abuse or injure the victim.
_____ Order the defendant not to visit or communicate with the victim.
_____ Order the defendant to leave the residence located at _____
_____ on or before _____
_____ Describe other relief that the plaintiff requests: _____

_____ Order the defendant to pay attorney fees of the plaintiff in the sum of _____
_____ on or before _____
_____ Order the defendant to pay the court costs of this action in the sum of _____
_____ on or before _____

7. Victim is a resident of the jurisdiction of the Cherokee Nation, wherein this petition is filed.

8. Plaintiff has stated the truth, and nothing but the truth in this petition.

Plaintiff's Signature

Address: _____

Witness my hand and seal, affixed on the _____ day of _____, 20____

Court Clerk, Deputy Clerk, or Notary Public

IN THE DISTRICT COURT OF THE CHEROKEE NATION

	)	
Plaintiff	)	
Vs.	)	CV- _____
	)	
	)	
Defendant		

EMERGENCY EX-PARTE ORDER

NOW on this _____ day of _____, 20____, this matter comes to be heard on the verified petition of the plaintiff, pursuant to the Protection from Domestic Abuse Act, Title 22, CNCA 60 et. seq. wherein the plaintiff seeks emergency relief during the pendency of the above action.

The Court, having examined the verified petition and being fully advised in the premises, finds that an emergency ex-parte order should be issued and so orders:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT as follows (see items checked):

_____ The Defendant is not to abuse or injure the victim.

_____ The Defendant is not to visit or communicate with the victim.

_____ The Defendant is not to threaten the victim.

_____ The Defendant is to leave the residence located at _____
on or before _____.

_____ The Defendant _____
_____.

IT IS FURTHER ORDERED, that the plaintiff, having further requested temporary affirmative relief, that the same is hereby set for hearing at _____ o'clock, _____ on the _____ day of _____, 20____, at which time you may appear and show cause, if you may have, why the plaintiff should not be granted the relief requested. In the event that you fail to appear and object, the Court will, if sustained by evidence, grant the plaintiff the following relief (see items checked):

_____ The Defendant is not to abuse or injure the victim.

_____ The Defendant is not to visit or communicate with the victim.

_____ The Defendant is not to threaten the victim.

_____ The Defendant is to leave the residence located at _____
on or before _____.

_____ The Defendant _____
_____.

_____ The Defendant is to pay attorney fees of the plaintiff in the sum of \$_____, on or
before _____.

_____ The Defendant is to pay the court costs of this action in the sum of \$_____ on or
before _____.

Judge of The District Court

Any person who has been served with an ex-parte or final order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by a jail term of not more than one (1) year or both.

Copies to: Plaintiff, Defendant, Cherokee Nation Marshals