

**Tribal Court of Swinomish
 Reservation of Swinomish
 17337 Reservation Road LaConner, WA 98257
 Ph. #(360) 466-7217 or 2097**

 Petitioner,
 v.

 Respondent.

NO. _____

**PETITION AND AFFIDAVIT REQUESTING
 A VOLUNTARY ELDER PROTECTION ORDER**

PART I

1. <input type="checkbox"/> Emergency <input type="checkbox"/> Non-emergency.	3. My age is: <input type="checkbox"/> Under 55 <input type="checkbox"/> 55 or over									
2. <input type="checkbox"/> I live on the _____ Indian Reservation. <input type="checkbox"/> Respondent resides on _____ Indian Reservation. <input type="checkbox"/> Respondent is enrolled in the _____ Indian Tribe. <input type="checkbox"/> I am enrolled in the _____ Indian Tribe. <input type="checkbox"/> I am not enrolled in any federally recognized Tribe.	Respondent's age is: <input type="checkbox"/> Under 16 <input type="checkbox"/> 16 or 17 <input type="checkbox"/> 18 or over									
4. My relationship with the respondent is: <table style="width:100%; border:none;"> <tr> <td><input type="checkbox"/> Parent or child</td> <td><input type="checkbox"/> Have child in common</td> <td><input type="checkbox"/> Presently dating</td> </tr> <tr> <td><input type="checkbox"/> Related by marriage (in-law)</td> <td><input type="checkbox"/> Spouse</td> <td><input type="checkbox"/> Presently reside together</td> </tr> <tr> <td><input type="checkbox"/> Related by blood</td> <td><input type="checkbox"/> Former spouse</td> <td><input type="checkbox"/> Resided together in past</td> </tr> </table>		<input type="checkbox"/> Parent or child	<input type="checkbox"/> Have child in common	<input type="checkbox"/> Presently dating	<input type="checkbox"/> Related by marriage (in-law)	<input type="checkbox"/> Spouse	<input type="checkbox"/> Presently reside together	<input type="checkbox"/> Related by blood	<input type="checkbox"/> Former spouse	<input type="checkbox"/> Resided together in past
<input type="checkbox"/> Parent or child	<input type="checkbox"/> Have child in common	<input type="checkbox"/> Presently dating								
<input type="checkbox"/> Related by marriage (in-law)	<input type="checkbox"/> Spouse	<input type="checkbox"/> Presently reside together								
<input type="checkbox"/> Related by blood	<input type="checkbox"/> Former spouse	<input type="checkbox"/> Resided together in past								

5. Identification of Petitioner:

Name	
Date of Birth	
Home Address (Unless Confidential)	

6. Identification of Respondent:

Name	
Date of Birth	
Home Address, (or location can be found)	

7. Minors and/or Relatives addressed in this petition:

Name (First, Middle Initial, Last)	Birth Date	Age	Sex	How Related to Petitioner Respondent	Resides with

8. Other court cases or any other protection order or no-contact order involving the respondent and myself are:

CASE NAME			
CASE NUMBER			
COURT/COUNTY			

PART II

REQUEST FOR TEMPORARY ORDER: I request a temporary Elder Protection Order that will:

	1. RESTRAIN respondent from causing any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input type="checkbox"/> me <input type="checkbox"/> members of my immediate family <input type="checkbox"/> the minors named in paragraph # 7 above <input type="checkbox"/> these minors only:
	2. RESTRAIN respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input type="checkbox"/> me <input type="checkbox"/> members of my immediate family <input type="checkbox"/> the minors named in paragraph # 7 above, subject to any court ordered visitation <input type="checkbox"/> these minors only, subject to any court ordered visitation:
	3. EXCLUDE respondent from <input type="checkbox"/> our shared residence <input type="checkbox"/> any place I may reside. This address at present is <input type="checkbox"/> confidential <input type="checkbox"/> the following :
	4. DIRECT respondent to vacate our shared residence and restore it to me.
	5. RESTRAIN respondent from entering or being within _____ (distance) of my <input type="checkbox"/> residence <input type="checkbox"/> place of employment <input type="checkbox"/> school <input type="checkbox"/> daycare or school of <input type="checkbox"/> the minors named in paragraph 7 above <input type="checkbox"/> these minors only: <input type="checkbox"/> other:
	6. Subject to any court ordered visitation, GRANT me the care, custody and control of <input type="checkbox"/> the minors named in paragraph 7 above <input type="checkbox"/> these minors only:
	7. RESTRAIN respondent from interfering with my physical or legal custody of <input type="checkbox"/> the minors named in paragraph 7 above <input type="checkbox"/> these minors only:
	8. RESTRAIN the respondent from removing from the state: <input type="checkbox"/> the minors named in paragraph 7 above <input type="checkbox"/> these minors only:
	9. GRANT me possession of essential personal effects, including the following:
	10. Grant me use of the following vehicle: Year, Make & Model _____ License No. _____
	11. DIRECT the respondent to participate in appropriate treatment or counseling services.
	12. DIRECT the family services program to develop and administer an elder protection plan.
	13. DIRECT any person with a fiduciary duty to the petitioner to account for the petitioner's funds or property.
	14. DIRECT respondent to pay restitution for damages resulting from abuse, neglect or exploitation.

I certify, under penalty of perjury under the laws of the _____ Tribe, that the foregoing is true and correct to the best of my knowledge.

DATED _____ at _____ Washington.

Signature of Petitioner

[] My residential address is confidential. Direct legal service by mail to: _____

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

NOTARY PUBLIC in and for the State
Of Washington, residing at: _____,
Commission expires: _____.

Court Clerk _____ Tribe.

Law Enforcement Information Sheet

The next form is required (RCW 26.50.160 (3)) to identify the parties in your case. Per statute the clerk is required to enter this information in the Judicial Information System Data Base for the State of Washington.

Fill in the information on the following sheet as completely as possible. Type or print clearly. Use the full legal name for yourself and the person the Order is against. Addresses (residential and/or mailing) must include city, state, and zip code. Birthdates and ID numbers of both parties will enable the clerk to enter your case into the statewide data base for service and enforcement.

Social Security Numbers are optional.

If you are a victim of domestic violence and wish to keep your address confidential (you need not submit it on this form) you may contact the Washington Secretary of State's Address Confidentiality Program at: 1-800-822-1065.

DO NOT SERVE OR SHOW THIS SHEET TO RESPONDENT						Case Number		
<input type="checkbox"/> Temporary Restraining Order		<input type="checkbox"/> Temporary/Order for Anti-harassment		<input type="checkbox"/> Temporary/Order for Protection				
LAW ENFORCEMENT INFORMATION								
This completed form is required by law enforcement to enforce your order. Fill in the following information as completely as possible. Type or print only. Addresses, birthdates and ID numbers of both parties are necessary to serve and enforce your order.								
RESPONDENT INFORMATION		Name of Respondent (First, Middle, Last)						
Drivers License or ID Number				Nickname		Sex	Race	Birth date
Height	Weight	Eye Color	Hair Color	Skin Tone	Build	Relation to Petitioner		
Current Address					Home Phone		Interpreter Required? Language:	
Employer			Employer's Address			WORK Hours: Phone:		
Vehicle License Number			Vehicle Make and Model			Vehicle Color	Vehicle Year	
PETITIONER INFORMATION		Name of Petitioner (First, Middle, Last)						
Drivers License or ID (specify type)						Birth Date		
Current Address						Phone Home: Work:		
Contact Name		Contact Address				Contact Phone		
CHILDREN AND HOUSEHOLD MEMBERS					Name / Birth Date / Social Security or Identification Number			
Name / Birth date / Social Security or Identification Number					3.			
1.					4.			
2.					5.			
HAZARD INFORMATION			Weapons	Guns/Rifles	Knives	Explosives	Other	Location of Weapons
Describe in detail:								
							Vehicle	<input type="checkbox"/>
							On Person	<input type="checkbox"/>
							Residence	<input type="checkbox"/>
CURRENT STATUS (For DV Orders Only) (circle)					Respondent's History Includes:			
Are you and the respondent living together right now? Yes No					<input type="checkbox"/> Mental Health Problems (Commitment, Treatment, Suicide Attempt, Other) <input type="checkbox"/> Assault <input type="checkbox"/> Assault w/ Weapons			
Does the Respondent know your are trying to get this order? Yes No					<input type="checkbox"/> Alcohol/Drug Abuse			
Does the Respondent know he/she may be moved out of home? Yes No								
Is the respondent likely to react violently when served? Yes No								
<input type="checkbox"/> See Reverse For Additional Information				Prepared by:		Date:		

**SWINOMISH TRIBAL COURT
SWINOMISH INDIAN TRIBAL COMMUNITY**

_____ Petitioner
DOB _____

vs.

_____ Respondent
DOB _____

NO. _____
TEMPORARY ORDER FOR ELDER PROTECTION

Next Hearing Date and Time: _____
At: _____

WARNINGS TO THE RESPONDENT: This Order is issued pursuant to **Swinomish Tribal Code 7-12.160**. Violation of the provisions of this order with actual notice of its terms will subject a violator to arrest. You are notified that this Court will seek jail time as a remedy for violation of this Court's Order. Respondent will be liable for the costs of jail time.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Notice of this hearing was served on the respondent by personal service service by mail pursuant to court order service by publication pursuant to court order other _____

Based upon the petition, testimony, and case record, the court finds by a preponderance of the evidence that the petition establishes that the petitioner is in imminent danger of serious harm and the petitioner has been a victim of abuse, exploitation or neglect the petitioner established, at an ex parte hearing before the Tribal Court, that the petitioner is in imminent danger of serious harm and the elder has been a victim of abuse, exploitation or neglect. The Court finds that _____

and IT IS THEREFORE ORDERED THAT:

	EMERGENCY RELIEF IS DENIED for the following reasons _____ _____ _____. The matter is scheduled for a full hearing pursuant to STC 7-12.160 (C)(2) on _____ at _____ p.m./a.m.
	Respondent is RESTRAINED from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the petitioner.
	Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with petitioner . If both parties are in the same location, respondent shall leave.
	Respondent is EXCLUDED from entering or coming within _____ (distance) of petitioner's residence. At present petitioner's address is <input type="checkbox"/> confidential <input type="checkbox"/> the following:
	Petitioner shall have exclusive right to the residence at: _____ _____. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.

	Respondent is RESTRAINED from entering or being within _____ (distance) of petitioner's <input type="checkbox"/> residence <input type="checkbox"/> place of employment <input type="checkbox"/> school <input type="checkbox"/> daycare or school of <input type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only: <input type="checkbox"/> other:
	Petitioner is granted use of the following: Year, Make & Model _____ License No. _____
	Petitioner shall have possession of essential personal effects, including the following:
	SWINOMISH FAMILY SERVICES shall develop and administer an elder protection plan.
	OTHER:

It is further ordered that the Clerk of Court shall forward a copy of this order on or before the next judicial day to the Skagit County Superior Court Clerk who shall process the order and forward it to the Skagit County Sheriff who shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

The Clerk of Court shall also forward a copy of this order on or before the next judicial day to the Swinomish Tribal Police that shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

OR

Petitioner has made private arrangements for service of this order.

OR

Respondent appeared; further service is not required.

The law enforcement agency where petitioner respondent lives shall assist petitioner in obtaining:

- Possession of petitioner's residence personal effects located at _____.
- Custody of the above-named minors, including taking physical custody for delivery to petitioner.
- Use of above designated vehicle.
- Other: _____.

This order is issued following service by mail publication and petitioner may serve this order by mail publication.

**Parties shall return to court on _____, 20____, at _____ .m.
for review.**

THIS ORDER FOR PROTECTION EXPIRES ON _____ *[Date]*

If the duration of this order exceeds one year, the court finds that an order of less than one year
will be insufficient to prevent further acts of domestic violence.

DATED _____ at _____ AM/PM

Presented by:

Petitioner Date

TRIBAL COURT JUDGE

My acknowledgment by receipt of a copy of this
Order for Protection serves as notice and service of this Order:

Respondent Date

**SWINOMISH TRIBAL COURT
SWINOMISH INDIAN TRIBAL COMMUNITY**

<p>_____ Petitioner</p> <p style="text-align: center;">DOB</p> <p style="text-align: center;">vs.</p> <p>_____ Respondent</p>	<p>NO.</p> <p>ORDER FOR ELDER PROTECTION</p> <p>Next Hearing Date and Time:</p> <p>At:</p>
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WARNINGS TO THE RESPONDENT: This Order is issued pursuant to **Swinomish Tribal Code 7-12.160**. Violation of the provisions of this order with actual notice of its terms will subject a violator to arrest. You are notified that this Court will seek jail time as a remedy for violation of this Court's Order. Respondent will be liable for the costs of jail time.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Notice of this hearing was served on the respondent by _____, and Respondent ___ failed to appear ___ appeared. Based upon the petition, testimony given at a hearing conducted this date, and case record, the court finds by a preponderance of the evidence that the petition establishes that the petitioner is in imminent danger of serious harm and the petitioner has been a victim of abuse, exploitation or neglect the petitioner established, at an ex parte hearing before the Tribal Court, that the petitioner is in imminent danger of serious harm and the elder has been a victim of abuse, exploitation or neglect. The Court finds that:

and IT IS THEREFORE ORDERED THAT:

	Respondent is RESTRAINED from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the petitioner.
	Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with petitioner . If both parties are in the same location, respondent shall leave.
	Respondent is EXCLUDED from entering or coming within _____ (distance) of petitioner's residence. At present petitioner's address is the following:
	Petitioner shall have exclusive right to the residence at: _____ _____. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.
	Respondent is RESTRAINED from entering or being within _____ (distance) of petitioner's <input type="checkbox"/> residence <input type="checkbox"/> place of employment <input type="checkbox"/> school <input type="checkbox"/> daycare or school of <input type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only: <input type="checkbox"/> other:

	Petitioner shall have possession of essential personal effects, including the following:
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	OTHER:

It is further ordered that the Clerk of Court shall forward a copy of this order on or before the next judicial day to the Skagit County Superior Court Clerk who shall process the order and forward it to the Skagit County Sheriff who shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

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OR
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The law enforcement agency where petitioner respondent lives shall assist petitioner in obtaining:

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- Custody of the above-named minors, including taking physical custody for delivery to petitioner.
- Use of above designated vehicle.
- Other: _____.

Parties shall return to court on _____ for review.

THIS ORDER FOR PROTECTION EXPIRES ON _____

If the duration of this order exceeds one year, the court finds that an order of less than one year will be insufficient to prevent further acts of domestic violence.

DATED _____ at _____ AM/PM

 TRIBAL COURT JUDGE

Presented by:

My acknowledgment by receipt of a copy of this Order for Protection serves as notice and service of this Order:

 Petitioner Date

 Respondent Date