

**SWINOMISH TRIBAL COURT
INSTRUCTION FOR PETITION FOR
NON-DOMESTIC VIOLENCE PROTECTION ORDER**

To the Petitioner: The Court will need information about how to contact you, so that you may be kept updated on your case. This information is confidential and will not be distributed to anyone without your permission.

**WHO MAY FILE A NON-DOMESTIC VIOLENCE PETITION FOR
TEMPORARY RESTRAINING ORDER:**

1. Any person who alleges that he/she has been placed in immediate threat of serious physical harm or violence may file a petition for a temporary restraining order. You must explain to the court any emergency or special reason that the temporary order should be issued before the other party is notified about this case and can come to court to respond.
2. You must explain to the court what damages you are likely to suffer that payment of money from the Respondent would not be able to remedy.
3. The Petition must be filed with a Summons and Complaint that states the relief that you believe you are likely to receive from the court because of serious misconduct of the Respondent.
4. You must file and serve both the Temporary Restraining Order (if granted by the Court) and the Summons and Complaint to the Respondent.
5. The Court will set a hearing date if the immediate order is granted. **FAILURE TO APPEAR ON THAT DATE COULD RESULT IN YOU BEING ASSESSED COURT COSTS.** If the temporary order is not granted, you may still proceed on the complaint. To do this, you must serve all papers on the Respondent. Twenty (20) days after the Respondent has been served with the Summons and Complaint, you may request a preliminary hearing from the Clerk of the Court. If the Respondent fails to Answer or Appear at the preliminary hearing, the Court may grant you the relief you request.
6. If both parties appear at the preliminary hearing, the Court may grant temporary relief and will set the matter for trial.
7. A person may file a petition for relief on his/her own behalf, and on behalf of any family or household member that is under the age of eighteen (18) years old.

Forms that must be filed with the Court and served on the Respondent:

- 1) Petition for Order of Protection.
- 2) Civil Complaint for Permanent Restraining Order.
- 3) Summons.
- 4) Any supporting documentation.
- 5) Temporary Restraining Order (if signed by the Court)

The following information provided to the Court will be kept confidential.

Name: _____

Address: _____

Home Phone: _____ Work _____

Is there someone else that will know where to find you that we can contact? If so, please provide the contact information.

ATTENTION: This Petition is for use by victims of violence or harassment other than domestic violence. This Petition must be filed with a Civil Complaint.

SWINOMISH TRIBAL COURT
SWINOMISH RESERVATION, LaCONNER, WASHINGTON

_____ ,)	Case No.
Petitioner,)	
v.)	PETITION FOR ORDER
)	FOR RESTRAINT
_____ ,)	[] Ex Parte Motion
Respondent.)	

I. PETITIONER'S AFFIDAVIT (STATEMENT)
(Please Print or Write Clearly)

- 1.1 I, _____ , am petitioning for an Order for Restraint from harassment and/or imminent physical harm, or other issue.
- 1.2 The respondent is _____, and he/she lives at _____.
He/she is _____ years old.
- 1.3 I [am/am not] _____ an enrolled member of _____ Indian Tribe and reside on the _____ Reservation.
- 1.4 The events giving rise to this action occurred [on/off] _____ the Swinomish Reservation.
- 1.5 My relationship with the respondent is through:
 - (a) ___ Work (c) ___ Neighbor
 - (b) ___ School (d) ___ Other _____
- 1.6 I am the victim of violence and/or harassment and fear imminent physical harm may be committed by respondent as follows: (Describe specific acts and approximate dates of violence, harassment, etc, including inflicting or threatening physical harm, bodily injury and assault, including sexual assault.)

ATTENTION: This Petition is for use by victims of violence or harassment other than domestic violence. This Petition must be filed with a Civil Complaint.

1.7 I am requesting the following people also receive protection under this order:

Name	Age	Relation to Petitioner
(a) _____	_____	_____
(b) _____	_____	_____
(c) _____	_____	_____

II. REQUEST FOR TEMPORARY ORDER

[Check 2.1 if requesting immediate Order without notice to other party. I understand that if I do not check 2.1, the court will set a hearing date but will not issue a Temporary Order. By checking this box I am asking the court to consider issuing a Temporary Order ex parte which means without notice to the respondent. I also understand that if the Court does not issue an Order I have the right to ask the Court to set a hearing on this matter.]

2.1 I need a Temporary Restraining Order issued immediately without notice to the _____ respondent to avoid imminent harm and/or injury to myself.

2.2 I request an immediate Temporary Order for Restraint that will:

_____ (a) Restrain respondent from causing me any physical harm, bodily injury, assault including sexual assault; and _____ from molesting, harassing, or threatening me.

_____ (b) Restrain respondent from contacting me by phone, fax, writing, in person, or through a third person.

_____ (c) Restrain respondent from entering onto my property. The address is _____.

_____ (d) Require respondent to pay the filing fee and court costs incurred in bringing this action.

_____ (e) Other: _____

III. REQUEST FOR SPECIAL ASSISTANCE FROM LAW ENFORCEMENT AGENCIES

(The following request applies only if you need law enforcement assistance and shall apply to the requests in II, above.)

I request the court to order the Swinomish Tribal Police to:

3.1 _____ Provide the following help in enforcing the Order for Restraint:

ATTENTION: This Petition is for use by victims of violence or harassment other than domestic violence. This Petition must be filed with a Civil Complaint.

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IV. CERTIFICATION OF STATEMENTS IN THE PETITION

I certify under the penalty of perjury under the laws of the Swinomish Indian Tribal Community that I have read the statements in the Petition, know of the contents thereof, and believe them to be true and correct.

Dated this _____ day of _____, 20____ .

Signature of Petitioner

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SWINOMISH TRIBAL COURT
SWINOMISH RESERVATION, LaCONNER, WASHINGTON

Case No.:

Petitioner,
and

**CIVIL COMPLAINT FOR
PERMANENT RESTRAINING ORDER**

Respondent

I. JURISDICTION

I.1 The Petitioner(s) is or are enrolled members of _____ and resides at _____.

I.2 The Respondent is _____, and he/she lives at _____
_____ He/she is _____ years old.

I.3 The events leading to this action occurred [on/off]__the Swinomish Reservation.

I.4 My relationship with the Respondent is through:

Work Neighbor School Other _____

II. COMPLAINT

II.1 This complaint is filed pursuant to the Swinomish Tribal Code 3-02.170.

II.2 The Petitioner complains of the following wrongful and/or negligent conduct that gives rise to a civil claim under the laws of the Swinomish Tribal Community.

Trespass against the property of the Petitioner; or

Acts or threats of physical assault; or

Acts or threats of irreparable damage to personal property; or

Other harm to me personally or to my property.

III. REQUEST FOR RELIEF

III.1 If the Respondent is permitted to continue the above action, the Petitioner will be damaged therefore the Petitioner requests the Court to grant the relief requested below.

III.2 Petitioner requests judgment be entered against the Respondent as follows:

[] Issue and Order to Show Cause requiring the Respondent to appear at a hearing scheduled by the Court.

[] Enter a permanent order restraining respondent and prohibiting contact with the Petitioner under the terms outlined in the Petition for Temporary Order for the period of (1) year.

[] Enter a judgment for damages as follows: _____

[] Other relief as follows: _____

IV. CERTIFICATION OF STATEMENTS IN THE PETITION

I certify under the penalty of perjury under the laws of the Swinomish Indian Tribal Community that I have read the statements in the Complaint, know of the contents therein, and believe them to be true and correct.

Dated this ____ day of _____, 20__

Signature of Petitioner

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:	

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**SWINOMISH TRIBAL COURT
THE SWINOMISH TRIBAL COMMUNITY**

Petitioner(s),
v.

Respondent(s).

Case No(s) _____
**SUMMONS AND NOTICE TO
RESPOND TO CIVIL COMPLAINT**

TO: _____

YOU AND EACH OF YOU ARE HEREBY SUMMONED to respond to the attached
Complaint which has been filed against you by the above-named Petitioner(s).

You must file an answer with the Swinomish Tribal Court within (20) days of your receipt of the
Complaint.

If you fail to file an answer within said time period a DEFAULT JUDGMENT may be ordered
against you.

DATED this the _____ day of _____, 20 _____.

Signature of Court Clerk

1 **SWINOMISH TRIBAL COURT**
2 **SWINOMISH RESERVATION, LaCONNER, WASHINGTON**
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7 Petitioner,
8 and
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11 Respondent
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Case No.:
TEMPORARY RESTRAINING ORDER
[] Ex Parte
(CLERK'S ACTION REQUIRED)

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14 To the above-named Respondent:

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16 VIOLATION OF THE PROVISIONS OF THIS ORDER WITH ACTUAL NOTICE OF ITS
17 TERMS IS A CRIMINAL OFFENSE AND WILL SUBJECT A YOU TO ARREST AND MAY
18 RESULT IN IMPRISONMENT AND THE REQUIREMENT TO PAY A FINE. A POLICE
19 OFFICER MAY ARREST YOU AND TAKE YOU INTO CUSTODY IF THERE IS
20 PROBABLE CAUSE TO BELIEVE THAT YOU VIOLATED THIS ORDER. VIOLATORS
21 MAY ALSO BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO PENALTIES FOR
22 CONTEMPT.
23

24 YOU CAN BE ARRESTED EVEN IF INVITED TO VIOLATE THE PROHIBITIONS OF
25 THIS ORDER BY THE PERSON(S) OBTAINING IT - THEY CANNOT WAIVE OR
26 SUSPEND THE PROHIBITIONS OF THIS ORDER - ONLY THE COURT CAN MODIFY IT
27 UPON WRITTEN APPLICATION.
28

29 For good cause shown, the court finds that an emergency exists and that a temporary protection
30 order should be issued without notice to respondent to avoid irreparable harm. It is hereby
31 ordered as follows:

32 **ORDER**
33

34 ____ 1. Respondent SHALL NOT cause petitioner any physical harm, bodily injury, assault,
35 including sexual assault; and is restrained from molesting, harassing or threatening petitioner.
36

37 ____ 2. Respondent SHALL NOT contact petitioner, and shall refrain from all contact, direct or
38 indirect, by phone, fax, in person, or in writing.
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40 ____ 3. Respondent SHALL NOT enter onto the property of the Petitioner's residence or any
41 other place where the Petitioner may reside, the address is _____
42

43 ____ 4. Other Relief Ordered: _____
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48 ____ 5. The Clerk of Court shall forward a copy of this order to the Swinomish Tribal Police.
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SERVICE OF NOTICE

1 ____ 6. The Swinomish Tribal Police shall personally serve a copy of this order on the
2 respondent at _____, or such other
3 place as the Respondent may be found, and shall promptly complete and return to this court
4 proof of service.
5

6 ____ Petitioner has made private arrangements for service of this order
7

8 ____ Respondent appeared before the court and further service is waived.
9

10 ____ 7. The Clerk of the Court shall forward a copy of this order to the Skagit County Superior
11 Court for entry of this order in the appropriate law enforcement information system.
12

13 THIS TEMPORARY ORDER FOR PROTECTION SHALL BE EFFECTIVE UNTIL THE
14 HEARING SCHEDULED ON _____ 200__, at
15 _____ am/pm, at the Swinomish Tribal Court, 17337 Reservation Road, La Conner, WA.
16

17 You are hereby ordered to appear on the above date and time and show cause why a permanent
18 protection order for the relief requested above should not be granted.
19

20 DONE IN OPEN COURT ON:

21 Date: _____

22 Hour: _____
23

24 JUDGE
25
26

27 **TO THE RESPONDENT:**

28 You are notified that a Petition was filed with this court, a copy of which is to be served
29 herewith, asking for an Order for Protection.
30

31 IF YOU DO NOT APPEAR, THE COURT MAY ENTER AN ORDER IN YOUR ABSENCE,
32 granting the relief requested in the petition effective for a period not to exceed one year, and
33 awarding the costs, fees and expenses requested of this proceeding.
34

35 **TO THE PETITIONER:**

36 FAILURE TO APPEAR MAY RESULT IN THE IMPOSITION OF COURT COSTS.
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2 IN THE SWINOMISH TRIBAL COURT
3 FOR THE SWINOMISH TRIBAL COMMUNITY
4 LACONNER, WASHINGTON

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8	_____	Case No. _____
9	Petitioner(s)	
10	v.	PERMANENT ORDER OF
11		RESTRAINT
12	_____	
13	Respondent(s)	Expires: _____
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16 To the above-named Respondent:

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18 VIOLATION OF THE PROVISIONS OF THIS ORDER WITH ACTUAL NOTICE OF ITS
19 TERMS IS A CRIMINAL OFFENSE AND WILL SUBJECT A YOU TO ARREST AND MAY
20 RESULT IN IMPRISONMENT AND THE REQUIREMENT TO PAY A FINE. A POLICE
21 OFFICER MAY ARREST YOU AND TAKE YOU INTO CUSTODY IF THERE IS
22 PROBABLE CAUSE TO BELIEVE THAT YOU VIOLATED THIS ORDER. VIOLATORS
23 MAY ALSO BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO PENALTIES FOR
24 CONTEMPT.

25
26 YOU CAN BE ARRESTED EVEN IF INVITED TO VIOLATE THE PROHIBITIONS OF THIS
27 ORDER BY THE PERSON(S) OBTAINING IT - THEY CANNOT WAIVE OR SUSPEND THE
28 PROHIBITIONS OF THIS ORDER - ONLY THE COURT CAN MODIFY IT UPON WRITTEN
29 APPLICATION.

30
31 THIS MATTER having come before the Court in open Court this date; and the Court
32 having reviewed Petitioner's written request for a restraining order, and having considered the file
33 herein, and Petitioner's request having been made: [] with notice to the Respondent [] without
34 the Respondent being present in Court [] with Respondent having received notice and being
35 present in Court; hereby ORDERS that:

36
37 1. Respondent (s), _____ ,
38 is restrained (prohibited) from and shall have no contact with the following people:

39
40 2. "No Contact" as used in this order means:

41
42 [] a. Not telephone, approach or speak directly or indirectly to the person(s) listed in No.
43 1 above, nor encourage any other person to act as an intermediary for the respondent.

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45 [] b. Not send any correspondence whatsoever to the above named person(s).

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c. Not come onto the property located at:

d. Not come to the workplace, if any, of the above named person(s) [unless for official business, such as in the Tribal Administration Building etc.]

e. Respondent is further prohibited from:

3. Other:

This Order is permanent. It shall remain in effect until the written expiration date. It may only terminate at an earlier date should one or both parties request termination of this order, in writing, and the judge elect to grant the request. Requests from the respondent will likely require a hearing, unless the petitioner joins with the respondent in requesting in writing that this order be terminated.

ONLY THE COURT CAN TERMINATE THIS PERMANENT ORDER PRIOR TO THE WRITTEN EXPIRATION DATE. AND THE COURT WILL ONLY DO SO UPON WRITTEN APPLICATION AS PER PARAGRAPH ABOVE.

This order shall expire at _____ A.M./P.M., on the _____ day of _____, 20 _____, OR INDEFINATE.

The Court is located at 17337 Reservation Road, LaConner, Washington, 98257.

FAILURE TO COMPLY WITH THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS CRIMINAL CONTEMPT OF COURT, AND SUBJECT TO CRIMINAL PENALTIES UPON CONVICTION INCLUDING IMMEDIATE ARREST BY THE POLICE.

SO ORDERED this the _____ day of _____, 20 _____.

SWINOMISH JUDGE –