

KALISPEL TRIBAL COURT

_____,
 Full Legal Name
 DOB: _____,
 Petitioner,
 v.
 _____,
 Full Legal Name
 DOB: _____
 Respondent.

Case No.

**ORDER FOR PROTECTION
(DOMESTIC VIOLENCE)**

Reciprocal

Court Address:

22 Camas Flat Rd., Cusick, WA

100 N Hayford Rd, Airway Heights WA

Telephone Number: (509) 445-1664

courtclerk@kalispeltribe.com

Names of Minors: No Minors Involved

(List first, middle and last name/s and age/s)

Respondent Identifiers

Sex	Race	Hair
Height	Weight	Eyes

Respondent's Distinguishing Features:

Caution: Access to weapons: yes no
 unknown

The Court Finds Based Upon the Court Record:

The court has jurisdiction over the parties, the minors, and the subject matter. Respondent had reasonable notice and an opportunity to be heard.

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

Respondent was was not present at today's hearing.

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Respondent's relationship to the victim is:

- spouse or former spouse current or former dating relationship in-law parent or child
- parent of a child in common stepparent or stepchild blood relation other than parent or child
- current or former domestic partner current or former cohabitant as roommate
- current or former cohabitant as part of a dating relationship

Respondent committed domestic violence as defined in KLOC Chapter 8.

Respondent represents a credible threat to the physical safety of the protected person/s.

Additional findings may be found below. The court concludes that the relief below shall be granted.

Court Order Summary:

- Respondent is restrained from committing acts of abuse as listed in provisions 1 and 2, on page 2.
- No-contact provisions apply as set forth on the following pages.
- Additional provisions are listed on the following pages.

This order is effective immediately and for one year from today's date, unless stated otherwise here (date):

It is Ordered:

1. Respondent is **restrained** from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking petitioner the minors named in the table above these minors only:

(Respondent: If the petitioner is your spouse or former spouse, current or former domestic partner, the parent of a child in common, or a current or former cohabitant as part of a dating relationship, you will not be able to own or possess a firearm, other dangerous weapon, ammunition, or concealed pistol license under state or federal law for the duration of the order.)

2. Respondent is **restrained** from harassing, following, keeping under physical or electronic surveillance, cyberstalking, and using telephonic, audiovisual, or other electronic means to monitor the actions, locations, or wire or electronic communication of petitioner the minors named in the table above only the minors listed below members of the victim's household listed below the victim's adult children listed below:

3. 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 or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with petitioner the minors named in the table above these minors only:

If both parties are in the same location, respondent shall leave.

4. Respondent is **excluded** from petitioner's residence workplace school; the day care or school of the minors named in the table above these minors only:

Other

Petitioner's address is confidential. Petitioner waives confidentiality of the address which is:

5. Petitioner shall have exclusive right to the residence that petitioner and respondent share. 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.

This address is confidential. Petitioner waives confidentiality of this address which is:

6. Respondent is **prohibited** from knowingly coming within, or knowingly remaining within _____ (distance) of: petitioner's residence workplace school; the day care or school of the minors named in the table on page one these minors only:

Other:

7. Petitioner shall have possession of essential personal belongings, including the following:

8. Petitioner is granted use of the following vehicle:
Year, Make & Model _____ License No. _____

9. Other:

Protection for minors: This state has exclusive continuing jurisdiction; is the home state; has temporary emergency jurisdiction that may become final jurisdiction under KLOC Chapters 7 and 8 and RCW 26.27.231(2); other: _____

10. Petitioner is **granted** the temporary care, custody, and control of the minors named in the table above these minors only:

The respondent will be allowed visitations as follows: _____

Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.

If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation.

11. Respondent is **restrained** from interfering with petitioner's physical or legal custody of the minors named in the table above these minors only:

12. Respondent is **restrained** from removing from the state the minors named in the table above these minors only:

Additional requests:

- 13. Respondent shall participate in treatment and counseling as follows:
 - domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: _____
 - parenting classes at: _____
 - drug/alcohol treatment at: _____
 - other: _____
- 14. Petitioner is granted judgment against respondent as provided in the Judgment.
- 15. Parties shall return to court on _____, at _____ .m. for review.

Protection for pets:

- 16. Petitioner shall have exclusive custody and control of the following pet(s) owned, possessed, leased, kept, or held by petitioner, respondent, or a minor child residing with either the petitioner or the respondent. (Specify name of pet and type of animal): _____.
- 17. Respondent is **prohibited** from interfering with the protected person's efforts to remove the pet(s) named above.
- 18. Respondent is **prohibited** from knowingly coming within, or knowingly remaining within _____ (distance) of the following locations where the pet(s) are regularly found:
 - petitioner's residence (You have a right to keep your residential address confidential.)
 - _____ Park
 - other: _____

Prohibit Weapons and Order Surrender

The Respondent must:

- not obtain or possess any firearms, other dangerous weapons, or concealed pistol license; and
- turn in any firearms, other dangerous weapons, and concealed pistol license as stated in the **Order to Surrender Weapons** filed separately.

Findings – The court (*check all that apply*):

- must** issue the above orders and an **Order to Surrender Weapons** because:
 - the first restraint provision is ordered above, and the court found on page one that the Respondent had *actual notice*, represented a *credible threat*, and was an *intimate partner*.
 - the court finds by clear and convincing evidence that the restrained person has:
 - used, displayed, or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under tribal, state or federal laws.

- may** issue the above orders and an **Order to Surrender Weapons** because the court finds by a preponderance of evidence, the Respondent:
 - presents a serious and imminent threat to public health or safety, or the health or safety of any individual by possessing a firearm or other dangerous weapon; or
 - has used, displayed or threatened to use a firearm or other dangerous weapon in a felony; or
 - previously committed an offense making him or her ineligible to possess a firearm under tribal, state or federal laws

Warnings to the Respondent: A violation of provisions 1 through 6 of this order with actual notice of its terms is a criminal offense under KLOC Chapters 8 and 9 and chapter 26.50 RCW and will subject you to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, you may be subject to criminal prosecution in federal court under 18 U.S.C. §§ 2261, 2261A, or 2262.

In Washington State a violation of provisions 1 through 6, 17, or 18 of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if you have at least two previous convictions for violating a protection order issued under Titles 7, 10, 26 or 74 RCW.

If your relationship to the victim is as intimate partner, then effective immediately, and continuing as long as this protection order is in effect, **you may not possess a firearm or ammunition under federal law**. 18 U.S.C. § 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine.

If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

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.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Warning: A person may be guilty of custodial interference in the second degree if they violate provisions 10, 11, or 12.

It is further ordered that the clerk of court shall forward a copy of this order on or before the next judicial day to **KALISPEL TRIBAL POLICE DEPARTMENT** and to **PEND OREILLE COUNTY SUPERIOR COURT** who shall forward a copy to the **PEND OREILLE COUNTY SHERIFF'S OFFICE** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list active protection orders.

- The Petitioner, Victim Advocate, or Attorney shall provide a copy of this order to:
 - _____ County Sheriff's Office **OR**
 - _____ Police Department **WHERE**

RESPONDENT LIVES OR

- Any adult over age 18 who is not a party to the case
 - which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service. **OR**
- Respondent appeared; further service is not required. **OR**
- Respondent resides on the Kalispel Reservation. (Court Clerk will coordinate service with KTP)

Law Enforcement Assistance

- Law enforcement shall assist petitioner in obtaining:
 - Possession of petitioner's residence personal belongings located at: the shared residence respondent's residence other: _____
 - Custody of the above-named minors, including taking physical custody for delivery to petitioner.
 - Possession of the vehicle designated in paragraph 7, above.
 - Other: _____
- Other: _____

This order is in effect until the expiration date on page one.

If the duration of this order must not exceed one year. KLOC 8-6.08 and 8-6.15

Other: _____

Dated: _____ at _____ a.m./p.m.

Judge

I acknowledge receipt of a copy of this Order:

➤ _____
Signature of Respondent/Lawyer KTC No.

Print Name

➤ _____
Signature of Petitioner/Lawyer KTC No.

Print Name