

Red Lake Nation Tribal Court Information , Instructions, and Forms Regarding Orders for Protection

What is an OFP?

An Order for Protection (OFP) is a Court Order that will help protect you from domestic abuse. An OFP tells the abuser to stop harming or threatening you or your children.

Who may file an OFP? (Red lake Nation Tribal Code Section 804.02)

A Petition for an Order for Protection can be filed by:

- a. any family or household member;
- b. a family member or household member on behalf of minor family or household members.

Definitions: (Red lake Nation Tribal Code Section 804.01)

1. **Domestic Abuse** is defined as any of the following conduct between family or household members.
 - a. Actual physical harm, bodily injury, assault (such as hitting , kicking, slapping, pushing, stabbing), or fear of immediate physical harm, bodily injury or assault (such as verbal threats, threatening gestures) or
 - b. Criminal sexual conduct (such as forced sex or forces sexual contact with an adult or any form of sexual contact with a child)
 2. **Family or household members** are defined as:
 - a. Married persons
 - b. Persons who were married but are now divorced
 - c. Parents, Children
 - d. Persons related by blood (such as brothers, sisters, uncles, aunts or grandparents)
 - e. Persons who live together now or who lived together in the past.
 - f. Persons who have a child together, even if they have not been married or lived together
 - g. Persons who have an unborn child together
- If your complaint DOES NOT involve “Domestic Abuse” and “Family or Household Members” as defined above, you cannot file a Petition for an Order for Protection. However, you may still be able to obtain a Restraining Order. Please as at the Court for Restraining Order Petitions.
 - If your complaint DOES involve “Domestic Abuse” AND Family or Household Members” you must complete the Petitioner Affidavit and Petition for Order for Protection completely and in detail, according to the attached instructions.

Instructions for completing “Petitioner’s Affidavit and Petition for Order for Protection”

On the line above the word “**Petitioner**” write your name and on the line above the word “**Respondent**” write the name of the person from whom you are seeking protection.

NOTE: THE NUMBERS OF THESE INSTRUCTIONS ARE THE SAME AS THE NUMBERS ON THE AFFIDAVIT AND PETITION

1. You do not need to write anything in this section.

General Information

2. Write in your complete address date of birth, gender and race. If you do not want the Respondent to know your address or if you do not want your address to be part of the public file, **DO NOT WRITE YOUR ADDRESS HERE**; you may provide it separately to the Court Staff on the Petitioners Information Sheet.
3. Write in the complete address, date of birth, gender and race of the Respondent (person from whom you are seeking protection) If you do not know Respondent’s date of birth, give age.
4. Check all boxes that apply to your current situation. If you check the last box, “significant romantic or sexual relationship,” you must fill in the blanks next to it.
5. If you and the Respondent have been involved in other Court actions, check the box(es) of the types of action involved and then indicate the Court, Month and Year the actions took place.

Abuse Information

6. This section needs to be completed **ONLY** if you and the Respondent have been involved together in a prior Petition for an Order for Protection. If you have been involved in a prior Petition for an Order for Protection, write in the name of the Court where the prior OFP Petition was filed, when the prior OFP Petition was filed and the name of the Judge in the prior OFP. Check off what happened in the prior case, such as whether only a Temporary Order was issued, an OFP was issued or the OFP was denied.
7. Check off whether the Respondent has abused or threatened domestic abuse upon you and / or a minor child or children and write in the name of any minor child or children that the Respondent has abused or has threatened to abuse.
8. Write in the details of the acts of domestic abuse committed by the Respondent. See Paragraph 1 under DEFINITIONS on page one (1) to be sure that what you describe are acts of domestic abuse. For each act of domestic abuse, answer these questions: **WHAT** happened, **WHO** did what, **WHEN** did it happen and **WHERE** did it happen. Be very specific in giving the details. The approximate dates when the incidents happened **MUST** be given. Describe the most recent acts of abuse first.

9. Check the appropriate box(es). If you have any medical or police reports, you may attach them.
10. If you and the Respondent are parents of any children under eighteen (18) years old, write in their names and dates of birth. Also write in the names of persons who the children are with now—whether it is you, the Respondent or someone else.

If you are the biological mother and you and the Respondent were not married at the time a child was born, you must indicate whether or not the Respondent was named as the father by a Judge. The reason for this requirement is that if a Judge has not named the Respondent the father, the biological mother automatically has sole physical and legal custody of the child and you do not need to ask for custody. Also, indicate if a recognition of Parentage has been signed.

Identify any Court Order involving the children (such as Divorce or Dissolution Order, Paternity Order, Juvenile Court Order, Child Protection Court Order or other OFP.)

11. Write in the names and dates of birth of any OTHER minor children who are involved in this action (such as children who are not also the Respondent's children) and the names of persons who the children re with now.
12.
 - a. If you wish to have the Judge award you Custody of any children under eighteen (18) years old, write in their names.
 - b. Tell the Court what parenting time (visitation) you think the Respondent should have with your children.
 - c. Indicate if parenting time (visitation) should be restricted or supervised.
 - d. If you think Respondent's parenting time (visitation) should be restricted or supervised, tell the Judge why.

Requests of Court Action

13. Check the box if this section applies.
14. Check the boxes for all items that you want the Judge to order for immediate protection.
15. If you want the Judge to grant you any of the items in question 15, they will only be granted after the hearing.
16. you do not need to write anything in this section.

YOU MUST BE PLACED UNDER OATH BY A NOTARY PUBLIC OR AT THE COURT BEFORE SIGNING THE PETITION. DO NOT SIGN THE PETITION UNTIL YOU ARE INSTRUCTED TO DO SO BY A NOTARY OR BY COURT STAFF.

BEFORE YOU BRING YOUR PETITION TO THE COURT ADMINISTRATOR'S OFFICE YOU MUST:

- Complete the “**Petitioner’s Information Sheet**” and take it to the Court.
- Complete the “**Law Enforcement Information Sheet**” and take it to the Court. This will be sent to the Police along with the Petition and Order to assist the Officer who will be delivering the documents to the Respondent.
- If the Judge determines that an emergency exists, a temporary Ex Parte’ Order for Protection will be granted and a hearing will be scheduled within Seven (7) business days. The Ex Parte’ Order will be effective until the hearing. If Law Enforcement is unable to serve the Respondent prior to the hearing date, the Court may issue a new Order and a new hearing date will be set. If the Respondent is served and fails to appear, Petitioner may receive a judgement by default.