

Ordinance No. 50. – Resolution H-86-96 approves the Hopi Family Relations Ordinance.

HOPI TRIBAL COUNCIL
RESOLUTION
H-86-96

- WHEREAS, Family violence is a widespread form of crime among the Hopi people which often is not successfully addressed by traditional tools and approaches of the criminal justice system; and
- WHEREAS, Many Hopi victims of family violence are hesitant to pursue criminal prosecution against the perpetrators of such violence because they do not want a spouse or other family member jailed or otherwise enter into an adversarial criminal proceeding against such person; and
- WHEREAS, Even if a victim of family violence chooses to pursue criminal prosecution against the perpetrator of such violence, it may prove an unsatisfactory solution because of the amount of time required for the case to come to trial; and
- WHEREAS, Civil protection orders, now available by statute in forty-eight states, offer judges and other law enforcement personnel a unique additional tool for responding to the special difficulties which family violence cases present; and
- WHEREAS, Civil protection orders are an effective tool in addressing family violence by providing victims of such abuse with a fast, efficient means, instead of or in addition to other forms of legal redress, to reduce, prevent, and eliminate family abuse and violence; and
- WHEREAS, Properly used and enforced, civil protection orders can help in the prevention of specific behavior which can lead to future family violence and can enhance public safety efforts by enabling the courts and other law enforcement agencies to intervene in matters of family violence on an emergency and temporary, as well as a permanent, basis; and

HOPI TRIBAL COUNCIL
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WHEREAS, The Hopi people have a right to be safe and free from violence in the home, place of work and community at large; and

WHEREAS, Pursuant to the Hopi Tribal Constitution, ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, SECTION 1 (l) and (g), the Hopi Tribal Council has the power to make ordinances to protect the peace and welfare of the Hopi Tribe.

NOW THEREFORE BE IT RESOLVED that the Hopi Tribal Council hereby adopts the "**Hopi Family Relations Ordinance of the Hopi Tribe**".

CERTIFICATION

The foregoing resolution was duly adopted by the Hopi Tribal Council on May 28, 1996, at a meeting at which a quorum was present with a vote of 15 in favor, 1 opposed, 1 abstaining (Vice Chairman presiding and not voting) pursuant to the authority vested in the Hopi Tribal Council by SECTION 1(a), (l) and (g) of ARTICLE VI-POWERS OF THE TRIBAL COUNCIL, as amended on December 07, 1993, of the Hopi Tribal Constitution and By-Laws of the Hopi Tribe of Arizona, as ratified by the Tribe on October 24, 1936, and approved by the Secretary of Interior on December 19, 1936, pursuant to Section 16 of the Act of June 18, 1934. Said resolution is effective as of the date of adoption and does not require Secretarial approval.


Wayne Taylor, Jr., Vice Chairman
Hopi Tribal Council

ATTEST:


Mary A. Felter, Tribal Secretary
Hopi Tribal Council

ORDINANCE NO. 50

**HOPI FAMILY RELATIONS ORDINANCE
OF THE HOPI TRIBE**

ORDINANCE
FAMILY RELATIONS

CHAPTER

Family Relations

SUBCHAPTER 1. GENERAL PROVISIONS

§ 1.01	Short Title	2
§ 2.01	Policy	2
§ 3.01	Findings	2
§ 4.01	Purpose	3
§ 5.01	Definitions	4

SUBCHAPTER 2. PROTECTION ORDERS

§ 6.01	Jurisdiction	7
§ 7.01	Who may file a petition	8
§ 8.01	Standard of proof, defenses	9
§ 9.01	Temporary protection orders, <i>ex parte</i>	9
§ 10.01	Telephonic or facsimile applications and order	11
§ 11.01	<i>Pro se</i> petitioners	12
§ 12.01	Central Registry	12
§ 13.01	Confidentiality	14
§ 14.01	Evidence, Hearsay exception	14
§ 15.01	Available relief	14
§ 16.01	Service of process	17
§ 17.01	Duration of protection orders	18
§ 18.01	Violation of protection orders	19
§ 19.01	Vacation of protection orders	20
§ 20.01	Fees; filing, service, copies	21
§ 21.01	Comity	21
§ 22.01	Restrictions	21
§ 23.01	Immunity From Liability	21
§ 24.01	Sovereign Immunity	22
§ 25.01	Severability	22
§ 26.01	Effective Date	22

SUBCHAPTER 1. GENERAL PROVISIONS

§ 1.01 Short Title

This Ordinance may be cited as the "Family Relations Ordinance of the Hopi Tribe".

§ 2.01 Policy

It is the policy of the Hopi Tribe to demonstrate respect- "Kyap tsi" (Hopi) and "ag' ging" (Tewa), for members of the family and clan. The fundamental Hopi value of "kyap tsi" has long been practiced by the Hopi generations, and is reflected throughout Hopi tradition and culture. Abuse and violence against persons has a lasting and detrimental effect on (1) the individual who directly experiences the abuse, (2) the entire family and clan, who directly or indirectly experience the abuse, and (3) the Hopi Tribe, as the adverse effects of abuse and violence is perpetuated by succeeding generations and within Hopi society itself. The concept of "kyap tsi" and "ag' ging'" incorporates a meaning of the family as sacred, or that which must be respected. The family, as a fundamental unit of Hopi society, is an inculcator of traditional values. Accordingly, the family must exist in harmony. It is in the Hopi Tribe's best interest to bring the family, the clan and the Hopi Tribe together, to help one another towards a healthy future and for the common good.

§ 3.01 Findings

The Hopi Tribal Council finds that:

- (a) Many persons are subjected to abuse and violence within the family and clan setting;
- (b) Family members are at risk to be killed or suffer serious physical injury as a result of abuse and violence within the family and clan setting;
- (c) Children suffer lasting emotional damage as direct targets of abuse and violence, and by witnessing the infliction of abuse and violence on other family and clan members;
- (d) The elderly Hopi citizens are at risk for abuse and violence, the lack of services available for these

citizens, and the changing family structure indicates that laws are necessary to insure the protection of elders within the family and clan setting, and in their caretaking settings;

- (e) All persons have the right to live free from violence, abuse, or harassment;
- (f) Abuse and violence in all its forms poses a major health and law enforcement problem to the Hopi Tribe;
- (g) Abuse and violence can be prevented, reduced, and deterred through the intervention of law;
- (h) The legal system's efforts to prevent abuse and violence in the family and clan setting will result in a reduction of negative behavior outside of the family and clan setting;
- (i) Abuse and violence among family and clan members is not just a "family matter," which justifies inaction by law enforcement personnel, prosecutors, or courts, but an illegal encounter which requires full application of protective laws and remedies;
- (j) An increased awareness of abuse and violence, and a need for its prevention, gives rise to the legislative intent to provide maximum protection to victims of abuse and violence in the family and clan setting; and
- (k) The integrity of the family, clan, Hopi culture and society can be maintained by legislative efforts to remedy abuse and violence.

§ 4.01 Purpose

The purpose of this ordinance is to protect all persons; men, women, children, elders, disabled persons, and other vulnerable persons, who are within the jurisdiction of the Hopi Tribe, from all forms of abuse and violence as defined by this ordinance and by Hopi Tribal law. This ordinance shall be liberally construed and interpreted in order to achieve its purposes. This ordinance embodies the intent of the legislature to promote the following goals:

- (a) To recognize the illegal nature of abuse and violence;
- (b) To provide persons who experience abuse or violence with the maximum protection that can be made available under the law;
- (c) To establish an efficient and flexible remedy that discourages violence against and harassment of persons within a family or clan setting, or others with whom the abuser has continuing contact;
- (d) To expand the ability of law enforcement officers to assist victims, to enforce existing laws, and to prevent subsequent incidents of abuse and violence;
- (f) To facilitate and develop a greater understanding of the incidence and causes of abuse and violence by encouraging data collection, evaluation and reporting; and
- (g) To reduce the incidence of abuse and violence, which has a detrimental and lasting effect on the individual, the family, Hopi culture, and society.
- (h) Nothing in this ordinance shall be construed to alter or diminish the existing authority of the Hopi Tribal Court to provide remedies to address abuse and violence, to prevent tortious conduct, including remedies provided by American common law, the law of equity, and Hopi common law.

§ 5.01 Definitions

These definitions shall be liberally construed so as to protect all persons who are subjected to abuse and violence. As used in this ordinance:

(a) Abuse and Violence

(1) Abuse and violence means the infliction of any of the following acts upon a person as defined in §5.01(b):

(A) "Assault" - an attempt to cause bodily harm to another through the use of force, or the creation in another of a reasonable fear of imminent bodily harm;

(B) "Battery" - application of force to the person of

another resulting in bodily harm or an offensive touching;

- (C) "Threatening" - words or conduct which place another in fear of bodily harm or property damage;
- (D) "Coercion" - compelling an unwilling person, through force or threat of force, to:
 - (i) engage in conduct which the person has a right to abstain from; or
 - (ii) abstain from conduct which the person has a right to engage in;
- (E) "Confinement" - compelling a person to go where the person does not wish to go or to remain where the person does not wish to remain;
- (F) "Damage to Property" - damaging the property of another;
- (G) "Emotional Abuse" - using threats, intimidation, or extreme ridicule to inflict humiliation and emotional suffering upon another;
- (H) "Harassment" - conduct which causes emotional alarm and distress to another by shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity. Examples of harassing conduct include, but are not limited to the following:
 - (i) unwelcome visiting or following of a person;
 - (ii) unwelcome sexual propositioning, references to body functions or attributes, or other comments of a sexual nature;
 - (iii) unwelcome communications, made by phone or by other methods, containing intimidating, taunting, insulting, berating, humiliating, offensive, threatening, or violent language; or
 - (iv) unwelcome lingering around the home, school, or work place of a person;
- (I) "Sexual Abuse" - any physical contact of a sexual

nature, or attempted physical contact of a sexual nature, with a person, made without that person's consent. Consent cannot be obtained through means such as force, intimidation, duress, fraud, or from a minor under any circumstance; and

(J) "Other conduct" - any other conduct that constitutes an offense or a tort under the laws of the Hopi Tribe.

- (b) Person means any individual, whether adult, minor or vulnerable person.
- (c) Abuser means any person who engages in conduct defined as abuse and violence under §5.01(a) against any person under §5.01(b).
- (d) Protection Order means a court order that restrains the abuser from doing certain acts upon threat of penalty or sanction. Such an order may contain requirements to adjust the relationship of the parties and prevent further abuse and violence. The term includes any emergency, temporary or permanent protection orders issued by the court.

SUBCHAPTER 2. PROTECTION ORDERS

§ 6.01 Jurisdiction

(a) Hopi Tribal Courts

- (1) The Hopi Tribal Court shall have jurisdiction over all proceedings under this ordinance.
- (2) A protection order may be sought as an independent civil action, or joined with any other civil action over which the court has jurisdiction.
- (3) Any person within the territorial jurisdiction of the Hopi Tribe may seek remedies for protection within such jurisdiction, regardless of where the abuse or violence occurred. The court may provide remedies to protect persons within the territorial jurisdiction of the Hopi Tribe to prevent future abusive and violent conduct.
- (4) Acts of abuse and violence which violate an existing Hopi Tribal court order but which occur beyond the territorial jurisdiction of the Hopi Tribe remain subject to the jurisdiction of the court so long as the Hopi Tribe may exercise personal jurisdiction.

(b) Notice to Hopi Village(s)

(1) Notice from Hopi Tribal Court: If the petitioner and the respondent are members of a Hopi village, the Court shall provide written notice to the Petitioner's village within 24 hours of the filing of a petition for a permanent protection order, if any, that-

(2) Pursuant to Article III, Section 2, (b) of the Constitution of the Hopi Tribe, the Hopi village has the power to adjust family disputes and regulate family relations of members of the village, and

(3) If the village wishes to assert jurisdiction over the matter, it should inform the court, in writing, within (15) fifteen days of the notice from Hopi Tribal Court.

(4) If the Hopi village does not provide a written response to a notice from the Hopi Tribal Court within 15 days, the Hopi Tribe shall exercise jurisdiction over the petition for a permanent

protective order.

(5) Section 6.01(b), (1-4) is not applicable when one party to a dispute is not a member of the Hopi Tribe.

(c) Non-exclusive relief

- (1) The remedies and procedures provided in this ordinance are in addition to, and not in lieu of, any other available civil or criminal remedies. A petitioner shall not be barred from relief under this ordinance because of other pending proceedings or existing judgments.
- (2) Relief shall be available under this ordinance without regard to whether the petitioner has initiated divorce proceedings or sought other legal remedies.
- (3) As to domestic relations proceedings, if custody or support have already been adjudicated, the terms of a previous court order may be incorporated into a protection order. Custody or visitation arrangements specified in an existing order may be modified in a protection order upon a showing of changed circumstances and for the purpose of preventing further domestic abuse and violence.

§ 7.01 Who may file a pro se petition

Any person may file a pro se petition for a temporary or permanent protection order:

- (a) for herself or himself;
- (b) on behalf of a minor child;
- (c) on behalf of any person prevented by a physical or mental incapacity, or by hospitalization, from seeking a protection order;
- (d) on behalf of a client if the person filing the protection order represents a service provider (i.e. social services, law enforcement, medical, educational); or
- (e) as a next friend of a victim.

§ 8.01 Standard of proof, defenses

- (a) A court shall grant a protection order when it finds by a preponderance of the evidence that it is more likely than not

that an act of abuse and violence has occurred or is about to occur. The order's purpose shall be to prevent the occurrence or recurrence of abuse and violence.

- (b) A petitioner shall not be denied relief under this ordinance because:
 - (1) the petitioner used reasonable force in self defense against the respondent;
 - (2) the petitioner has previously filed for a protection order and subsequently reconciled with the respondent;
 - (3) the petitioner has not filed for a divorce; or
 - (4) the petitioner or the respondent is a minor.
- (c) The following shall not be considered a defense in a proceeding for the issuance or enforcement of a protection order under this Ordinance:
 - (1) intoxication;
 - (2) spousal immunity; or
 - (3) provocation.
- (d) Abuse and Violence does not mean a person's act of self-defense made in reasonable response to an abuser's act of abuse and violence.
- (e) Village or Ceremonial Tradition: It shall be a defense under this ordinance that the alleged conduct is in accordance with Hopi customs, practices, traditions or ceremonies.

§ 9.01 Temporary protection orders, ex parte

- (a) Petition, Motion and Order.
 - (1) Upon the filing of a Petition for Abuse and Violence, Protection Order and Motion for Temporary Protection Order the court shall immediately grant or deny the petitioner's Motion for Temporary Protection Order without a hearing or notice to the respondent. The court shall grant the motion if it determines that an emergency exists.
 - (A) A petitioner shall demonstrate an emergency by showing that:
 - (i) The respondent committed acts of abuse and

violence within 24 hours of the filing of a petition for an emergency protection order, resulting in physical or emotional injury to the petitioner or another victim, or damage to property; or

- (ii) The petitioner or another victim is likely to suffer harm if the respondent is given notice before the issuance of a protection order.
- (B) Evidence proving an emergency situation may be based on the petition and motion, police reports, affidavits, medical records, other written submissions, or the victim's statement.
 - (C) The Temporary Protection Order may include any relief permitted by §15.01(b) of this ordinance and any other relief necessary to prevent further abuse and violence.
 - (D) The Temporary Protection Order shall direct the respondent to appear at a hearing to show cause why the court should not issue a Protection Order.
 - (E) Upon issuing the Temporary Protection Order, the court shall immediately provide for notice to the respondent and notify law enforcement of the order under §16.01 of this ordinance.
- (2) If the court finds that an emergency does not exist, the court shall deny the petitioner's Motion for a Temporary Protection Order and schedule a hearing on the Petition for a Protection Order.
 - (A) The court shall schedule the hearing within fifteen (15) days of the petition's filing.
 - (B) The court shall provide for notice to the Respondent according to §16.01(a)(1) of this ordinance.
 - (3) The court shall issue a Motion for a Temporary Protection Order within four (4) court working hours of the time the petition is filed.

(b) Hearing, Protection Order.

- (1) The court shall schedule a full hearing within fifteen (15) days after granting or denying a Motion For A Temporary Protection Order.
 - (A) The respondent may move the court to dissolve or modify any Temporary Protection Order within those fifteen (15) days.
 - (B) The respondent must give at least five (5) days notice of the motion to the petitioner. The court shall give priority to such motions.
- (2) Upon petitioner's motion to continue, the court may continue the hearing for up to fifteen (15) days. Any Temporary Protection Order shall remain in effect during the continuance.
- (3) If the respondent fails to appear after receiving notice, the hearing shall go forward.
- (4) If, after a hearing, the court finds by a preponderance of the evidence that the alleged abuse occurred, or is about to occur, the court shall issue a Protection Order. The order may include the relief granted in any Temporary Protection Order and any additional relief that the court deems necessary.
- (5) No Permanent Protection Order shall be issued without notice to the respondent and a hearing.

§ 10.01 Telephonic or facsimile applications and orders

An official of the Office of the Hopi Prosecutor, or an officer of Hopi Law Enforcement, or a legal representative may petition the Hopi Tribal court for an Emergency Protection Order by telephone, police radio or facsimile ("fax").

- (a) The official, officer or legal representative shall fill out an Application for Emergency Protection Order, specifying his or her reasonable grounds to believe that a victim is in immediate and present danger of abuse and violence.
- (b) The official, officer or legal representative shall then contact a judge of the Hopi Tribe courts by telephone or fax.

- (c) Any Hopi Tribal Court judge may receive and act upon such applications.
- (d) A judge may issue an Emergency Protection Order by telephone or fax upon finding that:
 - (1) a reasonable person would believe that an immediate and present danger of abuse and violence exists; and
 - (2) an Emergency Protection Order is necessary to prevent the occurrence or recurrence of abuse and violence.
- (e) The Emergency Protection Order may include any relief permitted by §15.01(b) of this ordinance and any other relief necessary to prevent further abuse and violence.
- (f) The official, officer or legal representative shall record the order on an Emergency Protection Order form and, by his or her signature, certify that the writing is a verbatim transcription of the judge's order. The certification of any such official or officer shall be *prima facie* evidence of the validity of the order.
- (g) The official or officer shall then give a copy of the order to the protected party, and serve a copy of the order on the respondent.
- (h) The originals of the Application and Emergency Protection Order shall be filed with the court no later than 9 a.m. the next working court day.
- (i) The Emergency Protection Order shall expire no later than the close of judicial business the next working court day after its issuance, unless the issuing judge indicates otherwise.

§ 11.01 Pro se petitioners

- (a) Any victim of abuse and violence may petition the court for a temporary and/or permanent protection order without the assistance of legal counsel.
- (b) The pro se petition and any accompanying documents may be handwritten, typed or filed on standard pro se protection order forms.

§ 12.01 Central Registry

The Office of the Hopi Tribal Prosecutor shall establish a

central registry for the filing of civil and criminal convictions under this ordinance. The information in the central registry shall be confidential and only statistical information may be released for the administrative, planning or Hopi Tribal purposes.

- (a) The Office of the Hopi Tribal Prosecutor shall approve and make standard forms available for filing a pro se petition and for reporting purposes.
- (b) The following agencies shall report annually to the Office of the Hopi Tribal Prosecutor and make available to victims, standard pro se forms to file and report abuse and violence under this ordinance:
 - (1) Office of the Hopi Tribal Prosecutor;
 - (2) Hopi Law Enforcement;
 - (3) Hopi Social Services; and
 - (4) Indian Health Service Hospitals.
- (c) The above-named agencies shall:
 - (1) provide information to victims concerning:
 - (A) the availability of pro se protection orders;
 - (B) procedures for obtaining a pro se protection order;
 - (C) the right of the petitioner to have her or his place of residence remain secret;
 - (2) prohibit non-legal staff from rendering advice or services that call for the professional judgment of a lawyer or advocate;
 - (3) provide timely assistance to victims of abuse at no cost, in filing for protective relief;
 - (4) keep the addresses of victims confidential; and
 - (5) keep a record of each case in which they encounter and/or assist a victim in filing for a protection order. The record shall include the following information:
 - (A) name, gender and relationship of the parties;
 - (B) a description of the abuse and violence, any weapons involved and any resulting injuries;
 - (C) dates of the abuse and violence and dates of filing

for protective relief; and

(D) the source(s) of all information obtained.

(d) The Office of the Hopi Tribal Prosecutor may make the standard pro se forms available to other community organizations which may interact with victims such as shelters, Hopi villages, schools, offices of the Hopi Tribe, federal/state and other local agencies.

§ 13.01 Confidentiality

A petitioner seeking protection shall not be required to reveal her or his address or place of residence except to the judge, in chambers, for the purpose of determining jurisdiction.

§ 14.01 Evidence, Hearsay exception

A court shall admit into evidence as an exception to the hearsay rule learned treatises or other reliable materials which describe and explain the "battered women's syndrome" or otherwise examine the impact of abuse and violence upon victims.

§ 15.01 Available relief

(a) In any proceeding in which a petition for a protection order is filed, once the petitioner has met the burden of proof, the court shall grant any relief necessary to prevent further abuse. Available relief for a permanent protection order includes but is not limited to the following:

- (1) No further abuse. The court may order the respondent to refrain from further threatening, harassing, or harming the victim or committing any act of abuse and violence;
- (2) Possession of household. The court may grant temporary or permanent possession of the residence or household to a person regardless of whether the residence is owned jointly, or owned solely by the abuser. The court may order the respondent to vacate the residence;
- (3) Stay away. The court may order the respondent:
 - (A) to stay away from the victim and others who may be endangered;
 - (B) not to enter or linger outside of petitioner's or any family or clan member's residence, place of work, or school; or

- (C) to leave and remain away from any reasonably-defined geographic area;
- (4) No contact. The court may order the respondent not to initiate contact with the petitioner in person, in writing, by phone or through others unless otherwise specified by the court;
- (5) Rent and mortgage payments. The court may order the respondent to pay rent or make mortgage payments on a residence occupied by the petitioner if the respondent is found to have a duty to support the victim or other members of the household;
- (6) Alternative housing. The court may order the respondent to pay for shelter or temporary housing for the victim if the victim cannot remain in her or his home due to the danger of recurrence of abuse and violence;
- (7) Child custody.
 - (A) The court may award either party immediate, temporary custody of any minor children of the parties until further order of the court, or the court may enter a permanent custody order;
 - (B) In determining custody, the court shall presume that an abusive parent is unfit to have custody of the minor children. The respondent may rebut the presumption by showing that he or she is not abusive of the children and that his or her abuse of others does not adversely affect the children;
- (8) Visitation. The court may grant the non-custodial parent visitation with any minor children of the parties.
 - (A) If disclosing the victim's address for purposes of visitation may endanger the victim, the court may order alternative arrangements. Example: The petitioner drops the children off and the respondent picks them up at a pre-arranged neutral place such as a relative's home;
 - (B) If there is evidence that the abuser may endanger

the children, the court may order supervised visitation in a public location or may deny visitation entirely;

- (9) Payment of support. The court may order the non-custodial parent to pay child support if that parent is found to have a duty to pay such support;
- (10) Monetary compensation. The court may order the respondent to compensate the petitioner for the losses suffered as a direct result of the respondent's acts of abuse, including, but not limited to, medical expenses, loss of earnings or other income, cost of repair or replacement of real or personal property, moving or other travel expenses, and attorney's fees;
- (11) Possession of personal property. The court may order the respondent to give temporary possession of personal property to the petitioner or victim including automobiles, checkbooks, keys, documents and other personal property;
- (12) Non-disposition of property. The court may order either party or both parties not to transfer, encumber or otherwise dispose of specified property mutually owned or leased by the parties;
- (13) Counseling. The court may order either or both parties to attend any counseling which the court finds will address the problems underlying the parties' abuse and violence;
- (14) Substance abuse counseling. If the court finds that substance abuse was a factor in the abuse and violence, the court may order either or both parties to attend counseling or enter a rehabilitation program for substance abuse;
- (15) Payment of costs of counseling. The court may order the respondent to pay for the costs of any counseling ordered under §§15.01(a)(13), (14);
- (16) Law enforcement supervision of return to residence. The

court may order the police to accompany the victim to a residence to collect her or his personal belongings, to take physical custody of the children, and/or to take physical possession of the residence;

- (17) Court costs and fees. The court may order the respondent to pay to the court the costs of the proceeding, including filing fees, fees for service of process, and photocopy costs.
 - (18) Security or bond. To assure compliance with any court order, the court may require the respondent to post a bond, deposit money with the court, or pledge property as security. Upon determining that the respondent has violated the order, the court may require payment or transfer of the bond, money or property to the petitioner or to the Hopi Tribe.
 - (19) Respite Care. The court may order temporary or respite care to another family member, a relative, or other person in the case of an elderly or vulnerable victim.
 - (20) The Court may consider Hopi customary and traditional practices or remedies in order to provide relief to the victim.
 - (21) Other relief. The court may grant such other relief as it deems necessary.
- (b) *Ex parte* relief. Any Emergency Protection Order or Temporary Protection Order granted without a hearing may include the following relief described above: (1) No further abuse; (2) Exclusive possession; (3) Stay Away; (4) No contact; (7) Immediate temporary custody; (11) Possession of personal property; (12) Non-disposition of property; (16) Law enforcement supervision of return to residence.

§ 16.01 Service of process

- (a) Upon entering a protection order under this ordinance, the court shall:
 - (1) Provide for notice to the respondent.
 - (A) The court clerk shall hand-deliver any protection

order, petition, motion, summons, notice of hearing, or other documents filed with the court, to the proper person(s) for service upon the respondent.

(B) Any officer of the Hopi Law Enforcement, Bailiff, member of the Office of the Prosecutor or court-appointed process server may serve process within the territorial jurisdiction of the Hopi Tribe in a proceeding under this ordinance.

(C) Service outside of the territorial jurisdiction of the Hopi Tribe shall be completed according to Hopi Rules of Civil Procedure.

(D) If personal service cannot be made, the court may serve the respondent by certified mail, return receipt requested. The return receipt, when received by the court, shall constitute prima facie evidence that the respondent received notice of the proceedings.

(2) Notify law enforcement. The Court clerk shall provide a copy of the protection order to the police department(s) with jurisdiction over the residence of the petitioner, and over any other addresses listed in the order.

(b) The Hopi Law Enforcement shall:

(1) Upon receipt of documents pursuant to §16.01(a)(1); personally serve the documents upon the respondent, if restrained or in custody.

(2) Upon receipt of a protection order pursuant to §16.01(a)(2); file the order in a protection order registry. The Hopi Law Enforcement shall maintain a registry of all protection orders. The orders shall be indexed by the names of both the petitioner and the respondent.

§ 17.01 Duration of protection orders

(a) A protection order shall be effective upon the respondent as soon as he or she has knowledge of the order. Verbal

communication of the existence of a protection order shall constitute sufficient notice.

- (b) A Temporary Protection Order shall remain in effect until the Court holds a hearing and issues a Permanent Protection Order, or until the court dismisses the petition.
- (c) A Permanent Protection Order issued under this ordinance shall remain in effect not to exceed one (1) year, unless otherwise specified by the judge.
- (d) Renewal, extension or modification of protection orders.
 - (1) The petitioner may petition the court to renew or extend a protection order at any time before its expiration. In an emergency, the court may issue an extension or renewal *ex parte* pursuant to the provisions for *ex parte* relief set forth in §9.01 of this Act.
 - (2) The court may modify a protection order upon a showing by either party of unanticipated problems or changed circumstances.

§ 18.01 Violation of protection orders

- (a) Criminal violations.
 - (1) If, after receiving notice of a protection order, the respondent disobeys the order, he or she commits the offense of contempt of court pursuant to the rules of Ordinance 21, Hopi Tribal Criminal Ordinance. The court may refer such violations to the Office of the Prosecutor for prosecution.
 - (2) A law enforcement officer with knowledge of the violation shall immediately arrest the respondent if there exists probable cause to believe that he or she has violated a protection order. The respondent shall be arrested whether or not such violation occurred in the presence of the officer. The violation shall then be referred the Office of the Prosecutor for prosecution.
 - (3) The respondent shall then be criminally prosecuted pursuant to Ordinance 21, Hopi Tribal Criminal Ordinance and other applicable Hopi Tribal ordinances.

(b) Contempt of court, forfeiture of bond, money or property.

(1) Any person who has reason to believe that the respondent has violated a protection order or has refused to carry out a judgment, order or condition imposed by the court may move the court for an Order to Show Cause, *pro se*.

(2) The court shall hold a hearing within fifteen (15) days to determine whether the respondent violated the protection order or refused to carry out any judgment, order or condition.

(3) If the court finds, beyond a reasonable doubt, that the respondent violated the protection order, the court shall hold the respondent in criminal contempt of court. The court may punish the respondent pursuant to Ordinance 21, Hopi Tribal Criminal Ordinance. Further, the court may require forfeiture of any bond posted, money deposited or property pledged as security to assure compliance with the order under §15.01(a)(18).

(4) If the court finds, by a preponderance of the evidence, that an individual has refused to carry out a judgment, order, or condition imposed by the court, the court may hold that person in civil contempt of court. To compel the person to carry out the judgment, order, or condition, the court may incarcerate that individual for up to one hundred eighty (180) days, or impose such other penalties as the court deems necessary to compel compliance.

(c) Hearings on alleged violations of protection orders shall be expedited.

§ 19.01 Vacation of protection orders

(a) A party who wishes to have a protection order vacated must move the court for an order.

(b) A protection order shall be vacated only by court order.

(c) In determining whether or not to vacate a protection order, the court shall consider the following factors:

(1) whether either or both of the parties have attended

- counseling and for how long;
- (2) whether the respondent has attended substance abuse counseling and for how long;
 - (3) whether the circumstances have changed so as to remove the danger to the petitioner from the respondent; and
 - (4) any other factors the court deems relevant.
- (d) The court clerk shall provide a copy of any subsequent order to all police departments to whom a copy of the original protection order was delivered under §16.01(a)(2).
- (e) All Hopi law enforcement agencies shall enforce any protection order that has neither expired nor been vacated, regardless of the current status of the parties' relationship.

§ 20.01 Fees; filing, service, copies

The Hopi Tribe shall not charge the petitioner any fee for filing, copies, forms, service of process or any other services associated with petitioning for a protection order. The court may order the respondent to pay costs and fees.

§ 21.01 Comity

- (a) Any protection order issued pursuant to this ordinance shall be effective throughout the territorial jurisdiction of the Hopi Tribe.
- (b) Upon determining that a foreign court had jurisdiction to enter a protection order, a Hopi Tribal court may issue an order recognizing that protection order and according it comity. Once recognized, a protection order shall be enforced as if it were an order of a court of the Hopi Tribe.

§ 22.01 Restrictions

Nothing in this ordinance shall be construed to abrogate the jurisdiction of the Hopi villages, as reserved in the Constitution and By-Laws of the Hopi Tribe.

§ 23.01 Immunity From Liability

All persons or agencies reporting or assisting victims in good faith under this ordinance shall be immune from civil liability and criminal prosecution arising from making such a report or assisting a victim.

§ 24.01 Sovereign Immunity

No provision of this ordinance shall be construed as a waiver of the Hopi Tribe's sovereign immunity from suit unless expressly stated.

§ 25.01 Severability

If any portion of this ordinance should be held invalid, that portion shall cease to be operative, but the remainder of this ordinance shall continue in full force and effect.

§ 26.01 Effective Date

This ordinance shall become effective upon its passage by the Hopi Tribal Council.

Sample Forms and Instructions

INSTRUCTIONS FOR FILING A PETITION FOR A PROTECTION ORDER

1. Explanation of Temporary Protection Order and Family Abuse Protection Order

The Court can issue a Temporary Protection Order *ex parte* (without notice to the abuser or a hearing) to protect you from immediate danger of harm by the person who is abusing you. If the Court determines that you need immediate protection, you can get a Temporary Protection Order in one day. It will last for up to fifteen days.

Within those fifteen days the Court will hold a hearing to decide whether it should issue a permanent Family Abuse Protection Order, which is a long-term protection order. The purpose of the hearing is to give you an opportunity to explain why you feel you are in danger and why you think you need the protection order. It will also give the abuser (the person harming you) the chance to show why a protection order should not be granted against him or her.

The hearing is informal, and you may speak for yourself. After the hearing, if the judge thinks you still need protection, you will get a long-term Family Abuse Protection Order. This order is good for up to one year.

2. Filling out the petition for a protection order

- a. On the lines at the very top left-hand corner, write your name and address.
- b. On the lines above the word "PETITIONER", fill in your name, census number and address. You are the Petitioner.
- c. On the lines above the word "RESPONDENT", fill in the abuser's name, census number (if you know it) and address. The abuser is the Respondent.
- d. Fill in your name where it says "I, _____".
- e. Answer all questions and fill in all the blanks in the rest of the petition. Describe in as much detail as

you can the most recent incident of abuse. Describe what the abuser did to you, your children and/or your property. Then describe threats the abuser has made and how this has made you feel (i.e. terrified, afraid for your life). In the "Requested Relief" section, check off what you want the Court to do for you.

3. Signature

Sign the petition where it says Petitioner, *pro se*. *Pro se* means that you are representing yourself in this action.

4. Verification

You must sign this part in front of a notary public. Do not sign it beforehand. If you do, you will not be able to get it notarized.

5. Service

You must also fill out the Application for Service of Process at the end of the petition. This is very important. The court will serve the Petition and Order on the Respondent which means they will give the Respondent a copy of the Petition and Order. In order for the court to do this they need to know what the Respondent looks like and where the Respondent can be found. Without this information the court cannot serve the Respondent and the protection order will not be effective.

6. Filing the Petition

You must make three copies of the Petition. Take the original and the copies to the court and give them to the court clerk. The clerk will stamp them and give a stamped copy back to you. Keep the copy for your records.

7. The Hearing

The Court will schedule a hearing within fifteen days to decide whether or not you need a long-term protection order.

- a. At the hearing both parties appear and the judge will determine whether to continue the protection order, modify it, or dismiss it.
- b. You may bring witnesses and any other proof of abuse. You may represent yourself or seek the help of an attorney or advocate.
- c. The judge may issue an Family Abuse Protection Order effective for up to one year.
- d. If you are requesting that the abuser pay for damages he has caused, you must bring proof of such damages.
- e. If children are involved, be prepared to suggest

appropriate visitation. (i.e. when and where the Respondent can visit the children, and who should supervise the visitation). If you feel the children will be harmed or abducted by the Respondent if visitation is allowed, you should make this clear to the judge. The judge may then order supervised visitation or no visitation.

f. If the judge enters a Family Abuse Protection Order after the hearing, you will get a copy. Keep a copy of the order with you at all times.

8. Violation of a Temporary or Permanent Family Abuse Protection Order

If the Respondent violates a protection order, call the police. Tell the police that you have a protection order and what the Respondent has done to violate the protection order.

Then do the following:

- a. Fill out a "Motion for Order to Show Cause" form which may be obtained from the court.
- b. You must sign the form in front of a notary public.
- c. Bring the form to the family court and file it by giving it to the court clerk.
- d. You will be notified when the hearing on the motion will be held. At the hearing you will have the opportunity to show how the Respondent violated the order. Bring witnesses or other proof. (i.e. hospital or police reports, proof of destroyed property, pictures of any cuts, scratches or bruises.) The Respondent will have the opportunity to try to prove that he did not violate the order.

9. Canceling the Protection Order

A protection order will remain in effect until it expires or until the court "vacates" or cancels it. It can ONLY be canceled by court order. If Respondent is in contact with you while the order is still in effect, he or she may be arrested and sent to jail WHETHER OR NOT YOU CONSENTED TO THE CONTACT. To ask the

court to cancel the protection order, do the following:

- a. Fill out a "Motion to Vacate" form which may be obtained from the court.
- b. You must sign the form in front of a notary public.
- c. Bring the form to the family court and file it by giving it to the court clerk.
- d. You will be notified when the hearing on the motion will be held. At the hearing you will have the opportunity to show why the order should be canceled. You will need to prove that the Respondent has made efforts to change his or her behavior (i.e. has attended domestic abuse or substance abuse counseling). The Respondent will also have the opportunity to try to prove that he or she should no longer be restrained by the order. The judge will then decide whether or not to cancel the order.

IN THE HOPI TRIBAL COURT

HOPI JURISDICTION

KEAMS CANYON, AZ

_____, C#: _____)
_____)
_____)
PETITIONER,)
v.)
_____, C#: _____)
_____)
_____)
RESPONDENT.)
_____)

NO: _____

PETITION FOR
FAMILY ABUSE
PROTECTION ORDER
AND MOTION FOR
TEMPORARY PROTECTION
ORDER

PETITION FOR FAMILY ABUSE PROTECTION ORDER

I, _____, am an enrolled member of the Hopi Tribe residing within the territorial jurisdiction of the Hopi Tribe. I request that the Court grant a Family Abuse Protection Order based on the following:

1. The Respondent is [] my spouse, [] my ex-spouse, [] my boy/girlfriend, [] a family member, [] other (describe): _____

2. Respondent has committed acts of domestic abuse against me.

a. Approximate date most recent abuse occurred:

b. Description of most recent abuse and any destruction of property _____

c. Description of threats that caused me to fear that I was going to be hurt _____

d. Respondent has been abusing me for _____
_____ (Write in length of time).

e. In the past, Respondent has committed the following acts of physical and mental abuse against me (list approximate dates and describe): _____

f. I have suffered emotional and physical injuries as a result of Respondent's violence (Describe injuries): _____

3. Respondent and I have been involved in the following court cases (Check all that apply, list date(s), any resulting court orders, and explain):

Criminal Prosecution: _____

Divorce: _____

Other petition(s) for protection from abuse: _____

Custody: _____

Other: _____

4. Respondent and I are the parents of the following children (list names, census numbers, and dates of birth or attach copy of family card): _____

The children are currently in my Respondent's physical custody.

5. I am the parent of the following children, who are not Respondent's children: _____

6. Respondent [] has [] has not abused the above children (describe any child abuse): _____

7. I have suffered emotional and physical injuries as a result of Respondent's abuse. Unless Respondent is restrained, such abuse will continue.

MOTION FOR TEMPORARY PROTECTION ORDER

[] I also need a Temporary Protection Order to protect me until a hearing can be held on my petition. I fear that if Respondent finds out about this court case, Respondent will get angry and further injure me before the Court can issue a Family Abuse Protection Order.

[] I do not need a Temporary Protection Order.

REQUESTED RELIEF

I REQUEST THAT THE COURT DO THE FOLLOWING (Check blanks):

1. Order Respondent not to abuse, harass, or threaten me, or commit any other domestic abuse.

2. Order Respondent to immediately leave my residence.

3. Order Respondent to stay at least 100 yards from the following places (DO NOT LIST ANY ADDRESS IF REVEALING IT WOULD FURTHER ENDANGER YOU):

My residence: _____

My place of employment: _____

School attended by me or my children: _____

Other place(s): _____

4. Order Respondent not to contact me in person, in writing, or by telephone.

5. Award me temporary custody of our children and order Respondent not to have contact with them until a court hearing.

6. After a hearing, allow Respondent to visit with the children only on the following day(s) of the week:

at the following place(s) _____

and time(s) _____

under the supervision of the following person(s) _____

[] 7. Order Respondent to pay \$_____ per month/pay period (circle one) for the support of our minor children.

[] 8. Order Respondent to compensate me for the following expenses, incurred as a result of the abuse:

Lost earnings: \$_____

Property taken or damaged: \$_____

Travel expenses \$_____

Other _____: \$_____

[] 9. Order Respondent to return to me the following items of my property (example: vehicle, clothing, identification documents): _____

[] 10. Order Respondent not to sell, remove, hide, destroy or damage any property owned by me or by the two of us jointly.

[] 11. Direct a police officer to accompany me to a residence occupied by the Respondent to:

- obtain physical custody of the children;
- collect my personal belongings;
- require Respondent to leave the residence.

12. Order Respondent to attend alcohol/domestic abuse
(circle one or both) counseling.

13. Other relief, as follows: _____

Date: _____

PETITIONER, *Pro se*

APPLICATION FOR SERVICE OF PROCESS

PETITIONER

Your name: _____

Mailing address: _____

Residence location _____

Village Membership is _____

Phone: Home _____ Work _____

Any other information needed for the court to reach you: _____

RESPONDENT

Description and address of Respondent (the abuser):

Name: _____

Mailing address: _____

Village Membership is _____

Residence location (draw map below if necessary): _____

Describe the Respondent's appearance: Height _____, Weight _____, Any identifying marks _____

IN THE HOPI TRIBAL COURT

HOPI JURISDICTION

KEAMS CANYON, AZ

_____, C#: _____)
_____)
_____)
PETITIONER,)
v.)
_____, C#: _____)
_____)
_____)
RESPONDENT.)

NO: _____

TEMPORARY
PROTECTION ORDER
AND ORDER TO
SHOW CAUSE

THIS COURT has reviewed the Petition for Family Abuse Protection Order and Motion for Temporary Protection Order in this case. The Court finds that there is good cause to believe that Petitioner and/or others are in imminent danger of harm from Respondent. To prevent further harm a Temporary Protection Order should issue without notice to Respondent.

THEREFORE, THIS COURT ORDERS AS FOLLOWS:

- [] 1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse.
- [] 2. Respondent shall immediately leave Petitioner's residence.
- [] 3. Respondent shall stay at least 100 yards away from the following places:
 - [] Residence: _____
 - _____
 - [] Place of employment: _____

[] School attended by Petitioner or Petitioner's
children: _____

[] Other place(s): _____

[] 4. Respondent shall not contact the Petitioner, in
person, in writing, or by telephone.

[] 5. Until a hearing is held in this matter, Petitioner
shall have temporary custody of the following minor
children: _____

[] 6. Respondent shall return to Petitioner the following
items: _____

[] 7. Respondent shall not sell, remove, hide, destroy or
damage any property owned by Petitioner or by both
parties jointly.

[] 8. A Hopi Law Enforcement officer shall accompany
Petitioner to a residence occupied by the
Respondent to:

[] obtain physical custody of the children listed
in paragraph 5 above,

[] collect personal belongings listed in

paragraph 6 above;

[] ensure that Respondent leaves the parties'
residence located at: _____

[] 9. Other relief, as follows: _____

Judge, Hopi Tribal Court

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU VIOLATE THIS ORDER THE COURT MAY FIND YOU IN CONTEMPT OF COURT. YOU MAY ALSO BE ARRESTED AND PROSECUTED FOR ANY OTHER CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.

IT IS FURTHER ORDERED that Respondent, _____, must appear before this Court on the _____ day of _____, 19____, at ____:____.m., to show cause why this protection order should not continue in full force.

IT IS SO ORDERED this _____ day of _____, 19____, at the hour of ____:____.m.

JUDGE, Hopi Tribal Court

I hereby certify that I personally served a true copy of the foregoing on the Respondent this _____ day of _____, 19____.

NAME

IN THE HOPI TRIBAL COURT
HOPI JURISDICTION
KEAMS CANYON, AZ

_____, C#: _____)
_____)
_____)
PETITIONER,)
v.)
_____, C#: _____)
_____)
_____)
RESPONDENT.)

NO: _____

**FAMILY ABUSE
PROTECTION ORDER**

THIS COURT, having read the Petition For Family Abuse Protection Order, and having determined that Respondent received proper and timely notice of the hearing, heard this matter on the _____ day of _____, 19____. This Court finds that Petitioner has proven the allegations of domestic abuse by a preponderance of the evidence.

THEREFORE, THIS COURT ORDERS AS FOLLOWS:

- [] 1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse;
- [] 2. Respondent shall immediately leave Petitioner's residence;
- [] 3. Respondent shall stay at least 100 yards away from the following places:
 - [] Residence: _____
 - _____
 - [] Place of employment: _____

[] School attended by Petitioner or Petitioner's children: _____

[] Other place(s): _____

[] 4. Respondent shall not contact Petitioner, in person, in writing, or by telephone.

[] 5. Petitioner shall have custody of the following minor children: _____

[] 6. Respondent shall be permitted to visit with the children only on the following day(s) _____

at the following place(s) _____

and time(s) _____

under the supervision of the following person(s): _____

[] 7. Respondent shall pay to Petitioner the following amount for the support of their minor children:

\$ _____ per _____;

these payments shall be made as follows: _____

8. Respondent shall return to Petitioner the following items: _____

9. Respondent shall not sell, remove, hide, destroy or damage any property owned by Petitioner or by both parties jointly.

10. A Hopi Law Enforcement Officer shall accompany Petitioner to a residence occupied by the Respondent to:

obtain physical custody of the children listed in paragraph 5 above;

collect personal belongings listed in paragraph 8 above;

ensure that Respondent leaves the parties' residence located at: _____

11. Respondent shall pay to Petitioner the following amounts, as compensation for expenses incurred as a result of the abuse:

Lost earnings: \$ _____

Property taken or damaged: \$ _____

Travel expenses: \$ _____

Other _____: \$ _____

12. Respondent shall participate in domestic abuse

counseling at _____ for
_____ weeks/months.

[] 13. Petitioner shall participate in domestic abuse
counseling at _____ for
_____ weeks/months.

[] 14. Respondent shall participate in alcohol counseling
at _____ for
_____ weeks/months.

[] 15. Respondent shall pay to this Court the costs of
this proceeding, \$ _____, in a money order
made out to: _____

[] 16. Other relief, as follows: _____

This order shall be effective for _____ years _____ months
from the date of its entry.

IT IS SO ORDERED this _____ day of
_____, 19____, at the hour of _____ o'clock _____ .m.

JUDGE, Hopi Tribal Court

I hereby certify that I personally served a true copy of
the foregoing on the Respondent this _____ day of _____,
19____.

NAME

IN THE HOPI TRIBAL COURT

HOPI JURISDICTION

KEAMS CANYON, AZ

_____, C#: _____

PETITIONER,

v.

_____, C#: _____

RESPONDENT.

NO: _____

**MOTION FOR ORDER TO
SHOW CAUSE**

COMES NOW PETITIONER, _____, and
moves the Court for an Order requiring Respondent, _____
_____, to show cause why he/she should not be
held in contempt for violating the Protection Order entered on the
_____ day of _____, 19 ____ . As grounds for this
Motion, Petitioner states that Respondent violated the Protection
Order in the following manner (describe how Respondent violated the
order. Refer to specific paragraph numbers in the order, and then
state what Respondent did to violate that part of the order, and
the date(s) and time(s) of the violation(s)): _____

Respondent may be served at (describe where he or she may be found and attach a map if necessary): _____

WHEREFORE Petitioner, _____, asks this Court for an Order requiring Respondent, _____ to show cause why this Court should not hold him or her in contempt.

Respectfully submitted,

(Your signature)

Witness

IN THE HOPI TRIBAL COURT

HOPI JURISDICTION

KEAMS CANYON, AZ

_____, C#: _____)
 _____)
 _____)
 PETITIONER,)
 v.)
 _____, C#: _____)
 _____)
 _____)
 RESPONDENT.)

NO: _____

ORDER TO
SHOW CAUSE

TO: _____

YOU ARE ORDERED TO APPEAR before this Court on the _____ day
of _____, 19____, at the hour of ____:____.m. to show
cause why you should not be held in contempt of court for violating
the protection order entered against you on the _____ day of
_____, 19____. Petitioner has set forth the alleged
violation(s) in the Motion to Show Cause served upon you with this
Order.

DATED this _____ day of _____, 19____, at the
hour of ____:____.m.

JUDGE, Hopi Tribal Court

I hereby certify that I personally served a true copy of
the foregoing on the Respondent this _____ day of _____,
19____.

NAME _____

IN THE HOPI TRIBAL COURT

HOPI JURISDICTION

KEAMS CANYON, AZ

_____, C#: _____)

PETITIONER,)
v.)
_____, C#: _____)

RESPONDENT.)

NO: _____

MOTION TO VACATE
PROTECTION ORDER

COMES NOW PETITIONER, _____, and
moves the Court to vacate the protection order entered on the
_____ day of _____, 19____. As grounds for this
Motion, Petitioner states that the circumstances that caused her or
him to request a protection order have changed in the following
manner (describe why you no longer need the order):

[] Respondent completed domestic abuse counseling at
_____ on (list dates) _____

[] Respondent completed substance abuse counseling at
_____ on (list dates) _____

[] Other _____

THEREFORE, I no longer feel that I need protection from Respondent and request that the Court vacate the protection order entered against Respondent.

Respectfully submitted,

Petitioner

Witness

IN THE HOPI TRIBAL COURT
HOPI JURISDICTION
KEAMS CANYON, AZ

_____, C#: _____)
_____))
_____))
PETITIONER,)
v.)
_____, C#: _____)
_____))
RESPONDENT.)

NO: _____

ORDER

THIS COURT, having considered Petitioner's Motion to Vacate Protection Order entered by this Court on the ____ day of _____, 19____, and having heard the parties' arguments as to why the Court should vacate the order, hereby ORDERS that Petitioner's motion is _____ GRANTED / _____ DENIED.

JUDGE, Hopi Tribal Court

APPLICATION FOR EMERGENCY PROTECTION ORDER

1. (Name): _____ has provided the following information:

a. PERSON(S) TO BE PROTECTED _____

b. PERSON TO BE RESTRAINED _____

Sex: M F Ht: _____ Wt: _____ Hair Color: _____

Eye Color: _____ Age: _____ Scars/Marks: _____

c. The person to be restrained is related to the person to be protected as a [] spouse/ex-spouse, [] boy/girlfriend, [] family member, [] other: _____

d. The events that caused the protected person to fear immediate and present danger of domestic abuse are (Give facts and dates. Specify any threats): _____

e. [] The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the following residence: _____

f. [] The person to be protected has minor children in common with the person to be restrained and requests that s/he be granted temporary custody over those children because of the facts alleged in item 1(d). *No custody order currently exists.*

2. [] The person to be restrained will be arrested and taken into custody.

3. A phone call was made to (name of judge): _____, on (date): _____ at (time): _____

[] The above judge granted the Emergency Protection Order that follows.

BY: _____ >> _____
Print name Signature
Agency: _____ Telephone No. _____ Badge No. _____

EMERGENCY PROTECTION ORDER

1. This **EMERGENCY PROTECTION ORDER** will expire at 5:00 p.m. on (insert date of next working court day) _____.
2. A more permanent protection order must be requested through the Hopi Tribal Court.
3. Reasonable grounds appear that an immediate danger of domestic abuse exists and that this order should be issued against:
(Name): _____
 - a. [] who must not abuse, harass, threaten, or commit any other acts of domestic abuse against (Person to be protected): _____
 - b. [] who must move out immediately from (residence):

 - c. [] who must stay at least 100 yards away from the above person and place.
4. [] (Person to be protected): _____
is given temporary custody of the following minor children (names, census numbers, dates of birth): _____

I hereby certify that (Name of Judge): _____
transmitted the above Emergency Protection Order to me by
telephone/facsimile (circle one) this _____ day of _____
, 19____, at the hour of _____ : _____ .m.

BY: _____ >> _____
Print name Signature

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU VIOLATE THIS ORDER THE COURT MAY FIND YOU IN CONTEMPT OF COURT. YOU MAY ALSO BE ARRESTED AND PROSECUTED FOR ANY OTHER CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.