

Respondent's Packet



Protection Order

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Respondent's Guide Sheet for Protective Orders – Please Read Carefully

The Court provides the following information regarding the protective order that has been served upon you and your responsibilities as the Respondent.

1. You have been served with one of the following protective orders:

ORDER OF PROTECTION: Plaintiff can seek an Order of Protection when there is a family relationship between you and the Plaintiff. This can include any of the following: 1) you are married now or were married in the past, 2) Plaintiff is at least 16 years old and you live together now, 3) you lived together in the past and have had a dating relationship, 4) you have a child in common, 5) you are currently in a relationship of a romantic/sexual nature, 6) you are in either a biological parent/child relationship or a legal parent-child relationship (including stepparents/stepchildren and grandparents/grandchildren), and 7) Plaintiff also claims you threatened or committed an act of domestic violence or harassment against Plaintiff recently.

INJUNCTION AGAINST HARASSMENT: The Plaintiff has alleged that you have committed a series of acts (more than one) of harassment against the Plaintiff recently. You do not have to be in a family relationship for Plaintiff to seek this order.

INJUNCTION AGAINST WORKPLACE HARASSMENT: The Plaintiff is an employer or owner of a business and requests this injunction for the benefit of an employee or the business, alleging a single recent act of harassment or a series of recent acts of harassment (more than one).

2. Other protected persons: Plaintiff may have listed other protected persons in the petition. The Court ordinarily deals with custody requests in civil custody hearings. The Court will only address custody in a protective order hearing to the limited degree necessary. If the Court grants a protective order that gives temporary custody to the Plaintiff, the Court may change it later in a civil custody order.

3. Service and Effect: A protective order is valid for one year from the date it is served on you and is enforceable by law enforcement in any state or tribal nation in the United States. If the Plaintiff seeks an Injunction Against Harassment or Injunction Against Workplace Harassment, the Plaintiff may have incurred costs associated with serving you. If the Court grants Plaintiff's petition, the Court may also order you to pay any costs including filings fees, service costs, attorney fees, and other appropriate costs.

4. Temporary Protective Order: There may be a temporary protective order against you. If you receive such an order you must comply with the terms of the order. You may be criminally prosecuted, held in contempt, or be faced with other negative consequences if you violate the order. The temporary order expires after the protective order hearing. If the hearing is continued to another date, the Court may renew and extend the temporary protective order.

5. Protective Order Hearing: Once the petition is filed, the Court will hold a protective order hearing within 30 days. If you do not appear at the hearing, the hearing may proceed in your absence and the Court may issue a long term protective order against you. You must notify the

Respondent's Guide Sheet for Protective Orders – Please Read Carefully

Court of changes in your contact information to be notified of any changes to the hearing date/times. You may appear to the protective order hearing and examine Plaintiff's evidence, present your own evidence, present testimony, and cross-examine Plaintiff's witnesses.

6. **Firearms:** If the hearing is held and you and the Plaintiff 1) are married now or in the past, 2) live together now or lived together in the past, or 3) are parents of a child in common, then federal law may prohibit you from possessing a firearm under federal law. This may be true even if you fail to appear for the hearing. If you want to know how your ability to possess a firearm is affected by this petition, you should contact an attorney. The Court cannot give you legal advice.
7. **Surrendering Firearms:** If the Court has ordered that you shall not possess, receive, or purchase firearms or ammunition, or if you are prohibited by federal law from possessing firearms, then you must surrender your firearms and ammunition within 24 hours after you are served with the protective order. You must surrender them to the law enforcement agency named on the protective order, or if none is named then surrender them to the law enforcement agency for the county in which you reside. You must ask law enforcement to issue proof you surrendered the firearms and ammunition. The Court also requires that you provide documentation to the Court that you surrendered your firearms and ammunition to the appropriate law enforcement agency.
8. **Subpoenaing witnesses:** A subpoena is a court order requiring witnesses to appear for a hearing. You may request the Court subpoena witnesses, although you are not required to do so. If you want the Court to subpoena witnesses, you must file a request to subpoena witnesses with the Court at least 10 days prior to the protective order hearing. You must list all witnesses and their current physical and mailing addresses. If you fail to meet this deadline the Court might not subpoena your witnesses.
9. **Modifying or quashing (dismissing) a protective order:** Only a judge can modify or quash (dismiss) a protective order the Court issued. If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Plaintiff, inform the Court at once. You cannot stop, change, or undo this protective order without the Court's written approval.
10. **Contact with Plaintiff:** You could be arrested for violating the protective order, even if Plaintiff gives you permission to have contact. If you want a protective order against Plaintiff, you have the right to request one. However, the Court will not automatically grant the request. You must meet the proper legal requirements.
11. **Law Enforcement Standby:** If you need to get personal belongings from the Plaintiff, you may request civil standby from the Court. Civil standby allows you to return to a residence once with a law enforcement officer to obtain necessary personal items. Neither law enforcement nor a protective order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues. If there is a dispute you may take it to the Court.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

Child(ren) or Vulnerable Tribal Adult Name(s)

DOB(s)

=====

_____,
Plaintiff(s)/Petitioner(s),

v.

_____,
Defendant(s)/Respondent(s).

Case No. _____

STATEMENT OF ADDRESS

COMES NOW _____ and, in this matter, I am (we are) the

Full Name(s)

Plaintiff(s)/Petitioner(s) Defendant(s)/Respondent(s) _____.

Party Type

1. Court Record.

For genuine safety concerns, I request my home address and contact information be confidential from the other party(ies) and/or the public to protect my and/or my child(ren)'s or ward's health, safety, or liberty. By checking this box I understand that my address will not become part of the Court record, but will be for Court use only.

My address is not confidential. By checking this box I understand that my address will become part of the Court record and that other parties and individuals involved will have access to my address and contact information.

2. The address where I agree to accept legal papers for this matter is:

Street Address or P.O. Box

City

State

Zip Code

3. (Optional) I also agree to accept legal papers for this matter at the following email address: _____

4. My contact phone number(s) is(are) (check preferred):

_____ _____ _____

Home Phone

Cell Phone

Work Phone

Co-Party: _____ _____ _____

(if any)

Home Phone

Cell Phone

Work Phone

Case No. _____

STATEMENT OF ADDRESS

5. I understand that it is my responsibility to inform the Court of any address or contact information changes while this case is open. I understand that if my address or contact information changes, then I must submit to this Court a new *Statement of Address* form with accompanying proof of service to all parties (*if applicable*).

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and attachments are true and correct to the best of my knowledge and belief.

Signature

Date

Print Name

Signature Co-Party (if applicable)

Date

Print Name Co-Party (if applicable)

**IN THE COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

<p>_____, Petitioner,</p> <p>v.</p> <p>_____, Respondent.</p>	<p>Case No. _____</p> <p>RESPONDENT'S ANSWER TO PETITION FOR ORDER OF PROTECTION</p>
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INSTRUCTIONS TO THE RESPONDENT

If a petition for a protection order is filed against you, then you can respond to that petition by:

- (1) Filling out this form (***PLEASE PRINT CLEARLY***) and filing it with the Court Clerk; AND
- (2) Have someone age 18 or older—**NOT YOU**—serve the Petitioner and his/her lawyer a copy of this form and any attached pages; AND
- (3) Appear at the next scheduled hearing to tell the Court your side of the story. You may, but are not required to, hire an attorney to represent you at your own expense.

IF YOU WERE SERVED WITH A TEMPORARY ORDER OF PROTECTION, YOU MUST OBEY IT UNTIL THE HEARING EVEN IF YOU DISAGREE WITH IT.

I, _____, am the Respondent in the above-named matter. My address is: _____
Street Address, City, State ZIP Code

and my phone number(s) is/are: _____ / _____
Daytime Phone / Evening Phone

I understand a Petition for a Protective Order was filed against me under Chapter 7.16 of the Puyallup Tribal Codes (Domestic Violence Prevention and Anti-Harassment Civil Code) by _____ (the "Petitioner").

I request copies of Chapter 7.16 and Chapter 4.08 (Civil Procedures Code).

My response to the Petition filed against me is:

1. ORDER OF PROTECTION – GENERAL RESPONSE (check all that apply)

I agree to the Order of Protection requested.

I do NOT agree to the Order of Protection requested.

I agree to the following orders: (check all that apply)

I will not or attempt to contact the Petitioner directly through any means.

I will not contact or attempt to contact the Petitioner indirectly through any means, including but not limited to, asking persons, services or using other resources to contact the Petitioner on my behalf.

I will maintain a distance of at least 100 feet from the Petitioner at all times.

If the Petitioner and I are at the same public or private event or function that does not accommodate a distance of at least 100 feet from the Petitioner, then I agree to leave the event or function and not initiate direct or indirect contact with the Petitioner.

I will not interfere with Petitioner's custody, visitation, cultural, familial or social interactions with any minor children to which she is related by blood or marriage.

Other: _____

2. DENIAL (check all that apply)

I deny the statements in the Petition.

I want the Court to know:

Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper. Extra sheets are available from the Court Clerk.

3. JUSTIFICATION OR EXCUSE

If I did some or all of the things the Petitioner accused me of doing, my actions were justified or excused because of the following: (check all that apply)

I did not have notice that my contact with Petitioner was unwanted.

The Petitioner initiated the contact with me directly and asked for further contact from me.

I was acting pursuant to legal authority, including but not limited to acts that were reasonably necessary to:

- Protect my legitimate property or liberty interests;
- Enforce the law; or
- Meet specific statutory duties or requirements.

Other: _____

Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper. Extra sheets are available from the Court Clerk.

4. FALSE CLAIMS

The actions described in the Petitioner's request for a protection order are false because: _____

Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper. Extra sheets are available from the Court Clerk.

5. RESPONDENT'S REQUEST

I request the Court to do the following:

Dismiss the Petition

Grant the Petition

Other: _____

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE PUYALLUP TRIBE OF INDIANS THAT THE INFORMATION ABOVE AND ON ALL ATTACHMENTS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date

Respondent's Signature

Respondent's Printed Name

RESPONDENT'S ANSWER TO PETITION FOR ORDER OF PROTECTION

Case No. _____

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

DOB(s): _____

Case No. _____

PROOF OF SERVICE

Plaintiff(s)/Petitioner(s),

v.

Defendant(s)/Respondent(s).

1. I, _____, certify that I am 18 years of age or older.
Name
2. I am not a party to this case a party to this case. (*Summons, notice of hearing, and petitions must be served by someone who is not a party to the case.*)
3. I served Plaintiff(s)/Petitioner(s), Defendant(s)/Respondent(s), Other: _____
a true copy of the following document(s): Petition Notice of Hearing Summons
 Motion Other: _____.
4. I served said document(s) by:
 personally delivering to _____ on _____
Name *Date*
at _____, at _____
Street Address, City, State, Zip Code *Time*
 mailing to _____,
Street Address or P.O. Box, City, State, Zip Code
via first class mail certified mail, return receipt requested other: _____.
 emailing to _____
Email Address

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and attachments are true and correct to the best of my knowledge and belief.

Date: _____

Signature: _____

Printed Name: _____

Address: _____

Phone: _____

Case No. _____

PROOF OF SERVICE

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