

INSTRUCTIONS TO APPLY FOR AN ORDER 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?

- A. Petition for an Order for Protection can be filed by:
 - a. any adult seeking protection from a family or household member
 - b. a family or household member, guardian, or an adult age 25 or older on behalf of a child who needs protection.
 - c. a person age 16 or 17 seeking protection from a person they:
 - * are married to,
 - * were married to, or
 - * have a child with.

DEFINITIONS:

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 physical harm, bodily injury, assault (such as verbal threats, threatening gestures); or
 - b. Terroristic threats (such as threat to commit a crime of violence, bomb threats, or threatening someone when holding a gun); or
 - c. Criminal sexual conduct (such as forced sex or forced 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 lived together
 - g. Persons who have an unborn child together
 - h. Persons involved in a significant romantic or sexual relationship

*****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 proceed under the harassment laws. Please ask at the Court Administrator’s office for harassment forms.**

*****If your complaint DOES involve “domestic abuse” AND “family or household members,” you must complete the Petitioner’s Affidavit and Petition for Order for Protection completely and in detail, according to the attached instructions.**

NON-REMOVABLE MILLE LACS BAND OF CHIPPEWA INDIANS
District of _____

IN THE COURT OF CENTRAL JURISDICTION

IN THE MATTER OF:

_____, Petitioner

Address: _____

Case # _____ OFP _____

Birthdate: _____

Names of children to be included
In Order for Protection:

V.

**PETITIONER'S AFFIDAVIT
AND PETITION FOR AN
ORDER FOR PROTECTION
FROM DOMESTIC ABUSE**

_____, Respondent

Address: _____

Birthdate: _____

I understand that I am under oath and that I must tell the truth and I state that:

I. JURISDICTION

1. I am the *Petitioner* in this action. I am a family or household member petitioning the Court on behalf of myself and/or on behalf of a minor family or household member pursuant to 8 MLBSA 403 (a) because I am/we are the victim of harassment.

2. This Court has subject matter jurisdiction to grant relief pursuant to 8 MLBSA 402.

Domestic Abuse is defined as “physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members. 8 MLBSA 401 (a).

Family or household members is defined as “the spouse, parents, and children, persons related by consanguinity, and persons jointly residing in the same dwelling unit.” 8 MLBSA 401 (b).

II. AFFIDAVIT OF FACTS

3. I am a Mille Lacs Band of Ojibwe Band member yes no

My children, if petitioning on their behalf, are Mille Lacs Band
Of Ojibwe Band members yes no

Defendant is a Mille Lacs Band of Ojibwe Band member
yes no

4. My relationship with the Respondent is as follows:

Spouse or romantic partner
(Date of marriage: _____)

Former spouse or romantic partner
(Date of divorce or separation: _____)

Related by blood

Have a child (or unborn child) in common

Presently reside together or have resided together in the past
(Dates: from _____ to _____)

5. I do/do not have a marriage dissolution and/or child custody action pending. If yes, which court (county, state, or tribe):

Date filed: _____

6. I live in the same dwelling unit as Respondent at the following address:

Is this residence located on the Mille Lacs Band of Ojibwe Reservation lands?
Yes _____ No _____

12. I feel there is an immediate and present danger of further acts of domestic abuse by the Respondent and ask the Court to waive the 5 day notice requirement of a hearing.

_____ Yes _____ No

III. RELIEF SOUGHT

Based on the foregoing Affidavit, I request that an Ex Parte Temporary Order for Protection, pursuant to 8 MLBSA 406, be issued granting the following relief:

13. Restrain and enjoin the Respondent from committing acts of domestic abuse on me and/or minor children of the household.

14. Exclude the Respondent from the Petitioner's dwelling or residence at the following location:

15. _____restrain Respondent from contacting Petitioner at work or any other location, including phone calls.

16. _____direct the Law Enforcement Agency of the Mille Lacs Band to accompany the Petitioner and assist in placing the Petitioner in possession of the dwelling or residency, or otherwise assist in execution or service of the order for protection, pursuant to 8 MLBSA 408.

17. _____grant me temporary care, custody and control, subject to **any reasonable visitation and/or supervised visitation** the Court may grant, with regard to minor children of the parties.

18. _____establish temporary support for minor children and spouse.

19. _____ direct the _____,
(appropriate agency) to provide appropriate counseling or other social services to the
abused parties.

20. _____ direct the respondent to participate in treatment or counseling services.

21. _____ return my personal property. Please list:

21. _____ provide other relief such as

The above statement of claim is true and correct to the best of my knowledge.

Signature of Petitioner

Subscribed in my presence and sworn/affirmed before me this _____ day of
_____, 20____.

Seal of Court

Signature of Clerk of Court