



PETITIONER'S PROTECTIVE ORDER PACKET

Use this packet if you are a Petitioner filing a petition for a protective order or additional documents to your case.

IMPORTANT: These instructions apply to Pro Se Parties (Parties without a lawyer) and do not apply to any other courts or any cases other than protective orders.

Can I file for a protective order?

The following people are authorized to file a petition for a protective order: any person who is claiming to be the victim of domestic violence, family violence, dating violence, sexual assault, harassment, or stalking; a family or household member filing for a minor or vulnerable adult who is alleging to be a victim; the Tribal prosecutor, or any person acting in an official capacity in the protection of domestic violence, dating violence, family violence, or stalking survivors.

Can someone help me complete these forms?

If you do not have an attorney, please contact the Tulalip Office of Civil Legal Aid, Pro Se Navigator: Office: 6332 31st Ave NE, Suite B Tulalip, WA 98271
Phone: (360) 716- 4514
Email: tward@tulaliptribes-nsn.gov

The pro se navigator may be able to assist you in reviewing and completing the forms, but cannot provide legal advice.

Depending on your case, you may also be eligible for legal representation by the Tulalip Office of Civil Legal so an attorney can help you complete the forms, but you will need to sign the petition and supporting documents yourself. You may also hire a private attorney at your own expense and effort. A list of attorneys licensed to practice law is available on the Tribal Court's website and from the Court Clerk's office.

Please note that Court Clerks are not allowed to give you legal advice and can only provide the forms.

FORMS:

This packet includes the following forms:

- **Definition of terms**
 - Nothing needs to be filled out on this form. This is to explain the terms used in the protective order forms.
- **Protective order petition**
 - Fill out this form to request a protective order from the court.
- **Declaration for protective order**



- Declarations are the way that the court can consider written testimony from anyone who has personal knowledge of the harm that you have experienced.
 - **Motion to modify or terminate protective order**
 - Fill out this form to request a change to the protective order currently in place or to request that the protective order be terminated.
 - **Motion for renewal of protective order**
 - Fill out this form if the current protective order needs to be renewed.
 - **Law enforcement and confidential information form**
 - This form does not go into the public case file. It is used by law enforcement to identify and find the respondent to serve them documents and enforce the protective order.
 - **Attachment A - Vulnerable Adult**
 - This form should be filled out if you are asking for a protective order for an Elder or Vulnerable Adult
 - **Attachment B – Firearms**
 - This form should be filled out if you have reason to believe that the restrained person has firearms.
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HOW TO FILE

All petitions, pleadings, and motions must be filed IN PERSON with the Court Clerk at the Tulalip Tribal Courthouse at 6332 31st Ave. NE Suite B, Tulalip, WA 98217 by 4pm.

For protective orders for domestic, dating, or family violence or stalking, there is no filing fee for the petition. For harassment protective orders there is a \$100 filing fee unless the judge grants a motion to waive filing fees. A motion to waive filing fees is available for your use.

SERVICE OF DOCUMENTS

Tribal law enforcement will serve the other party with the protective order and notice of hearings if you provide an address where the other party can be found. If you do not know the restrained party's address, then you must inform the Court and make good faith efforts to find out the address. This will result in delays in your case.

PROCESS OF GETTING PROTECTIVE ORDER

After you file your petition with the Court Clerk there are two steps:

1. Temporary order – a judge will consider your petition and, if you meet the requirements for a temporary protective order, the judge will schedule a hearing and issue a temporary protective order (if requested), which will remain in place until the full hearing is completed and a determination for a final protective order is issued.



2. Hearing – During the full hearing a judge may hear testimony from both parties and will look at other evidence to determine whether a final protective order should be issued. The protective order is effective for at least one year but may be longer depending on the circumstances of the case.

HEARING

You must appear at the scheduled hearing, otherwise the judge will dismiss your petition and temporary order. If the restrained person does not appear, the hearing may be continued if they were not properly served. It is very important that both parties attend the hearing.

HOW TO FILL OUT FORMS:

Please either type or print clearly on forms in blue or black ink to make sure that court officials and law enforcement can read your petition. These forms were designed to meet the requirements of Tulalip law as of the date they were issued. You are responsible for reviewing the law and any changes that may have been enacted after the version of these forms was adopted.

- **Petition for Protective Order**

IMPORTANT: A copy of the petition is sent to the restrained person (the person you are hoping to be protected against). You must fill the petition out to the best of your ability, but if you wish to keep your address confidential, you are able to so.

- **Page 1:**

- Fill out the identifying information at the top of the page. You may request an Emergency Temporary Order by checking the box in this section. An Emergency Temporary Order is a protective order that can be put in place until a decision is reached on whether a final order will be granted. In this section you may also request an interpreter if needed.
- “What Kind of Protective Order Do You Want”: There are several different types of protective orders based on the type of harm that is occurring or the relationship between the parties. Check the boxes in this section that best describes your situation.

- **Page 2:**

- Continued list of the different types of protective orders. Please look at the Definitions of Terms document for a description of what all the types of protective orders relate to. For example: the list of terms provides what the definition of “stalking” is.



- If you are seeking a Vulnerable Adult Protective Order you must complete Attachment A.
- **Page 3:**
 - 1 -“Who is the Filing Party”’: Check the box that best describes your position.
 - 2 -“Who Should the Order Protect”’: Fill out the information of the person you are filing for, which could be yourself, your children, or another individual. Check the box that best describes who the petition is being filed to protect. If the person you are filing for is a vulnerable adult, you must complete Attachment A.
- **Page 4:**
 - 3 -“Who Should the Order Restrain”’: Fill out the name and age of the person you are seeking to be protected from.
 - 4 -“My Service Address”’: Please put the address where you would like to receive legal documents relating to this case. You may give the address of your residence, but if you would like that information to be kept confidential, you may use a different mailing address where you can regularly receive mail. You also have the option of receiving legal documents by email.
 - 5 -“Restrained Person’s Address”’: Write down the current or last known address of the restrained person so that they can be served with notice of the order. If you do not know their address, you must file a request to have the restrained person notified about the order and hearing by publication.
 - 6 -“Interpreter Required”’: If you or the restrained person need an interpreter, check the box and provide the preferred language of the person who needs the interpreter.
 - 7 -“How do the Parties Know Each Other”’: Check all the boxes that apply to the relationship between you and the restrained person. You can check more than one box in this section. For example, you could check both that you are parents of a child-in-common and that you are former domestic partners.
- **Page 5:**
 - Continue filling out information about your relationship with the restrained person. If the restrained person is not a family member or dating partner, fill out the section marked “other” with details of your relationship.
 - 8 - “Why Are You Filing in Tulalip Tribal Court?”: This section is asking whether anyone involved in the petition - you, the restrained person, or any minors in the petition - are Tulalip Tribal members or members of any other federally recognized tribe. Fill out the box and details of tribal membership that best describe you, the



- restrained party, or any minors. Make sure to also check the box indicating if the protected person (you or the person you are filing for) currently or used to live on the Tulalip Reservation.
- 9 - “Where Did the Abuse/Harassment Occur?”: Check the box that best describes where the incident(s) occurred.
 - 10 - “Restrained Person’s Residence”’: Check the box that best describes where the restrained person currently lives.
- **Page 6:**
- 11 - “Other Court Cases”’: Fill out the chart with the details of any other court cases that anyone in this petition has been involved in (can be the protected person, yourself if you are filing for another person, the restrained person, any minors or children listed in the petition, or any other household member or adult listed in the petition). If you would like any of the records from other court cases to be considered in this petition you must file copies with the petition.
 - 12 - “Immediate Protection”’: If you need a protective order in place before the scheduled hearing, you may request a temporary protective order that will be in place for either 14 days or until the hearing. As part of that temporary order, you may request an immediate weapon surrender which means that the restrained person must give up any weapons in their possession to law enforcement.
- **Page 7:**
- “Explain Why”’: If you are seeking a temporary protective order and/or requesting an immediate weapons surrender, you must explain in the space provided why such an order is necessary.
 - “What Kind of Protections Do You Need?”’: In this section, check every box that describes the kind of protection you are looking for. If there is any exception to the protective order, there are spaces for you to indicate those exceptions.
- **Page 8:**
- Continued list of what protections are requested. Please mark all that apply.
- **Page 9:**
- Continued list of what protections are requested. Please mark all that apply.
 - “Firearms and Other Dangerous Weapons”’: Check the boxes indicating whether the restrained party owns or is in possession of firearms. If so, you must fill out Attachment B: Firearms. Please also indicate whether the restrained person has ever used firearms or weapons to threaten you.



- “Minors”: Fill out if there are minors involved in the protective order. Indicate custody and any exceptions to the protective order for things like visitation if necessary. If there are no minors involved, you may skip this section.
- **Page 10:**
 - Continuation of section involving minors. If there are no minors involved in the petition, you may skip this section.
 - “Pets”: Fill out if there are any pets involved. Indicate who should have custody of any pets.
- **Page 11:**
 - Continuation of custody of pets.
 - “Vulnerable Adult”: Check any box that applies to the protection of the vulnerable adult you are filing for. You may check more than one box.
 - “Other Restraints”: If there are any other protections not covered in the previous sections that you would like the court to order, please describe them in the space provided.
 - “Law Enforcement Help”: Fill out this section if you would like to request the assistance of law enforcement in collecting any property that may cause you to be in contact with the restrained person. Check all boxes that apply. You may check more than one box.
- **Page 12:**
 - “Length of Order”: Check the box that best applies to how long you would like the protective order to last. If you do not request additional time, a permanent protective order will last for at least one year. If you are requesting protection that involves a parent not being in contact with their child, the order may only last one year, but can be renewed after a hearing.
 - “Most Recent Incident”: When filling out this section please remember that this petition will be shared with the restrained party. Please also fill out as much detail as you can recall. Follow the suggestions in the box labeled “Why do you need a protective order” on the petition to best answer the question. If you want to attach further documentation, you may do so. You must provide any copies of reports or case records that you want to be included in the petition.
- **Page 13:**
 - “Past Incidents”: When filling out this section please remember that this petition will be shared with the restrained party. Please also fill out as much detail as you can



recall. Follow the suggestions in the box on page 12 labeled “Why do you need a protective order” on the petition to best answer the question. If you want to attach further documentation, you may do so. You must provide any copies of reports or case records that you want to be included in the petition.

- “Medical Treatment”: When filling out this section please remember that this petition will be shared with the restrained party. Please also fill out as much detail as you can recall. Follow the suggestions in the box labeled “Why do you need a protective order” on the petition to best answer the question. If you want to attach further documentation, you may do so. You must provide any copies of reports or case records that you want to be included in the petition.

○ **Page 14:**

- “Suicidal/Self-Harm Behavior”: In this section, describe any threats of self-harm or any suicide attempts that the restrained person has displayed. You may attach additional pages if necessary.
- “Restrained Person’s Substance Abuse”: Check the boxes that best describe whether the restrained person is currently abusing drugs or alcohol. If so, check the boxes that correspond to the type of substance abuse that is occurring. You may check more than one box.
- “Violence or Threats of Violence Involving Children”: If you have not already described situations of violence or threats against children in the previous sections, please describe those instances in this section. You may attach additional pages if needed. When filling out this section please remember that this petition will be shared with the restrained party.

○ **Page 15:**

- “Supporting Evidence”: If there is any additional evidence or documentation of the information in your petition that you want the judge to see, please attach it and check the boxes in this section that indicate what documentation you are providing. Remember, this petition will be shared with the restrained person so if there is any sensitive information, such as your home address, you may redact that information by blacking it out. If you are redacting any account numbers, please leave the last 4 digits of the account uncovered. You may include evidence of voicemails, but you must provide a written transcript of the voicemail. You may also attach declarations from any witnesses. The declaration form is included in this instructions packet. In the space provided, please indicate the number of pages in total that you have attached to this section.

- **Signature: Please sign and date the petition.**



- Declaration
 - You, or anyone who would like to provide a statement regarding the allegations in the petition, can fill out and submit a declaration with the petition.
 - Attachment B: Firearms
 - Fill out this form only if you know or think that the restrained person has access to firearms or other weapons. If they do not, you can skip this attachment. Please fill out the information to the best of your ability.
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- **Law Enforcement and Confidential Information Form**
 - **Page 1:**
 - Fill out as much as you can with information about the restrained person and where they can be served.
 - **Page 2:**
 - “Disability, Hazard, and Weapons Info”: This section asks for information that would be important for law enforcement to know when they are serving the restrained person with the protective order. Please fill out all information known about the restrained person’s access to weapons (even if you only think they may have access to a weapon), where they keep their weapons, or any impairment that might impact their interactions with law enforcement.
 - “Protected Person’s Info”: Fill this section out with information about the person being protected. If the restrained party already knows your contact information, fill in the section marked “not confidential.” If the restrained party does not know your information and you do not want them to, fill out the section marked “is confidential” with the contact information of somewhere that you can be safely and regularly contacted.
 - **Page 3:**
 - “Minor’s Info”: Fill out if you have children under the age of 18.
 - “Protected Household Members or Adult Children”: Fill out if any of the members of your household or adult children will also be protected by the order.
 - “Signature”: If you have attached any pages to the document, fill out the section requesting the number of pages you have attached. **Sign and date the form.**
 - **Page 4:**
 - Attachment A: Restrained Person is a Minor: Fill out if the restrained person is under the age of 18. If not, leave it blank or remove the attachment.



- **Motion for Renewal of Protective Order**

- **Page 1:**

- Fill out “I want to renew the protective order because” by checking the box that most fits your situation and then give a detailed explanation of why you want to renew the order. The judge relies on your written statements to understand what has happened in your case and needs details to understand why they should make changes to the order that is in place. For example: rather than saying “I was threatened” say “On Monday, Oct 18th ____ told me that he was going to hurt me.”

- **Page 2:**

- Fill out “I want the protective order renewed but modified” only if you want to renew the original protective order but also make changes to it. If you would like to request modifications to the renewed order, please detail them in the space provided.
- Indicate the length of time you want the order renewed for. You can request that it is renewed permanently by checking the box provided.
- Remember that a renewal of a protective order can only be granted after a hearing in front of a judge.

- **Page 3:** Sign and date the petition.

- **Page 4:** Declaration of service: Fill out when you have mailed the restrained party the information.

- **Motion to Modify/Terminate Protective Order**

- **Page 1:** Fill out requested information with specific details regarding why you want to modify or terminate the protective order. The judge relies on your written statements to understand what has happened in your case and needs details to understand why they should make changes to the order that is in place. For example: rather than saying “I was threatened” say “On Monday, Oct 18th ____ told me that he was going to hurt me.”

- **Page 2:** Include any supporting documentation if needed.

- **Page 3:** Sign and date the petition.

- **Page 4:** Declaration of service: Fill out when you have mailed the restrained party the information.

END OF INSTRUCTIONS



Definitions

A full list of definitions can be found at TTC 4.25.100.

“Dating violence” means:

All conduct that meets the definition of domestic violence, sexual assault, stalking, or harassment while engaged in a dating relationship.

“Dating relationship” means:

A social relationship of a romantic nature. In determining whether parties have a “dating relationship,” the following factors are considered:

- (a) The length of time the relationship has existed;
- (b) The nature of the relationship; and
- (c) The frequency of the interaction between the parties. (TTC 4.25.100(9))

"Domestic violence" means:

- (a) Physical harm, bodily injury, assault, including sexual assault, stalking, OR inflicting fear of imminent physical harm, bodily injury, or assault between family, household members, or intimate partners.
- (b) Domestic violence can take many forms such as but not limited to use of intimidation, manipulation, isolation, coercion, fear and/or violence, as well as other tactics of power and control to establish and maintain a relationship of dominance over an intimate partner.
- (c) The following are examples of what forms domestic violence may take, but are not an exhaustive list:
 - Attempting to commit or committing any criminal offense against an intimate partner (TTC Title 3);
 - Physically harming, attempting to physically harm, or placing in reasonable fear or physical harm, including harassment, stalking, destruction of property, or physical harm or threat of harm to household pets;
 - Emotional or mental abuse of the intimate partner, including physical or mental intimidation, controlling activities, or using demeaning language;
 - Economic abuse of an intimate partner;
 - Causing an intimate partner to engage involuntarily in sexual activity; or
 - Preventing the victim from accessing services. (TTC 4.25.100(11))

“Family violence” means:

- (a) Same or similar acts committed in domestic violence, but directed towards a family or household member instead of an intimate partner. (TTC 4.25.100(19))

“Sexual assault” means:

Nonconsensual sexual conduct or nonconsensual sexual penetration, including a single incident of nonconsensual sexual conduct or nonconsensual sexual penetration.

"Sexual conduct" means any of the following:



- (a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;
- (b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;
- (c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;
- (d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;
- (e) Any intentional or knowing touching of the clothed or unclothed body of a child, if done for the purpose of sexual gratification or arousal of the respondent or others; or any coerced or forced touching or fondling by a child, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

"Sexual penetration" means:

Any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

"Stalking" means any of the following:

- (a) Intentionally and repeatedly (two or more times) harassing or repeatedly following another person; and
- (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The fear must be one that a reasonable person would experience under the same circumstances; and
- (c) The stalker either intended to frighten, intimidate, or harass the person, or knows or should reasonably know that the person is afraid, intimidated, or harassed, even if the stalker did not intend to place the person in fear or intimidate or harass the person. TTC 4.25.390
- (d) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. TTC 4.25.390(5)(a).

"Harassment" means:

- (a) Engaging in a knowing and willful course of conduct that seriously alarms, annoys, or is detrimental to such person, and that serves no legitimate or lawful purpose. The conduct would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the victim or fear the well-being of a child. TTC 4.25.390.