Gila River Indian Community Court

PETITION FOR RESTRAINING ORDER

You may use this form for the following reasons:

1. A Restraining Order is used to temporarily restrain disposing of property, beatings, harassment, or any other activity which causes a great hardship on you. A restraining order is different from an Order of Protection in that there is no family or prior relationship between you (Petitioner) and the Respondent (the person you want protection from) in a Restraining Order.

2. The following person(s) may file for a Restraining Order:

   - Any person claiming to be the victim of an act committed by the Respondent,
   - A parent or guardian with legal custody of a minor who is the alleged victim, or
   - A third party if the alleged victim is either temporarily or permanently unable to request an order.

3. If you **DO** have a relationship with the Respondent, you may file a Petition for an Order of Protection if you need protection from the Respondent.

The following definitions may be used in this form:

1. **Petitioner** means the person filing this petition.

2. **Respondent** means the other person in this petition that you want protection from.

Instructions for this petition:

1. Complete the Petition for Restraining Order (petition). Answer all questions. Type or use black or blue ink.

2. Provide the Respondent's **FULL, LEGAL NAME** on the petition.

3. List only one (1) Respondent per petition. A separate petition must be filed for each Respondent.

4. Under Section 3, I REQUEST A RESTRAINING ORDER, please be specific as possible when you describe why you need a Restraining Order. The Court must find that you need protection from the Respondent.

5. Under Section 4, OTHER PERSONS, **DO NOT** list child(ren) who are wards in the GRIC Children's Court or any court, or if someone else is appointed guardian of the child(ren). The civil court does not have the authority over children who are wards or have open GRIC Children's Court cases.

6. Sign the petition before a notary public before you submit it to the Court **OR** sign before a Court Clerk.

7. A judge will review your petition once you submit the petition to the Court. The Court may issue a temporary Restraining Order if the Court finds you need protection from the Respondent. You will receive a copy of the temporary Restraining Order. The temporary Restraining Order is effective until the Restraining Order Hearing.

8. Under the law, the Court will schedule a Restraining Order Hearing within ten (10) days of the temporary Restraining Order being issued. The Court will schedule a hearing before a judge to review your petition and hear from you and the Respondent. You must attend this hearing, or the Court will dismiss your petition and cancel the Restraining Order. The Court will notify you and the Respondent of the hearing date and time.

9. The Respondent will be served a copy of the Restraining Order and the petition. Confidential information such as your address or contact information will not be given to the Respondent.

10. You and the Respondent may be represented by an attorney or advocate at your own expense. The attorney or advocate must be licensed with the Gila River Indian Community Court. The Court has a list of attorneys or advocates licensed to practice. Do not wait until the hearing to obtain an attorney or advocate.

11. Only a judge can modify (change) or quash (dismiss) the Restraining Order. **Nothing you do can stop, change, or undo the Restraining Order without the Court's written approval.**

12. If you or the Respondent need to get personal belongings from each other, you may request a standby from Gila River Law Enforcement (police department). Standby allows you or the Respondent to return one (1) time with a law enforcement officer to obtain necessary personal belongings from the residence. Neither law enforcement nor the Restraining Order can resolve conflicts over property, title, furniture, finances, real estate, or other ownership issues.

13. The Respondent may file a Petition for Restraining Order against you. The Respondent must meet all the requirements under the law to obtain a Restraining Order.

14. **VICTIM ADVOCATE:** If you need further assistance, please contact the Gila River Indian Community's Victim Advocate Office at (520) 562-4106.

15. Contact the Court if you have any questions by email, court.questions@gric.nsn.us. Court staff cannot give legal advice but can answer questions about filing requirements or procedure.

Sacaton Court
Phone: 520-562-9860
Fax: 520-562-9867

Westend Court
Phone: 520-562-9862
Fax: 520-562-9869

Please keep these instructions. Do not attach to the petition.

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This box for Court use ONLY

IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
STATE OF ARIZONA

Sacaton Court: 721 W. Seed Farm Road, P.O. Box 368, Sacaton, Arizona 85147
520-562-9860 (P), 520-562-9867 (F)

Westend Judicial Center: 4751 W. Pecos Road, Laveen, Arizona 85339
520-562-9862 (P), 520-562-9869 (F)

E-mail: courtpublicmailbox@gric.nsn.us

_____ **CASE NO.**_____
Petitioner's Full, Legal Name (Person filing petition)

vs. **PETITION FOR RESTRAINING ORDER**

_____
Respondent's Full, Legal Name (Person you want protection from)

1. JURISDICTION: The Gila River Indian Community Court has jurisdiction to hear this matter under Gila River Indian Community Code (GRICC) Section 4.301 and Section 4.323.

Information about me, the Petitioner (check all that apply):

☐ I am a member of the Gila River Indian Community.

☐ I am a member of another Indian tribe:_____
Tribe's Name

☐ I am NOT an Indian.

☐ I live ON the Gila River Indian Reservation.

☐ I live OFF the Gila River Indian Reservation.

Information about the other party, the Respondent (check all that apply):

☐ The Respondent is a member of the Gila River Indian Community.

☐ The Respondent is a member of another Indian tribe:_____
Tribe's Name

☐ The Respondent is NOT an Indian.

☐ The Respondent lives ON the Gila River Indian Reservation.

☐ The Respondent lives OFF the Gila River Indian Reservation.

2. WHAT DID THE RESPONDENT DO (check all that apply):

☐ Assault: The Respondent physically assaulted the Petitioner.

☐ Stalking: The Respondent physically followed, pursued or harassed the Petitioner.

☐ Unwanted Visits: The Respondent made unwanted visits to the Petitioner.

☐ Phone Calls: The Respondent repeatedly made harassing phone calls or sent harassing messages, texts or images to the Petitioner by phone or electronically (email, social media, etc.).

☐ Threats: The Respondent repeatedly made threats to the Petitioner.

☐ Damaged or Stolen Property: The Respondent damaged or stole the Petitioner's property.

☐ Other:_____

3. I REQUEST A RESTRAINING ORDER: Describe the reason you need a Restraining Order including what happened – date, time, location, who was involved, what was said, what was done, etc. Attach additional pages if necessary. Do not write on the back.

4. OTHER PERSONS: The following persons should also be on the Restraining Order. Only include persons UNDER 18 years of age unless you have guardianship/power of attorney over the person. As stated in Number 3 above, the Respondent is a danger to these persons. Do not include yourself.

Full, Legal Name	Date of Birth	Relationship to You
1.		
2.		
3.		
4.		
5.		

5. The Respondent should be ordered to stay away from these locations at all times even when I am not present:

☐ Home ☐ Work:_____

☐ School:_____

☐ Other locations:_____

6. RESPONDENT'S INFORMATION: Date of Birth:_____

Social Security No.:_____ Driver's License No. and State:_____

Alias:_____

Sex:_____ Race:_____ Height:____ Weight:____ Hair:_____ Eyes:_____

Distinguishing Features:_____

7. CERTIFICATION: I am the Petitioner in the above matter, I have read the foregoing Petition and know the contents to be true to the best of my knowledge. I understand that I may be found in contempt of court for making false or misleading statements.

_____ _____

Printed Name of Person Signing this Form | Signature of Person Signing this Form | Date

Subscribed and sworn to or affirmed before this _____(date) by _____

_____

Clerk of the Court/Notary Public

IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
STATE OF ARIZONA

Petitioner's Confidential Information Sheet

DO NOT COPY, SCAN OR DISTRIBUTE THIS PAGE

The information you provide on this form will **NOT** be released to the Respondent.

Your information:

Name:_____

Mailing Address:_____

Physical Address:_____

Home/Cell Phone:_____

Email Address:_____

Will a Victim Advocate be assisting you? ☐ YES ☐ NO

If YES, does a Victim Advocate have permission to receive information about your case?
☐ YES ☐ NO

If you would like a Victim Advocate to receive information about your case including a copy of the Restraining Order when it is finished, please sign and date in the space below.

_____ _____
Signature Date

Will an Attorney/Advocate be assisting you? ☐ YES ☐ NO

If you would like an Attorney/Court Advocate to receive information about your case, your Attorney/Court Advocate must submit a Notice of Appearance to the Court to receive this information.

IN THE COURT OF THE GILA RIVER INDIAN COMMUNITY
STATE OF ARIZONA

Respondent's Process Service Information

This information will be used to serve your Court documents to the Respondent. Be as accurate and complete as possible. Your documents cannot be served if the Court cannot locate the Respondent.

Respondent's Information:

Respondent's Full Name:_____

Mailing Address:_____

Physical Address:_____

Home/Cell Phone:_____ Work Phone:_____

Email Address:_____

If Respondent lives on the reservation, which District:_____

Employer Name:_____

Employer Address:_____

Relatives or friends that Respondent may be staying with or would know the Respondent's location:

Name	Address/Location	Relationship
1.		
2.		
3.		

If you cannot provide a physical address for the Respondent, please draw a map in the box below.