

1 PYRAMID LAKE TRIBAL COURT
2 P.O. BOX 257 / 221 HWY 447
3 NIXON, NV 8424
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5
6 **APPLICATION FOR ORDER FOR**
7 **PROTECTION AGAINST**
8 **DOMESTIC VIOLENCE**
9

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11 PACKET INCLUDES PETITION INSTRUCTIONS, INFORMATION, AND FILING PROCESS

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13 **ATTENTION: THIS PACKET IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY OR ADVOCATE.**

14 **COUNSEL IS ALWAYS RECOMMENDED FOR LEGAL MATTERS.**

15 The laws governing the Pyramid Lake Paiute Reservation allow any person to represent him/herself
16 in any legal action heard in the Pyramid Lake Tribal Court. However, filing
17 Petitions/Application/Complaints with the Court and representing yourself in the Courtroom can
18 involve complex legal matters. This packet only addresses a few legal issues involved in bringing
19 your matter before Court.

20
21 When appearing pro se, Latin for “on one’s own behalf”, **you are responsible for understanding the**
22 **law that governs your case and for filing the correct legal documents.** The laws and rules are set out
23 in the Pyramid Lake Law & Order Code, the Federal Rules of Civil Procedure, and the Pyramid Lake
24 Tribal Court Operational Procedures.

25 When you return to the Court and sign these documents for filing, the Court assumes that all
26 documents are read carefully and all potential outcomes of litigation in this matter are understood.
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1 ****BEFORE FILING IN ANY PORTION OF THE PETITION, READ ALL MATERIALS AND, IF**
2 **NEEDED, REQUEST CLARIFICATION FROM THE COURT STAFF.****
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4 1. Fill out the Application completely. Use blue or black ink only to fill out the form and print
5 the information neatly. DO NOT USE WITE-OUT or any other fluid/tape on the forms. The
6 Notice will not be accepted by the Court personnel if correction fluid/tape is used.

7 ** The following section of the Pyramid Lake Law & Order Code (herein after
8 “P.L.L.O.C.”) 3.09.700 Refers to Orders for Protection Against Domestic Violence.

9 2. On Page 6, the Petition begins. Please fill this out completely as we will use this
10 information on the Order for Protection if granted.

11 3. On Page 7:

12 #6: Mark what the relationship is

13 #7: Mark if you have or have not been previously granted an Order for Protection.

14 #8: Mark if you have or have not filed for Child Custody

15 #9: List any children you wish to include on the Order for Protection.

16 4. On Page 8:

17 #10: Mark if you have ever filed for any of those types of cases.

18 #11: Mark if you believe your children will or have been a victim of Domestic
19 Violence.

20 #12: Mark if Social Services has been contacted regarding the incident.

21 #13: Mark if you have ever been arrested for Domestic Battery, or another crime
22 against a spouse, partner, or child(ren).

23 #14: Mark if the Respondent has ever been arrested for Domestic Battery, or
24 another crime against a spouse, partner, or child(ren).

25 #15: Mark what you would like included in the Ex-Parte Order for Protection. If not
26 marked, it will not be included in the Order. This continues to Page 9 and 10.

27 5. On Page 10:

28 #16 Mark if you are requesting an EXTENDED Order for Protection; and what you
will be requesting at the hearing. This continues to page 11.

- 1 6. On page 12 and 13, state what Domestic Violence has occurred, or you are afraid will
2 happen. Be specific and thorough, as the Court cannot decide on issues that are not in the
3 Petition. If you have any Police Reports or anything, please attach to this Petition in
4 support of your request.
- 5 7. Please be advised if the Application is SIGNED by the Legal Advocate, this indicates that
6 Advocate is representing the Applicant in this Case.
- 7 8. The last page must be completely filled out, as the Court staff are not locators of
8 addresses. Please state mailing and physical addresses as this is necessary for proper
9 service of Petition. *****PLEASE BE ADVISED: We cannot and will not look into the Court
10 management System to locate an address, as it is your responsibility.*****

11 ***REQUIREMENTS OF ISSUANCE OF TEMPORARY AND EXTENDED ORDERS (3.09.702):***

- 12 • The application MUST prove that an act of domestic violence has occurred *OR* a
13 threat exists of domestic violence.
- 14 • The person who the domestic violence happened to needs to be the one who files;
15 you can NOT file on behalf of someone.
- 16 • A TEMPORARY ORDER may be granted without notice & hearing if the Court finds an
17 emergency.
- 18 • An EXTENDED ORDER may *ONLY* be granted after notice to the adverse party and a
19 hearing has been held.
- 20 • The Court may grant the following relief WITHOUT notice and a hearing if an
21 emergency exists (*The same relief may be granted in a permanent order for protection
22 or modification of permanent order*):
 - 23 ○ Order the Respondent from threatening to commit or committing acts of
24 Domestic Violence against the Petitioner. Any designated family member
25 and/or household member;
 - 26 ○ Prohibit the Respondent from harassing, annoying, telephoning contacting, or
27 otherwise communicating with the petitioner directly or indirectly through
28 friends, relatives, or co-workers;

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- Remove and exclude the Respondent from the residence of the PETITIONER; regardless of ownership of the residence or lessee of record;
- Order the Respondent to Stay away from the residence, school, or place of employment of the Petitioner;
- Seize and prohibit the Respondent from using or possessing a firearm or other weapons specified by the Court;
- Order possession of the parties' residence and use of any vehicle and other essential personal effect, regardless of ownership;
- May direct Law Enforcement to accompany the Petitioner to the residence of the parties to ensure the Petitioner is safely restored to the possession of the residence, vehicle, and other personal effects;
- May direct Law Enforcement to Accompany the Respondent to retrieve their belongings from the residence;
- The Court has up to *seventy-two (72) hours* to rule on an application after filing (3.09.702(4)).
- Permanent Orders for Protection shall be issued for *not less than* Three (3) years. (3.09.703)
- If there is an Emergency and an Order issued without notice, then a hearing MUST be scheduled within 14 days of issuance (3.09.704(1)).
- If the Respondent is in custody, he will be served with the Protection Order at arraignment or before being released from detention. 3.09.704(3))
- If the Respondent is not able to be served at the last known address the Judge shall ask the Applicant under oath at the hearing for the permanent protection order if he knows the whereabouts of the Respondent or if he believes the Respondent is avoiding service. *If yes*, the hearing will be continued within 14 days and the Clerk will serve the Respondent by mail to the last and best-known address of the Respondent. The Ex-Parte Order will remain in effect during this time. (3.09.704(4))
- Any Respondent may petition the Court for reconsideration of the Order for Protection showing, by *CLEAR AND CONVIENCING* evidence, that the Respondent did not

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WILFULLY and *KNOWINGLY* evade service and that there is meritorious defense to the action. If shown a hearing will be scheduled within 14 days. (3.09.704(6))

- If the Court denies the Emergency Petition for Order of Protection, the Court will inform the Petitioner by mail and in person of their continuing right to request a hearing upon notice to the Respondent. The Court will state why the request was denied. (3.09.704(7)).
- 3.09.705 Petitioner cannot violate Order for Protection: If the Respondent is excluded from a location and the Petitioner invites the Respondent and the Respondent accepts it *DOES NOT* waive or nullify the Order for Protection. Further, if the Petitioner invites the respondent, it is *NOT* a violation of the Order for Protection.
- The Court will *NOT* grant mutual order for protection, ex parte or permanent order to opposing parties. (3.09.707)

*IF THERE ARE ANY FURTHER QUESTIONS, PLEASE DO NOT HESITATE TO CALL THE
PYRAMID LAKE TRIBAL COURT AT (775) 574-1094.*

**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR THE
PYRAMID LAKE INDIAN RESERVATION
WASHOE COUNTY, NEVADA**

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Plaintiff,

vs.

Respondent.

) Case No. PL.CV-CM-
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)
) **EMERGENCY APPLICATION FOR**
) **TEMPORARY AND/OR EXTENDED**
) **ORDER FOR PROTECTION AGAINST**
) **DOMESTIC VIOLENCE**

PETITIONER, being first duly sworn, deposes and says, under the penalty of perjury:

1. That I am over the age of eighteen (18) years; that I make this Petition of my own free will, without duress or under influence;
2. That my mailing address is: _____
My physical address is: _____
My phone number is () _____; and my date of birth is: _____
3. That I am employed by: _____
located at _____
phone number is () _____;
4. That to the best of my knowledge the Adverse Party's address is: _____

Adverse Party's phone number is () _____;
5. That to the best of my knowledge Adverse Party's employer is:
_____;
located at _____
the phone number is () _____;

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6. That my relationship to the Adverse Party is: (Mark what relationship applies)

BLOOD (Father, Mother, Sister, Brother, Etc.)

MARRIAGE (Husband, Ex-Husband/Wife)

WE LIVE TOGETHER AT THIS TIME;

WE LIVED TOGETHER IN THE PAST; DATES LIVED TOGETHER:

WE ARE IN A DATING RELATIONSHIP;

WE WERE IN A DATING RELATIONSHIP; DATE BEGAN AND ENDED:

7. That I HAVE HAVE NOT been previously granted an Order for Protection against the Adverse Party on: _____ to the Court of the Jurisdiction of:

_____.

8. That I HAVE HAVE NOT filed for Divorce Child Custody in a Petition against the Adverse Party on _____ to the Court of the Jurisdiction of:

_____.

9. The name(s) and age(s) of the minor child or children we have in common: *(I have placed a YES after the name and age of each child of the Adverse Party and a NO after the name and age of each child that is not a child of the Adverse Party. Under the Custody Column I have placed a YES or NO to tell whether I have present physical custody of said minor child.)*

Name (First and Last)	Age	DOB	Adverse Party's	Custody

1 10. Please check the appropriate box if YOU or the ADVERSE PARTY have ever filed a
2 case in ANY COURT for a
3 DIVORCE CUSTODY PATERNITY CHILD SUPPORT
4 PROTECTION ORDER STALKING/HARASSMENT
5 COURT NAME: _____
6 COURT CASE NUMBER: _____
7 11. I have been or reasonably believe I will become a victim of domestic violence
8 committed by the Respondent (Explain in the Affidavit);
9 My children have been or are in danger of becoming victims of domestic
10 violence committed by the Respondent (Mark if Applicable).
11 12. Child Protective Services HAS or HAS NOT been contacted regarding this
12 matter. If yes, Case Workers Name: _____
13 13. Have YOU ever been arrested for domestic battery, or other crime committed against
14 your spouse, partner, or child(ren)? YES NO
15 a. If yes, Where? _____
16 14. To your knowledge, has the ADVERSE PARTY ever been arrested for domestic
17 battery, or other crime committed against your spouse, partner, or child(ren)?
18 YES NO
19 a. If yes, Where? _____
20 15. An Emergency Exists, and I need an Order for Protection against Domestic Violence
21 issued IMMEDIATELY without Notice to the Adverse Party to avoid irreparable injury
22 or harm to include the following: (Mark what you are requesting)
23 Exclude the Adverse Party from my residence and order the party to stay at least 100
24 yards from my residence located at: _____
25 Mark if you are requesting your address be confidential; the Judge will
26 determine if it is necessary.
27 I request an Order prohibiting the Respondent from threatening to commit or
28 committing acts of Domestic Violence against the Petitioner and any designated family
member and/or household member: _____.

1 [] I request an Order prohibiting the Respondent from harassing, annoying, telephoning,
2 contacting, or otherwise communicating with the petitioner directly or indirectly through
3 friends, relatives, agent, or co-workers;

4 [] I request an Order directing law enforcement personnel to remove the Adverse Party
5 from my residence.

6 [] I request an Order restraining the Adverse Party from entering my place or employment
7 or contacting me there.

8 [] I request an Order restraining the Adverse Party from entering the daycare/school(s)
9 attended by my minor children which are located at: _____
10 _____.

11 [] I request an Order restraining the Adverse Party from entering the following places
12 which my children and I frequent regularly; which are located at: _____
13 _____
14 _____.

15 [] I request an Order directing law enforcement to accompany me to the following
16 residence to obtain personal belongings as listed: _____
17 _____
18 _____.

19 [] Grant TEMPORARY custody of the minor child(ren) to me.
20 [] Order that custody, visitation, & support remain as ordered in Case #:
21 _____ in the Court of: _____.

22 [] I request an Order granting me temporary exclusive possession and use of the
23 following vehicle: _____;
24 Which is currently registered to the following: _____.

25 [] I request the Court prohibit either party from selling, damaging, destroying, or
26 otherwise damaging, disposing or encumbering community assets without Court
27 consent.
28

1 [] I request an Order for the following additional relief: _____
2 _____
3 _____
4 _____.

5 16. [] I request a *Hearing* for an *Extended Order for Protection Against Domestic Violence*,
6 which could be in effective for not less than three (3) years, and at that hearing I
7 request the Court issue an *EXTENDED* Order for Protection Against Domestic Violence
8 and that shall include: (Mark what you are requesting)

9 [] Exclude the Adverse Party from my residence and order the party to stay at least 100
10 yards from my residence located at: _____

11 [] Mark if you are requesting your address be confidential; the Judge will
12 determine if it is necessary.

13 [] I request an Order prohibiting the Respondent from threatening to commit or
14 committing acts of Domestic Violence against the Petitioner and any designated family
15 member and/or household member: _____.

16 [] I request an Order prohibiting the Respondent from harassing, annoying, telephoning,
17 contacting, or otherwise communicating with the petitioner directly or indirectly through
18 friends, relatives, agent, or co-workers;

19 [] I request an Order directing law enforcement personnel to remove the Adverse Party
20 from my residence.

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22 or contacting me there.

23 [] I request an Order restraining the Adverse Party from entering the daycare/school(s)
24 attended by my minor children which are located at: _____
25 _____.

26 [] I request an Order restraining the Adverse Party from entering the following places
27 which my children and I frequent regularly; which are located at: _____
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I request an Order directing law enforcement to accompany me to the following residence to obtain personal belongings as listed: _____

_____.

Grant TEMPORARY custody of the minor child(ren) to me.

Order that custody, visitation, & support remain as ordered in Case #:

_____ in the Court of: _____.

I request an Order granting me temporary exclusive possession and use of the following vehicle: _____;

Which is currently registered to the following: _____.

I request the Court prohibit either party from selling, damaging, destroying, or otherwise damaging, disposing or encumbering community assets without Court consent.

I request an Order for the following additional relief: _____

_____.

I certify under penalty of perjury that I have read the statements contained in this application and the accompanying affidavit, know the contents thereof, and believe them to be true and correct.

Date: _____

Petitioners Signature

Subscribed and worn before me on this _____ day of _____, 20____.

Notary Public/Court Clerk/Legal Advocate

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**IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR
THE PYRAMID LAKE INDIAN RESERVATION
WASHOE COUNTY, NEVADA**

**AFFIDAVIT IN SUPPORT OF PETITION FOR ORDER OF PROTECTION AGAINST
DOMESTIC VIOLENCE**

I, _____, being first duly sworn on oath, affirm that I am
the affiant in this cause that the statements made herein are true and correct to the best of
my knowledge, recollection and belief, as follows:

DATE: _____ AFFIANT: _____

Subscribed and sworn to before me on this _____ day of _____, 20____.

Notary Public/Court Clerk

1 IN THE PYRAMID LAKE TRIBAL COURT IN AND FOR
2 THE PYRAMID LAKE INDIAN RESERVATION
3 WASHOE COUNTY, NEVADA

4 AFFIDAVIT IN SUPPORT OF PETITION FOR ORDER OF PROTECTION AGAINST
5 DOMESTIC VIOLENCE (Cont.)

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DATE: _____

AFFIANT: _____

Subscribed and sworn to before me on this _____ day of _____, 20____.

Notary Public/Court Clerk/Legal Advocate

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PLEASE PROVIDE THE FOLLOWING CASE INFORMATION TO THE COURT WHEN SUBMITTING THE PETITION. FOR THE RESPONDENT PLEASE PUT DOWN LAST KNOWN/ BEST KNOWN PHYSICAL / MAILING FOR SERVICE OF THIS.

{This portion must be completed, or the petition will not be accepted.}

PLAINTIFF'S NAME: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____

EMAIL ADDRESS: _____

PHONE NO(s): (H) _____ (W) _____

RESPONDENTS NAME: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____

EMAIL ADDRESS: _____

PHONE NO(s): (H) _____ (W) _____

NO FILING FEES REQUIRED FOR THIS PETITION.