

INSTRUCTIONS FOR OBTAINING A CIVIL RESTRAINING ORDER

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

1. A Temporary or Permanent Civil Restraining Order may be issued against an adult or a juvenile who is ten years of age or older.
2. A Restraining Order means any Order that prohibits the Restrained Person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting or abusing any Protected Person, or from entering or remaining on premises, or from coming within a specified distance of a Protected Person or premises, or from taking, transferring, concealing, harming, disposing of, or threatening harm to an animal owned, possessed, leased, kept, or held by a Protected Person, or any other provision to protect the Protected Person from imminent danger to life or health.
3. To obtain an order for custody of minor children, you will need to file a separate domestic relations case.
4. For additional information, please review Ute Mountain Ute Code, Title II, Section 34.

FEES

No filing fee shall be charged to the Plaintiff at the time the Petition is filed. **PLEASE NOTE**, the Court may assess Court Costs of \$35.00 to either party at the hearing.

YOU MAY NEED TO FILE MORE THAN ONE COMPLAINT

You must file a separate case if there is more than one adult requesting a protection order or if you are requesting that more than one person be restrained from having contact with you (more than one Defendant). *Exception:* If you intend to ask for a protection order for the benefit of any **minor** child, the child may be included on your protection order without the need to file a separate proceeding.

STEPS TO FILING YOUR CASE

1: Complete The Attached Forms.

(a) Case Information Sheet; and (b) Verified Complaint.

Complete all necessary information on the forms. Be specific and provide complete information identifying why you are seeking a protection order. You must provide information about the specific acts that would justify the issuance of a restraining order. General terms such as “harassment” or “threats” will be insufficient. These documents must be signed in the presence of a Court Clerk or Notary Public

2: You are ready to file your papers with the Court.

Provide the Court with the documents you have completed as described in Step 1 above. Your complaint will be provided to a Magistrate for review. If the Court grants a temporary protection order, you will be provided with a written Order stating such. Remember to carry a copy of the Protection Order and Affidavit/Certificate of Service at all times.

3: Complete Personal Service.

You shall complete personal service on the other party with a court approved process server. The other party must be served with a copy of the Complaint/Motion, Temporary Protection Order and Affidavit/Certificate of Service at least 48 hours prior to your permanent restraining order hearing. The permanent restraining order hearing is set within 15 days from the date the court issued the temporary restraining order. Return the original Affidavit/Certificate of Service to the Court.

4: Restraining Order Hearing. BE PREPARED TO PRESENT YOUR CASE IN COURT

The Temporary Restraining Order will contain a hearing date. You must be prepared to proceed to an evidentiary hearing on that date and time. You may call witnesses and present evidence if you wish. Evidence may include photographs, recordings, documents, physical items, etc. The Court will issue subpoenas for witnesses you need (you must file a request for subpoenas in writing). If you do not bring these items to the hearing, the court will not be able to consider them.

You must appear at the hearing date set by the Court on the date and time scheduled in the Order **or your Temporary Protection Order will automatically expire.**

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

Case Number: _____

**VERIFIED COMPLAINT FOR A
CIVIL RESTRAINING ORDER**

Plaintiff,

Vs.

Defendant.

I _____ request that the Court issue a restraining order against the individual named below and in support of this request state the following:

1. Person to be restrained _____
 The Person to be restrained is an enrolled member of the _____ Tribe, or is a non-Indian.
2. I reside or am employed within the exterior boundaries of the Ute Mountain Ute Reservation.
 The person to be restrained resides or is employed within the exterior boundaries of the Ute Mountain Ute Reservation.
 The incident that causes me to request this civil restraining order occurred within the exterior boundaries of the Ute Mountain Ute Reservation.
3. The Other Protected Persons are (only include minor children, persons over the age of 18 years must file a separate case):

4. The Plaintiff is related to the Defendant as follows: _____

5. The most recent incident that causes me to ask for a civil restraining order occurred on or about _____ (date and time) at _____ (location). _____ (name of person to be restrained) did the following:
Be specific: What was the threat or act of violence to justify the issuance of a restraining order? General terms such as "harassment" or "threat" are insufficient. Was a weapon involved? Were the minor children present?

6. The most serious incident that causes me to ask for a civil restraining order occurred on or about _____ (date and time) at _____ (location). _____ (name of person to be restrained) did the following: **Be specific: What was the threat or act of violence to justify the issuance of a restraining order? General terms such as “harassment” or “threat” are insufficient. Was a weapon involved? Were the minor children present?**

7. Any other incidents of violence or threats? **Be specific: What was the threat or act of violence to justify the issuance of restraining order? General terms such as “harassment” or “threat” are insufficient. Was a weapon involved? Were the minor children present?**

8. I believe that I and the other protected persons named above, if any, are in imminent and irreparable danger from _____ (person to be restrained).

9. I request the following relief from the Court: that _____ (name of person to be restrained)

- Be ordered to refrain from contacting, harassing, injuring, stalking, touching, sexually assaulting, molesting, intimidating, and threatening me or the other protected persons if any.
- Be ordered to have NO CONTACT at all with me and the other protected persons, if any.
- Be allowed only the following limited contact with me or the other protected persons, if any: **BE SPECIFIC**

Be excluded from my home at: If you do not want your address disclosed to the Defendant do not provide your address in this section.

Be ordered to stay at least _____ yards from these places:

Work _____

School _____

Other _____

10. Plaintiff requests that the Defendant be ordered to pay Court Costs and Service Fee. **NOTE:** No filing fee shall be charged to the Plaintiff at the time the Petition is filed. The Court may assess Court Costs and Service Fee to either party at the hearing.

VERIFICATION AND ACKNOWLEDGEMENT

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this _____ day of _____ 20 _____

Signature

Address

Telephone Number

Witnessed: _____
Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

CERTIFICATE OF SERVICE

I, hereby certify that I have sent the other party the following Documents as required.

I certify that on _____ (date) the original was filed with the Court and a true and accurate copy of this **VERIFIED COMPLAINT FOR A CIVIL RESTRAINING ORDER** was served on the other party by:

Hand Delivery,

E-filed,

Faxed to this number: _____, **or**

by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Signature

THE UNITED STATES OF AMERICA
IN THE COURT OF INDIAN OFFENSES
IN INDIAN COUNTRY (Colorado)
UTE MOUNTAIN UTE AGENCY

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Case Number: _____

CASE INFORMATION SHEET

Plaintiff,
Vs.

Defendant.

Full name of Plaintiff: _____

Race (for identification purposes on restraining order): _____

Date of birth: _____

Residential address: _____

(Do not Include this Information if you do not want the Defendant to know where you reside)

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential) _____

City: _____ State: _____ Zip Code: _____

Full name of Defendant: _____

Race (for identification purposes on restraining order): _____

Date of birth: _____

Residential address: _____

City: _____ State: _____ Zip Code: _____

Mailing address (if different from residential) _____

City: _____ State: _____ Zip Code: _____

Names of children (attach a second sheet, if necessary):

Full Name of Child	Present Address	Sex	Date of Birth

VERIFICATION AND ACKNOWLEDGEMENT

I swear/affirm under oath that I have read the foregoing document and that the information provided set forth therein is true and correct to the best of my knowledge and belief.

RESPECTFULLY SUBMITTED this _____ day of _____ 20 _____

Signature

Address

Telephone Number

Witnessed: _____
Court Clerk or Notary Public

Subscribed and affirmed, or sworn to before me
by _____
in the County of _____,
State of _____, this _____
day of _____, 20 _____.
My Commission Expires: _____

CERTIFICATE OF SERVICE

I, hereby certify that I have sent the other party the following Documents as required.

I certify that on _____ (date) the original was filed with the Court and a true and accurate copy of this **CASE INFORMATION SHEET** was served on the other party by:

- Hand Delivery,
- E-filed,
- Faxed to this number: _____, **or**
- by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: _____

Signature