

IN THE TRIBAL COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

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_____,
Plaintiff/Petitioner,
vs.
_____,
Defendant/Respondent.

Case No.: _____
MOTION & AFFIDAVIT REQUESTING
EMERGENCY RESTRAINING ORDERS
AND/OR TEMPORARY ORDERS(S) AND
ORDER TO SHOW CAUSE

1. I, _____, the requesting party, am asking the court to keep
_____, the non-requesting party, from:

(Place a check mark by each item you are requesting from the court)

- | Until
SC Hrg | Until
Trial | |
|-----------------|----------------|---|
| ___ | ___ | A. Contacting me in any way at any location. |
| ___ | ___ | B. Destroying or disturbing community property, in particular:
_____. |
| ___ | ___ | C. Disturbing my possession of the vehicle(s) described as:
_____. |
| ___ | ___ | D. Disturbing my possession of the house located at:
_____. |
| ___ | ___ | E. I am asking for temporary maintenance of \$ _____ per month. |
| ___ | ___ | F. Other: _____. |
| ___ | ___ | G. I am asking the Court to grant me temporary custody of the
following child(ren), list names and dates of birth:
_____. |

1 Child(ren) are currently located at: _____.

2 In the custody of: _____.

3 There [] is [] is not a pending custody case in another jurisdiction.

4 _____ H. Contacting the above-mentioned child(ren).

5 _____ I. Removing the above-mentioned child(ren) from me.

6 _____ J. I am asking for temporary child support of \$_____ per month.

7 _____ K. I am asking that the non-requesting party be awarded temporary
8 visitation of: _____.

9 2. I am also asking for: _____

10
11 3. I am asking the Court to order the non-requesting party to appear for a Show Cause

12 Hearing to answer why the above-mentioned requests should not be granted.

13 4. I currently [] do [] do not have a pending or open criminal case in any jurisdiction
14 and my criminal history includes: [] N/A

15 Case #, Charges, & Violation Date	Case Status	Jurisdiction
16 _____	_____	_____
17 _____	_____	_____

18 The Respondent currently [] does [] does not have a pending or open criminal
19 case in any jurisdiction and his/her criminal history includes:[] I'm uncertain [] N/A

20 Case #, Charges, & Violation Date	Case Status	Jurisdiction
21 _____	_____	_____
22 _____	_____	_____

23 5. There [] has [] has not been police involvement regarding this matter.

24 6. I am asking the above-mentioned requests based upon the following facts:

1 State of _____)
2 County of _____)ss.

3 The undersigned, _____, being first duly sworn under oath,
4 deposes and says [Please be specific; provide dates, locations, and other details when
5 applicable]: _____

6 _____
7 _____
8 _____
9 _____
10 _____
11 _____

12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____

19 I believe that irreparable injury could result if an order is not issued until the time
20 for responding has elapsed because [identify the possible irreparable injury]: _____

21 _____
22 _____
23 _____
24 _____

25

1 I understand that I'm making a sworn statement under oath, and depose that
2 everything I have stated is true to my knowledge. Further, I understand that I could be
3 found guilty of Perjury, if I knowingly and willfully, in any judicial proceeding in the Tribal
4 Court, falsely make a sworn statement or affidavit, or induce or procure another person
5 to do so (CTC §3-1-135).

6 Dated this ___ day of _____, 20___

7 _____
8 Signature of Affiant

9 SUBSCRIBED & SWORN to me this _____

10 day of _____, _____

11 _____
12 NOTARY PUBLIC in and for the state of _____
13 Washington, at _____ County
14 My commission expires: _____

1 IN THE TRIBAL COURT OF
2 THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION
3

4 _____,
5 Plaintiff/Petitioner,
6 vs.
7 _____,
8 Defendant/Respondent.

) Case No.: _____
) _____ ORDER TO SHOW CAUSE
) _____ RESTRAINING ORDER
) _____ TEMPORARY ORDER(S)

9
10 These issues came before this Court on request of _____
11 (requesting party) without the non-requesting party present.

12 The Court has reviewed the motion and affidavit, reviewed applicable law, has /
13 has not taken sworn testimony, and finds just cause to ORDER as follows:

14 _____ The Court grants the motion for an emergency restraining order as ordered below.

15 _____ The Court denies the motion for an emergency restraining order.

16 _____ The Court schedules the motion for a Show Cause Hearing on the _____ day of
17 _____, 20____ at _____ am/pm and ORDERS: _____

18 (non-requesting party) to appear for a hearing at the Colville Tribal Courthouse,
19 Nespelem Agency, Nespelem, WA, to answer to the requests as stated in the
20 motion and affidavit on file herein.

21 IT IS FURTHER ORDERED that until the Show Cause Hearing, the following shall
22 be in effect:

23 _____ The requesting party is awarded emergency temporary custody of the child(ren)
24 named as: _____
25 _____

1 _____ The non-requesting party is restrained from contacting _____
2 in anyway at any location.

3 _____ The non-requesting party is restrained from contacting or removing the above-
4 named child(ren) from the requesting party until the hearing.

5 _____ The non-requesting party is restrained from destroying or disturbing community
6 property, in particular: _____.

7 _____ The non-requesting party is restrained from disturbing the requesting party's
8 possession of the vehicle(s) described as: _____.

9 _____ IT IS FURTHER ORDERED THAT: _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____.

17 THIS ORDER IS IN EFFECT UNTIL THE SHOW CAUSE HEARING. THE ORDER
18 EXPIRES IF NOT EXTENDED BY THE COURT ON THE HEARING DATE.

19 ALL PARTIES ARE HEREBY NOTIFIED THAT FAILURE TO OBEY AN ORDER OF
20 THIS COURT MAY SUBJECT YOU TO THE CRIMINAL/CIVIL PENALTIES OF THE
21 COLVILLE TRIBAL CODE.

22 IT IS SO ORDERED.

23 DONE IN OPEN COURT this _____ day of _____, 20____.

24

25

Judge of the Colville Tribal Court

IN THE TRIBAL COURT OF
THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

_____,
Plaintiff/Petitioner,

vs.

_____,
Defendant/Respondent.

Case No: _____

**CERTIFICATE OF SERVICE/
ATTEMPTED SERVICE**

I, (name): _____, hereby certify upon penalty of perjury:

1. I am age 18 or older *and* am not a party to this case.
2. I served court documents for this case to (name): _____, whose last known physical address is: _____
3. I served/attempted to serve the following documents: (check all that apply, if checking "other" give the title of the document)

<input type="checkbox"/> Petition/Complaint		
<input type="checkbox"/> Summons	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion & Affidavit for TRO
<input type="checkbox"/> Motion & Affidavit for Fee Reduction/Waiver	<input type="checkbox"/> Order to Show Cause	<input type="checkbox"/> Motion & Affidavit
<input type="checkbox"/> Restraining Order	<input type="checkbox"/> Parenting Plan	<input type="checkbox"/> Child Support
<input type="checkbox"/> Temporary Order	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

4. I successfully gave the documents to the person listed in 2 by:
 - I personally gave the documents to him/her
 - I personally gave the documents to (name): _____, a person believed to be age 18 or older and of suitable discretion, who lives at the same address as the person listed in 2.
 - I personally mailed the documents by certified mail, return receipt requested, to the last known address listed below. The return receipt is attached to this Certificate of Service.

I personally served/mailed the documents on _____ at _____ am/pm.

I personally served the documents at/mailed the documents to the following address:

_____.

5. I was unable to successfully give the documents to the person listed in 2. I attempted to serve him/her on the following dates and locations: (list each date and place you attempted service; you may attach another sheet of paper if needed)

<u>Date</u>	<u>Location</u>	<u>Additional Information</u>

6. I further certify that I have examined the statements made in this document and that the facts contained in it are true and correct to the best of my knowledge.

Signed at (city and state) _____ Date _____

Signature of server

Print name of server