

**INSTRUCTIONS – DOMESTIC VIOLENCE PROTECTION ORDERS**  
**DOMESTIC VIOLENCE CODE (CHAPTER 5A OF THE LUMMI CODE OF LAWS)**

Step 1. Fill out a *Petition for Order for Protection Domestic Violence* (“Petition”).

Step 2. If you are also requesting that the Court review your Petition for the purpose of determining whether an immediate protection order should be issued, then fill out the form *Ex-Parte Temporary Order for Protection and Notice of Hearing*.

Step 3. Submit the documents to the Lummi Tribal Court Clerk’s Office.

- Ask the Court Clerk for copies of the documents you file with the Court.
  - One copy is for the petitioner.
  - Obtain a copy to have served on the respondent.

Step 4. Service of Process.

The respondent must be served with the *Petition for Order for Protection Domestic Violence* and other orders and documents that are part of your case.

Service of documents is the responsibility of the petitioner. Service may be accomplished by certified mail, return receipt requested, or by personal service by any person over the age of eighteen (18) years who is competent to testify and is not a party to the action, or by publication under the circumstances set out in Lummi Code of Laws §3.03.040.

Included in this packet is a *Declaration of Service Domestic Violence – Protection Order*. This document is to be used for personal service of court documents to the respondent.

**NOTE: If there is a request for Protection from Firearms and Other Dangerous Weapons the following additional documents will need to be served on the respondent: (These forms available in the Court Clerks’ Office.)**

- Order to Surrender and Prohibit Weapons Issued Without Notice
- Proof of Surrender
- Declaration of Non-Surrender
- Frequently Asked Questions Surrender of Firearms Domestic Violence

Step 5. Attend the Court hearing. Once you are given a Court date, please bring all your documents and evidence with you to each hearing.

<b>IN THE TRIBAL COURT FOR THE LUMMI NATION</b>	
Petitioner (First, Middle, Last Name)	<b>DOB</b>
v.	
Respondent (First, Middle, Last Name)	<b>DOB</b>

**No.**

**PETITION FOR ORDER FOR  
PROTECTION  
DOMESTIC VIOLENCE**

LUMMI TRIBAL COURT  
2665 KWINA ROAD  
BELLINGHAM, WA 98226

Protection from Firearms and Other Dangerous Weapons requested – CLERKS ACTION REQUIRED.

1. <input type="checkbox"/> I am <input type="checkbox"/> A member of my family or household is the victim of domestic violence committed by the respondent as described in the statement below.	3. My age is: <input type="checkbox"/> Under 14 <input type="checkbox"/> 14-17 <input type="checkbox"/> 18 or over												
2. <input type="checkbox"/> I reside on the Lummi Nation Reservation <input type="checkbox"/> I am an enrolled member of Lummi Nation <input type="checkbox"/> Respondent is an enrolled member of Lummi Nation <input type="checkbox"/> Respondent resides on the Lummi Nation Reservation	Respondent's age is: <input type="checkbox"/> Under 14 <input type="checkbox"/> 14-17 <input type="checkbox"/> 18 or over												
4. <i>Relationship with the respondent is:</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><input type="checkbox"/> Spouse or former spouse</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Current or former dating relationship within 1 year</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Siblings by blood, marriage or adoption</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Have a child in common</td> <td style="border: none;"><input type="checkbox"/> Parent and Child by blood, marriage or adoption</td> <td style="border: none;"><input type="checkbox"/> Related by Blood, marriage or adoption, where the victim is an elder or vulnerable adult.</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Current or former cohabitant as intimate partner within 1 year</td> <td style="border: none;"><input type="checkbox"/> Grandparent and Child by blood, marriage or adoption</td> <td style="border: none;"><input type="checkbox"/> Other:</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Current or former cohabitant as roommate within 1 year</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>		<input type="checkbox"/> Spouse or former spouse	<input type="checkbox"/> Current or former dating relationship within 1 year	<input type="checkbox"/> Siblings by blood, marriage or adoption	<input type="checkbox"/> Have a child in common	<input type="checkbox"/> Parent and Child by blood, marriage or adoption	<input type="checkbox"/> Related by Blood, marriage or adoption, where the victim is an elder or vulnerable adult.	<input type="checkbox"/> Current or former cohabitant as intimate partner within 1 year	<input type="checkbox"/> Grandparent and Child by blood, marriage or adoption	<input type="checkbox"/> Other:	<input type="checkbox"/> Current or former cohabitant as roommate within 1 year		
<input type="checkbox"/> Spouse or former spouse	<input type="checkbox"/> Current or former dating relationship within 1 year	<input type="checkbox"/> Siblings by blood, marriage or adoption											
<input type="checkbox"/> Have a child in common	<input type="checkbox"/> Parent and Child by blood, marriage or adoption	<input type="checkbox"/> Related by Blood, marriage or adoption, where the victim is an elder or vulnerable adult.											
<input type="checkbox"/> Current or former cohabitant as intimate partner within 1 year	<input type="checkbox"/> Grandparent and Child by blood, marriage or adoption	<input type="checkbox"/> Other:											
<input type="checkbox"/> Current or former cohabitant as roommate within 1 year													

5. Identification of Minors (if applicable)  No Minors involved.

Name (First, Middle Initial, Last)	DOB	Tribal Affiliation	Sex	How Related to Petitioner   Respondent	Resides with

6. Other court cases or orders prohibiting contact involving me, the minors and the respondent (e.g. dissolution, paternity, custody, dependency, criminal actions, etc.)

<b>Case Name</b>			
<b>Case Number</b>			
<b>Court/County</b>			
<b>Type of Case</b>			
<b>Charges</b>			

7. Request for Relief:

Check the box for each type of relief you are requesting, for each type of order you need.

**Temp:** I Request a **Temporary Order for Protection, effective until the hearing**, because **an Emergency Exists** as described in the statement below. A temporary protection order should be issued immediately without notice to the respondent, to avoid irreparable injury.

**Full:** I Request a **“full” Order for Protection**, following a hearing

Temp ↓	Full ↓	
<input type="checkbox"/>	<input type="checkbox"/>	<p><sup>1</sup> <b>Restrain</b> respondent from committing or threatening to commit further acts of domestic violence (including physical harm, harassment, stalking, destruction of property, physical harm to household pets, emotional or mental abuse, use of isolation, mental intimidation, controlling activities, or demeaning language, economic abuse by withholding basic needs, and involuntary sexual activity) against <input type="checkbox"/> the petitioner <input type="checkbox"/> the minors named in the table in Section 5 of this petition <input type="checkbox"/> these minors only:</p> <p>(If the court orders this relief in a final order, and the respondent is your spouse or former spouse, the parent of a common child, or a current or former cohabitant as intimate partner, the respondent will be prohibited from possessing a firearm or ammunition under federal law and the Lummi Code of Laws for the duration of this order. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><sup>2</sup> <b>Restrain</b> respondent from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing of court documents, with <input type="checkbox"/> me <input type="checkbox"/> the minors named in section 5 of this petition, subject to any court-ordered visitation <input type="checkbox"/> these minors only, subject to any court-ordered visitation:</p>

FOR TEMPORARY ORDERS ONLY: THE FOLLOWING RELIEF WILL EXPIRE 3 WORKING DAYS AFTER ISSUANCE		
<input type="checkbox"/>	<input type="checkbox"/>	<p><sup>3</sup> <b>Exclude</b> respondent from <input type="checkbox"/> our shared residence <input type="checkbox"/> my residence <input type="checkbox"/> my workplace <input type="checkbox"/> my school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in section 5 of this petition <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other:</p> <p>You have a right to keep your residential address confidential.</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p><sup>4</sup> <b>Direct</b> respondent to vacate our shared residence and restore it to me.</p>

Temp  
↓

Full  
↓

<sup>5</sup> **Grant** me possession of essential personal belongings, including the following:

<sup>6</sup> **Grant** me use of the following vehicle:

Year, Make & Model \_\_\_\_\_ License No. \_

<sup>7</sup> **Other:**

N/A

<sup>8</sup> **Direct** the respondent to participate in appropriate treatment or counseling services.

N/A

<sup>9</sup> **Require** the respondent to pay the fees and costs of this action.

N/A

<sup>10</sup> **Remain Effective** longer than one year because respondent is likely to resume acts of domestic violence against me if the order expires in a year.

**Check the Following Only if you are Requesting Protection Involving a Minor:**

<sup>11</sup> Subject to any court-ordered visitation, **Grant** me the care, custody and control of  
 the minors named in section 5 of this petition  these minors only:

<sup>12</sup> **Restrain** respondent from interfering with my physical or legal custody of  the minors named in section 5 of this petition  these minors only:

<sup>13</sup> **Cause the Transfer or Surrender of Custody** of  the minors named in section 5 of this petition  these minors only:

To Petitioner or Designee.

<sup>14</sup> **Restrain** the respondent from removing from the state:  the minors named in paragraph 5 above  these minors only:

**Protection from Firearms and Other Dangerous Weapons:**

<sup>15</sup> **Require**, as per LCL 5A.03.040 and LCL 5A.030.050, the respondent to surrender all firearms or other weapons specified by the court to law enforcement for safekeeping and prohibit the respondent from accessing, obtaining, or possessing firearms or other weapons specified by the court.

**Request for Special Assistance from Law Enforcement Agencies:**

I request the court order the appropriate law enforcement agency to assist me in obtaining:

- Possession of my residence
- Possession of my essential personal belongings at  the shared residence  respondent's residence  other:
- Possession of the vehicle designated in section 6 of this petition.
- Custody, including taking physical custody for delivery to petitioner of  the minors named in section 5 of this petition  these minors only:
- Other: \_\_\_\_\_

**Domestic violence means physical harm; attempts to physically harm including harassment, stalking, destruction of property, physical harm to household pets; emotional or mental abuse including use of isolation, mental intimidation, controlling activities, or demeaning language; economic abuse by withholding basic needs; OR involuntary sexual activity by force, threat of force, or duress; between family or household members.**

**Statement:** The respondent has committed acts of domestic violence as follows. (Describe specific acts of domestic violence and their approximate dates, beginning with the most recent act. You may want to include police responses.)

(1) Describe the most recent incident or threat of violence and date, and why the temporary order should be entered today without notice to the respondent: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(2) Describe the past incidents where you experienced violence, where you were afraid of injury or where the respondent threatened to harm or kill you: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(3) Describe any violence or threats towards children: \_\_\_\_\_

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(4) Describe any stalking behavior by respondent, including use of telephonic, audiovisual, or electronic means to harass or monitor: \_\_\_\_\_

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(5) Describe medical treatment you received and for what: \_\_\_\_\_

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(6) Describe any threats of suicide or suicidal behavior by the respondent: \_\_\_\_\_

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(7) Does the respondent own or possess firearms?  Yes  No  Unknown

(8) Does the respondent use firearms, weapons, or objects to threaten or harm you? Please describe: \_\_\_\_\_

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(9) Does possession of a firearm or other dangerous weapon by the respondent present a serious and imminent threat to public health or safety, or to the health or safety of any individual? Please describe: \_\_\_\_\_

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(10) If you are requesting that the protection order lasts longer than one year, describe the reasons why: \_\_\_\_\_

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\_\_\_\_\_  
(11) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(continue on separate page if necessary)

(12) Check box if substance abuse is involved:  alcohol  drugs  other \_\_\_\_\_

I certify under penalty of perjury under the laws of the Lummi Nation that the foregoing is true and correct.

Dated: \_\_\_\_\_ at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Signature of Petitioner

You have a right to keep your residential address confidential. If you have one, please provide an address, other than your residence, where you may receive legal documents: \_\_\_\_\_  
\_\_\_\_\_.

<b>IN THE TRIBAL COURT FOR THE LUMMI NATION</b>	
_____ Petitioner (First, Middle, Last Name) <b>DOB</b>	
v.	
_____ Respondent (First, Middle, Last Name) <b>DOB</b>	

No. \_\_\_\_\_

**EX-PARTE TEMPORARY ORDER FOR  
PROTECTION AND NOTICE OF  
HEARING  
DOMESTIC VIOLENCE**

Next Hearing Date/Time: \_\_\_\_\_  
At: LUMMI TRIBAL COURT  
2665 KWINA ROAD  
BELLINGHAM, WA 98226

**Names of Minors:**  No Minors Involved

First	Middle	Last	Age
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

<b>Respondent Identifiers</b>		
Sex	Race	Hair
_____	_____	_____
Height	Weight	Eyes
_____	_____	_____

**Respondent's Distinguishing Features:**  
\_\_\_\_\_  
\_\_\_\_\_

**Caution:**  
Access to weapons:  yes  no  unknown

**THE COURT FINDS:**  
The court has jurisdiction over the parties, the minors, and the subject matter under the laws of the Lummi Nation. The respondent will be served notice of his or her opportunity to be heard at the scheduled hearing pursuant to Lummi Code of Laws, Title 3, Chapter 3.04: Preliminary Relief, Section 3.04.010 Temporary Restraining Orders-Ex Parte Order. *For good cause shown, the court finds that the Petitioner, or another person sought the be protected, is in immediate danger of domestic violence by a family or household member, as defined in Lummi Code of Laws, Title 5A, and that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm.*

**THE COURT ORDERS:**



1. Respondent is **Restrained** from committing or threatening to commit further acts of domestic violence (including physical harm, harassment, stalking, destruction of property, physical harm to household pets, emotional or mental abuse, use of isolation, mental intimidation, controlling activities, or demeaning language, economic abuse by withholding basic needs, and involuntary sexual activity) against  petitioner  the minors named in the table above  these minors only:

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2. Respondent is **Restrained** from coming near and from having any contact whatsoever, in person or through others, by phone, mail, email, facebook, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3<sup>rd</sup> party or contact by respondent's lawyer(s) with  petitioner  the minors named in the table above  these minors only:

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**The terms of this order shall be effective until:**

**The Next Hearing Date, listed above.**

3. Respondent is **Restrained** from going onto the grounds of or entering petitioner's  residence  workplace  school;  the day care or school of  the minors named in the table above  these minors only:  
 other:  
 Petitioner's address is confidential.  Petitioner waives confidentiality of the address which is:

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4. Petitioner shall have exclusive right to the residence petitioner and respondent share, regardless of ownership. The respondent shall immediately **Vacate** the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present.  
 This address is confidential.  Petitioner waives confidentiality of this address which is:

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5. Petitioner shall have possession of essential personal belongings, including the following:

6. Petitioner is granted use of the following vehicle:  
Year, Make & Model \_\_\_\_\_ License No. \_\_\_\_\_

7. **Other:**

**Complete the Following Only if Protection is Granted Involving a Minor:**

8. Petitioner is **Granted** the temporary care, custody, and control of  the minors named in the table above  
 these minors only:

9. Respondent is **Restrained** from interfering with petitioner's physical or legal custody of  the minors named in the table above  these minors only:

10. Respondent shall immediately **Cause the Transfer or Surrender of Custody** of the  the minors named in the table above,  these minors only:

\_\_\_\_\_ to Petitioner or Designee.

11. Respondent is **Restrained** from removing from the state  the minors named in the table above  these minors only:

**Protection from Firearms and Other Dangerous Weapons:**

12. **Surrender and Prohibition of Weapons Order (LCL 5A.03.040(c)(3))**

The court finds reasonable cause to believe that the Petitioner, or another person sought to be protected, is in immediate danger of domestic violence by a family or household member.

The Respondent must comply with the **Order to Surrender Weapons and Prohibit Weapons Issued Without Notice** filed separately which states:

- (1) Respondent shall immediately surrender all firearms or other dangerous weapon specified by the Court to law enforcement for safekeeping; and
- (2) Respondent is prohibited from accessing, obtaining, or possessing any firearms or other weapon specified by the Court

The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner or other relief which may include payment of costs and treatment. **Failure to Appear at the Hearing May Result in the Court Granting Such Relief. The Next Hearing Date is Shown on Page One.**

**WARNINGS TO RESPONDENT:** Violation of the provisions of this order with actual notice of its terms is a criminal offense under Lummi Code of Laws §5.07.070 and §5A.02.070 and will subject a violator to arrest. You may also be subject to Washington state criminal penalties under chapter §26.50 RCW or another state's criminal code. If the violation of the protection order involves crossing state, territorial, or tribal boundaries to violate this order, it may result in federal prosecution and imprisonment under 18 U.S.C. §2261, §2261A, and §2262.

If this court issues a final protection order, Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 USC § 922(g)(8)). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. § 922(g)(9); RCW 9.41.040.

**You Can Be Arrested Even if the Person or Persons Who Obtained the Order Invite or Allow You to Violate the Order's Prohibitions.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any Tribal land within the United States shall accord full faith and credit to the order. The order is enforceable, even without registration, and shall be enforced as if it were an order of that jurisdiction.

**IT IS FURTHER ORDERED THAT:**

- The clerk of the court shall forward a copy of this order on or before the next judicial day to  Lummi Law and Order  \_\_\_\_\_ County Sheriff's Office  \_\_\_\_\_ Police Department **Where Petitioner Lives** which shall enter it in their computer-based criminal intelligence system used by law enforcement to list outstanding warrants.
- THE CLERK OF THE COURT SHALL ALSO FORWARD A COPY OF THIS ORDER ON OR BEFORE THE NEXT JUDICIAL DAY TO  LUMMI LAW AND ORDER  \_\_\_\_\_ COUNTY SHERIFF'S OFFICE  \_\_\_\_\_ POLICE DEPARTMENT **WHERE RESPONDENT LIVES** WHICH SHALL PERSONALLY SERVE THE RESPONDENT WITH A COPY OF THIS ORDER AND SHALL PROMPTLY COMPLETE AND RETURN TO THIS COURT PROOF OF SERVICE.
- Petitioner has made private arrangements for service of this order.

**OR**

- This order is issued following service by  mail  publication, and petitioner may serve this order by  mail  publication.

- Law enforcement shall assist petitioner in obtaining:
  - Possession of petitioner's  residence  personal belongings located at:  the shared residence  respondent's residence  other: \_\_\_\_\_
  - Custody of the above-named minors, including taking physical custody for delivery to petitioner (if applicable).
  - Possession of the vehicle designated in section 6 of this petition.
  - Other: \_\_\_\_\_

**This Temporary Order Is Effective Until the Next Hearing Date on Page One.**

Dated: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. \_\_\_\_\_  
**Tribal Court Judge**

Presented by:

\_\_\_\_\_  
Petitioner

1  
2  
3 **IN THE TRIBAL COURT**  
4 **FOR THE LUMMI NATION, WASHINGTON**

5  
6 Case No.: \_\_\_\_\_

7 \_\_\_\_\_  
8 Petitioner

9 vs.

10 \_\_\_\_\_  
11 Respondent

DECLARATION OF SERVICE  
Domestic Violence – Protection Order

12 **Instructions: This Declaration of Service is to be used for personal service of documents on the**  
13 **respondent. Once properly signed, it is evidence of proof of service. The Petitioner shall keep**  
14 **this document and present it to the court on or before the date of hearing. The use of a paid**  
15 **process server is not required. The server must be a nonparty who is over the age of 18 years.**

16 \_\_\_\_\_ declares as follows:  
(Print name of server)

17 On \_\_\_\_\_ 202\_\_\_\_, I served \_\_\_\_\_  
18 (Date) (Print name of person served)

19 with the following documents (check the box for each document served):

20  Petition for Order for Protection Domestic Violence

21  Ex Parte Temporary Order for Protection and Notice of Hearing Domestic Violence

22  signed and issued by the Court on date: \_\_\_\_\_

23  Order to Surrender and Prohibit Weapons Issued Without Notice

24  Proof of Surrender

25  Declaration of Non-Surrender

Frequently Asked Questions Surrender of Firearms Domestic Violence

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Other: \_\_\_\_\_  
(write in title of document served)

I am NOT a party in this case, I am over the age of 18, and declare I served the checked listed documents by:

CHECK ONE:

[ ] by delivering to and leaving with him/her personally a copy of the checked listed documents at the following address: \_\_\_\_\_.

[ ] by leaving the checked listed documents with a person of suitable age and discretion at the residence of the person to be served, with directions to deliver the documents to the person being served at the following address: \_\_\_\_\_.

I DECLARE under penalty of perjury under the laws of the Lummi Nation that the foregoing is true and correct.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in \_\_\_\_\_, WA.  
(place where signed)

\_\_\_\_\_  
Signature of Server

\_\_\_\_\_  
Print Name of Server