

TITLE 5. SKY TRIBE CIVIL CODE
CHAPTER 7. DOMESTIC VIOLENCE

5 – 7 – 4 Eligible Petitioners. A person, who is a member of the Sky Tribe or a non-member who resides on the Sky Reservation, may seek relief under this Chapter by filing a Petition with the Sky Tribal Court alleging abuse by the respondent.

5 – 7 – 5 Contents of Petition.

- (1) A petition filed under the provisions of this Chapter shall state:
 - (a) the name and address of each petitioner, unless providing such address would reveal the confidential address of a shelter, in such instance the address of each petitioner shall be made orally and *in camera*;
 - (b) whether the petitioner resides on the Sky Reservation;
 - (c) the name and address of each individual alleged to have committed domestic abuse and whether each individual resides on the Sky Reservation;
 - (d) the facts and circumstances concerning the alleged domestic abuse;
 - (f) the relationship between the petitioners and the individuals alleged to have committed domestic abuse; and
 - (d) a request for one or more protective orders.

5 – 7 – 6 Request for Ex Parte Order. If a petitioner requests the issuance of a temporary ex parte order, the petition shall:

- (1) contain a general description of the facts and circumstances concerning the abuse and the need for an immediate protective order; and
- (2) be signed by each petitioner under oath that the facts and circumstances contained in the petition is true to the best knowledge and belief of each petitioner.

5 – 7 – 7 Ex Parte Order of Protection Against Domestic Violence. Upon good cause shown, the Sky Tribal Court may enter such ex parte order as it deems necessary to protect a petitioner when a petitioner states to the Court that they are in immediate danger of domestic abuse and the Court finds reasonable grounds to believe that the petitioner is in immediate danger. An ex parte order of protection against domestic violence is effective until a hearing is held on a temporary restraining order. Upon issuance of an ex parte order, the Sky Tribal Court shall serve the ex parte order of protection against domestic violence immediately on the respondent with a notice of hearing for a temporary restraining order.

5 – 7 – 8 Notice and Hearing: Temporary Orders. Within seven (7) days of filing a petition under provisions of this chapter, the Sky Tribal Court shall hold a hearing, at which time the petitioner must prove the allegation of abuse by a preponderance of the evidence. The defendant shall be given notice by service of process. A temporary restraining order shall be effective for at least fourteen (14) days upon which a hearing on a permanent restraining order may be held upon motion by the petitioner.

5 – 7 – 9 Permanent Protective Orders. Upon notice to the defendant, the Sky Tribal Court shall hold a hearing for a permanent protection order at which time the petitioner must prove the allegation of abuse by a preponderance of the evidence. A permanent restraining order shall be effective for as long as the Court deems necessary.

5 – 7 – 14. Penalties for Violation of a Protection Order Against Domestic Violence.

Violation of a protection order against domestic violence known to the defendant shall carry a

maximum penalty of one (1) year in jail or imposition of a fine not to exceed four thousand dollars (\$4,000.00), or both. A violation of a protection order against domestic violence known to the defendant is a criminal offense punishable under Section 10-22-15 of the Sky Tribe Criminal Code.