

**INFORMATION INSTRUCTIONS FOR FILING A
RESTRAINING ORDER APPLICATION**

Petitioners must completely fill out the application form and provide the Clerk of Court with the mailing address and phone number (when available) for themselves as well as the respondent.

Temporary Restraining Orders are extraordinary and shall not be granted unless there is immediate and irreparable injury, loss or damage to the petitioner before a hearing can take place. (Section 4-2-1721 (A)) For these reasons it is important that the Application for Restraining Order be as detailed, specific and accurate as possible.

No Temporary Restraining Order will be granted unless the petitioner certifies under oath why notice of the restraint should not be required. (Section 4-1-172 (B))

The court may require payment of bond by the petitioner for costs and damages for a party who is injured or wrongfully restrained. No bond is required by the Tribe, an Officer, Agency, or in a Divorce or Domestic matter. (Section 4-1-172 (3))

Grounds for a Restraining Order are: No other remedy available to the petitioner, no administrative remedy, irreparable harm to the Petitioner and/or greater harm will come to the Petitioner than the Respondent by the granting of an Order (Section 4-1-172 (5) A, B, C, D,) If the Petitioner is alleging these grounds exist, they must be explained in detail.

No order is effective until the respondent has been properly served with a true copy of the court's order.

In the event that court needs to temporarily address child custody in the Temporary Restraining Order, the Uniform Child Custody Jurisdiction Enforcement Act Affidavit enclosed herein **MUST BE COMPLETED** by the Petitioner. If said Affidavit is not completed by the petitioner at the time of filing, the Spirit Lake Tribal Court **WILL NOT** address temporary custody of any minor child unless the Temporary Restraining Order.

A \$10.00 FILING FEE IS REQUIRED UPON TURNING IN YOUR APPLICATION

SPIRIT LAKE TRIBAL COURT

IN TRIBAL COURT/CIVIL DIVISION

SPIRIT LAKE JURISDICTION

FORT TOTTEN, NORTH DAKOTA

_____,)
 Petitioner,)
 VS.)
 _____,)
 Defendant,)

UNIFORM CHILD CUSTODY
 JURISTITION ENFORCEMENT
 ACT AFFIDAVIT

C# _____

I, _____ (name) pursuant to the Uniform Child Custody Jurisdiction Enforcement Act, NDCC Section 14-14-20 and the Federal Parental Kidnapping Prevention Act, after being duly swan, do depose and say that:

1) The child(rens) name(s) and date(s) of birth are as follows:

Name	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2) The minor children named in the petition T this case are currently living at:
 (address) _____
 And have lived at that address for: (length of time in months or years) _____

3) Within the last five years the places where the children have lives are as follows:

4) Within the last five years the names and present addresses of all of the persons with whom the children have lived are as follows:

5) I have/have not participated as a party, witness, Or in any other capacity. in any ether litigation concerning the custody of the minor children in this or any other state of tribal court, (If you circled have, please list here)

6) I have/have no information of any custody proceeding concerning the minor children pending in a Court of the State of North Dakota or any other state or tribal jurisdiction (If you circled have, please-list where)

7) I do riot know of any person not a party to this proceeding who has physical custody of the minor children or who claims to have custody or visitation rights with respect to they minor children.

8) I understand that I have a continuing duty to inform the Court of any custody proceeding concerning the minor children in this or in any other state, if I obtain that information while this proceeding is still pending.

FURTHER, AFFIANT SAYETH NOT.

Petitioner

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

(Seal)

Clerk of Court or Notary Public

SPIRIT LAKE TRIBAL COURT

IN TRIBAL COURT/CIVIL DIVISION

SPIRIT LAKE JURISDICTION

FORT TOTTEN, NORTH DAKOTA

This information is needed for data entry purposes and for the purpose of locating the opposing party for the purpose of having legal papers served upon him/her if necessary. The Court does not have this information and it is REQUIRED that you provide this information when filing your civil forms with the court in order for the court to proceed with the processing of your documents. I WILL NOT proceed further without this information.

CIVIL INFORMATION SHEET

PLAINTIFF/PETITIONER:

Name: _____

AKA/Nick Name: _____

Place of Residence: (District and/or Unit #) _____

Current Mailing Address: _____

Home Phone Number _____ Cell Phone Number: _____

Work Phone Number: _____

Place of Employment: _____

Social Security Number: _____

Date of Birth: _____

DEFENDANT/RESPONDENT:

Name: _____

AKA/Nick Name: _____

Place of Residence: (District and/or Unit #) _____

Current Mailing Address: _____

Home Phone Number _____ Cell Phone Number: _____

Work Phone Number: _____

Place of Employment: _____

Social Security Number: _____

Date of Birth: _____