

| <h2 style="margin: 0;">PETITION FOR PROTECTIVE ORDER</h2> | District Court of _____ County State of Oklahoma Case No. PO-20 _____ Court Phone Number (____) _____ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------|---------|-----|----|----|--|--|--|--|--|------|------|-------------------------|--|--|--|--|--|--|--|-------------------|--|-------|---------|--|--|--|--|--|--|--------------|--|--|--|--|
| <h3 style="margin: 0;">Petitioner</h3> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> First Middle Last and/or on behalf of minor family member(s) | <h3 style="margin: 0;">Additional Petitioner Information</h3> Name(s) and age(s) of minor family member(s) <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <h3 style="margin: 0;">-VS- Defendant</h3> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> First Middle Last Relationship to Petitioner: _____ Defendant's Address (Street address, City, State, Zip Code) <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> | <h3 style="text-align: center; margin: 0;">Defendant Identifiers</h3> <table border="1" style="width: 100%; border-collapse: collapse; margin: 0;"> <tr> <th style="width: 15%;">SEX</th> <th style="width: 15%;">RACE</th> <th style="width: 15%;">DOB</th> <th style="width: 15%;">HT</th> <th style="width: 15%;">WT</th> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td style="height: 20px;"> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2" style="height: 20px;"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="5" style="height: 40px; vertical-align: top; padding: 5px;"> Other </td> </tr> </table> | SEX | RACE | DOB | HT | WT | | | | | | EYES | HAIR | DISTINGUISHING FEATURES | | | | | | | | DRIVERS LICENSE # | | STATE | EXPIRES | | | | | | | Other | | | | |
| SEX | RACE | DOB | HT | WT | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| EYES | HAIR | DISTINGUISHING FEATURES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| DRIVERS LICENSE # | | STATE | EXPIRES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Other | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

(Clerk's File Stamp Below)

1. Information About the Parties.

Several factors may apply. Please read ALL items below carefully & check any that apply.

A. The Defendant's Relationship to Petitioner(s):

I. Intimate Partner:

- Defendant is my current spouse
- Defendant is my former spouse
- Defendant and I are dating, or have dated, each other
- Defendant and I are, or have been, engaged in a sexual relationship
- Defendant and I are the biological parents of the same child
- Defendant and I currently live together, or previously lived together, in an intimate relationship
- Defendant is an Intimate Partner of a minor child listed above

II. Family or Household Member:

- Defendant is my parent, grandparent, stepparent, adoptive parent, or foster parent
- Defendant is my child, grandchild, stepchild, adopted child, or foster child
- Defendant is otherwise related to me (by marriage or blood) and _____ does or _____ does not (check one) live in the same household as me
- Defendant lives in the same household as me, or lived with me within the past year, but is NOT related to me (by marriage or blood)
- Defendant is a _____ Family Member and/or _____ Household Member (check one or both) of the minor child(ren) listed above

B. If you DID check one or more items in Section A above, then complete this section.

Petitioner is a (check all that apply):

- Victim of Domestic Violence/Abuse*
- Victim of Stalking*
- Victim of Harassment*
- Victim of Rape
- Adult Victim of Other Crime
- Family or Household Member of the Minor Child/Children Listed Above

C. If you DID NOT check one or more items in Section A above, then complete this section.

Defendant has committed the following acts against Petitioner and/or the minor(s) listed above:

- Rape
- Sex Offense
- Assault and Battery with a Deadly Weapon
- Forcible Sodomy
- Kidnapping
- Stalking*
- Other Crime against an Adult Victim

***POLICE REPORT:** If you are NOT a family or household member, or in a dating relationship with Defendant, please see Appendix 1 for further information about whether you must attach a police report.*

***DEFINITIONS:** Terms with an asterisk (*) have specific meanings. See Appendix 2 for important definitions.*

- D. First Degree Murder (check if applicable). Petitioner is an Immediate Family Member of a Victim of First Degree Murder, and Defendant has Been Charged and Convicted of that Crime

2. Statement of Jurisdiction.

INSTRUCTION: Check all that apply

- Petitioner is a resident of the county wherein this Petition is filed.
- Defendant is a resident of the county wherein this Petition is filed.
- The domestic abuse occurred in the county wherein this Petition is filed.

3. Actions of the Defendant

INSTRUCTION: Check and complete one or more of the following. Fill in the blank lines of checked items.

DEFINITIONS: Terms with an asterisk () have specific meanings. See Appendix 2 for important definitions.*

- DOMESTIC ABUSE*: The Defendant has caused or attempted to cause physical harm to: _____ . (Name(s))
- DOMESTIC ABUSE*: The Defendant has threatened* imminent physical harm to: _____ . (Name(s))
- The Defendant has harassed* _____ . (Name(s))
- The Defendant has stalked* _____ . (Name(s))
- The Defendant has committed: Rape Sex Offense Assault and Battery with a Deadly Weapon Forcible Sodomy Kidnapping First Degree Murder against _____ . (Name(s))
- The Defendant has committed the crime of _____ against Petitioner (adult victim of crime, 22 O.S. §60.2(A)).

4. Description of Incident(s)

The incident(s) which caused the filing of the petition occurred on or about _____ (Date(s)). Describe what happened, when and where the event(s) occurred. List all actions or behaviors you intend to present to the Court at the hearing.

ATTACH ADDITIONAL PAGES IF NECESSARY

5. Other Cases. Please list all cases (divorce, protection orders, paternity, guardianship, criminal, juvenile, civil) involving the Defendant and yourself, or a child you have with the Defendant (attach additional sheets of paper if necessary):

| <i>Case Name</i> | <i>Case Number</i> | <i>County & State</i> |
|------------------|--------------------|---------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

6. Type of Order Requested. INSTRUCTION: Check either A or B

A. Petitioner does not request an Emergency Ex Parte Protective Order but does request the following relief, checked below, after notice and hearing, in a Final Order;

OR

B. Petitioner does request an Emergency Ex Parte Order because it is necessary to protect the petitioner(s) from immediate and present danger. Petitioner requests the following relief, checked below, in the Ex Parte Order AND, after notice and hearing, requests the same relief in a Final Order.

RELIEF REQUESTED

INSTRUCTION: Check EACH item which you are requesting from the Court

1. Defendant should be prohibited from attempting or having **ANY CONTACT** whatsoever with the Petitioner, either in person, through others or by telephone, mail, electronic means, or any other manner, at any time or place unless specifically authorized by the Court.

2. Defendant should be prohibited from injuring, abusing, sexually assaulting, molesting, harassing, stalking or threatening the Petitioner, and from use, attempted

use or threatened use of physical force against the Petitioner that would reasonably be expected to cause bodily injury.

- 3. Defendant should be prohibited from engaging in other conduct that would place the Petitioner in reasonable fear of bodily injury to the Petitioner or the Petitioner's household members or relatives.
- 4. Defendant should be ordered to leave and remain away from the residence located at: _____, _____, Oklahoma, on or before the _____ day of _____, 20__ at _____ a.m./p.m., and take no action to change utilities or telephone service.
- 5. The Court should order Law Enforcement Officers to accompany the **Defendant** to the above residence to remove necessary clothing and personal effects, and remain in attendance until Defendant leaves the premises, and the Court should further order Defendant NOT to go to the above residence to remove necessary clothing and personal effects unless Law Enforcement Officers are present.
- 6. The Court should Order Law Enforcement Officers to accompany the **Petitioner** (i.e. provide a "civil standby") to the current or recent past residence to remove necessary clothing and personal effects, and remain in attendance until Petitioner leaves the premises. Such residence is located at the following address:
_____, _____, _____, Oklahoma.
- 7. The Court should Order Defendant, who is a minor, to leave the residence located at _____

(address, city, state) by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to 10A O.S. §2-2-101(A).
Circle Age of Minor Defendant: 13 14 15 16 17
- 8. There is an existing child visitation order and the Court should suspend or modify child visitation to protect from threats of abuse or physical violence by the Defendant or a threat to violate a custody order. 22 O.S. §60.4(I)(1).
- 9. The Defendant should be ordered to obtain domestic abuse counseling or treatment. 22 O.S. §60.4(C)(1) and (E)(1).
- 10. To protect an animal(s) owned by either of the parties or any child living in the household, the Court should order Defendant to have no contact with said animal(s) and order possession and exclusive care of said animal(s) to the Petitioner.
- 11. Pursuant to 22 O.S. §60.17, Petitioner makes application to monitor the location of the Defendant by computer or cellular inquiry. The Defendant should be ordered to use an active, real-time, twenty-four-hour GPS monitoring device, and costs of the GPS device and monitoring should be paid by Defendant.

12. Pursuant to 22 O.S. §60.4, Petitioner requests that billing responsibility and rights to the following household utilities and/or wireless telephone number (and wireless numbers for minor children) be transferred to petitioner's name. _____

Note: A public utility or wireless service provider's normal requirements for setting up a new account still apply. Petitioner will be responsible for paying for the account.

13. Defendant should immediately surrender all firearms and other dangerous weapons within the Defendant's possession or control and any concealed carry license to _____.

14. The Defendant should be ordered to pay the court costs and service of process fees (pursuant to 22 O.S. §60.2(C)(1), no fees or costs shall be charged to the petitioner except if the Court finds this petition has been filed frivolously).

15. The Defendant should be ordered to pay the Petitioner's attorney's fees in the amount of \$ _____

PETITIONER REQUESTS THE COURT TO ORDER THE FOLLOWING ADDITIONAL RELIEF:

7. Warnings To Petitioner:

A. Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that the statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to 21 O.S. §§500 and 504, the penalty for perjury, or subornation of perjury, is a felony punishable by imprisonment for not more than five (5) years.

B. If the court makes specific findings that a petition for a protective order has been filed frivolously and no victim exists, the court may assess attorney fees and court costs against the plaintiff pursuant to 22 O.S. §60.2 (C)(2). It is against the law to file a petition for a protective order against a spouse or former spouse for the purposes of harassment, undue advantage, intimidation or limitation of child visitation rights in any divorce proceeding or separation action without justifiable cause. Violators may be subject to criminal penalties pursuant to 22 O.S. §60.4(H).

8. Sworn Statement/Affirmation of Truth

I state, under penalty of perjury under the laws of Oklahoma, that I have read the above and foregoing document, understand the meaning thereof, and declare that the facts and statements contained herein are true to the best of my knowledge and belief.

PETITIONER

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

Deputy Court Clerk, Judge or Notary

Petitioner requests the following law enforcement agencies receive a copy of any Protective Order entered herein:

Name of Agency or Agencies (use additional pages if necessary)

Petition for Protective Order
Appendix 1

Law Enforcement Complaint (Police Report) Required?

If you ARE a family or household member or in a dating relationship with Defendant, then Police Report **IS NOT** required

If you ARE NOT a family or household member or in a dating relationship with Defendant, then see rows below

| | |
|---|--|
| <p><u>Actions of Defendant:</u></p> <ul style="list-style-type: none"> • Rape • Sex Offense • Assault & Battery with Deadly Weapon • Forcible Sodomy • Kidnapping • First Degree Murder (Petitioner is an Immediate Family Member of the Victim) | <p>Police Report IS REQUIRED for <u>Final Order</u> of Protection</p> <p>Police Report IS NOT required for</p> <ul style="list-style-type: none"> • Emergency Temporary (weekend) Order • Emergency Ex Parte Order |
| <ul style="list-style-type: none"> • Stalking • Other Crime Not Listed Above | <p>Police Report IS REQUIRED</p> |

Authority: 22 O.S. §60.2, paragraphs (A)(1) and (G).

(A)(1) . . . If the person seeking relief is not a family or household member or an individual who is or has been in a dating relationship with the defendant, the person seeking relief must file a complaint against the defendant with the proper law enforcement agency before filing a petition for a protective order with the district court. The person seeking relief shall provide a copy of the complaint that was filed with the law enforcement agency at the full hearing if the complaint is not available from the law enforcement agency. Failure to provide a copy of the complaint filed with the law enforcement agency shall constitute a frivolous filing and the court may assess attorney fees and court costs against the plaintiff pursuant to paragraph 2 of subsection C of this section. . . .

(G) A victim of rape, forcible sodomy, a sex offense, kidnapping, assault and battery with a deadly weapon or member of the immediate family of a victim of first-degree murder, may petition for an emergency temporary order or emergency ex parte order regardless of any relationship or scenario requirements in this section. . . .

Petition for Protective Order
Appendix 2

Selected Definitions – 22 O.S. §60.1

Dating Relationship - Intimate association, primarily characterized by affectionate or sexual involvement. For purposes of [the Protection from Domestic Abuse Act], a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

Domestic Abuse. Any act of physical harm or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor child thirteen (13) years of age or older against another adult, emancipated minor or minor child who is currently or was previously an intimate partner or family or household member.

Harassment - A knowing and willful course or pattern of conduct by a family or household member or an individual who is or has been involved in a dating relationship with the person, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls in violation of Section 1172 of Title 21 of the Oklahoma Statutes and fear of death or bodily injury.

Intimate Partner -

- a. current or former spouses,
- b. persons who are or were in a dating relationship,
- c. persons who are the biological parents of the same child, regardless of their marital status or whether they have lived together at any time, and
- d. persons who currently or formerly lived together in an intimate way, primarily characterized by affectionate or sexual involvement. A sexual relationship may be an indicator that a person is an intimate partner, but is never a necessary condition.

Stalking - The willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:

- a. maintaining a visual or physical proximity to the individual,
- b. approaching or confronting that individual in a public place or on private property,
- c. appearing at the workplace of the individual or contacting the employer or coworkers of the individual,
- d. appearing at the residence of the individual or contacting the neighbors of the individual,
- e. entering onto or remaining on property owned, leased or occupied by the individual,
- f. contacting the individual by telephone, text message, electronic message, electronic mail, or other means of electronic communication or causing the telephone or electronic device of the individual or the telephone or electronic device of any other person to ring or generate notifications repeatedly or continuously, regardless of whether a conversation ensues,
- g. photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the individual. This subparagraph applies regardless of where the act occurs,

- h. sending any physical or electronic material or contacting the individual by any means, including any message, comment, or other content posted on any Internet site or web application,
- i. sending to a family member or member of the household of the individual, or any current or former employer of the individual, or any current or former coworker of the individual, or any friend of the individual, any physical or electronic material or contacting such person by any means, including any message, comment, or other content posted on any Internet site or web application, for the purpose of obtaining information about, disseminating information about, or communicating with the individual,
- j. placing an object on, or delivering an object to, property owned, leased or occupied by the individual,
- k. delivering an object to a family member or member of the household of the individual, or an employer, coworker, or friend of the individual, or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the individual, or
- l. causing a person to engage in any of the acts described in subparagraphs a through k of this paragraph.