

APPLICATION FOR EXCLUSION

The Spirit Lake Constitution and Bylaws as well as Title 13 of the Spirit Lake Law and Order Code vest the Tribal Council with the inherent authority of the Tribe to exclude individuals from the Spirit Lake Reservation for a variety of reasons,

Title 13 of the Spirit Lake Law and Order Code sets forth the procedures that must be filed in order for the Tribal Council to address and issue an Exclusion. The Code requires:

- 1) That a Complaint/ Petition for Exclusion be filed with the Secretary-Treasurer of the Tribal Council; and
- 2) That the Secretary-Treasurer for the Tribe send notice of a Hearing and of receipt of the Complaint/ Petition to the person against whom exclusion is sought.
- 3) The Tribal Council may enter a Temporary Emergency Exclusion Order if the Tribal Council deems that an emergency exists; and
- 4) The Tribal Council will hold a hearing and will determine the length of the hearing as well as what information is relevant to the hearing.
- 5) At the Conclusion of the Hearing the Tribal Council will either grant or deny the exclusion.
- 6) If the Exclusion is granted a Resolution and Permanent Exclusion Order will be issued and a copy of the same will be sent to the Tribal Court for enforcement and service purposes.

Should you have any questions please direct them to the Secretary-Treasurer

In support of this application for Exclusion I would like the following people to be my witnesses at an Exclusion Hearing before the Spirit Lake Tribal Council:

By signing this document I am stating that all information in this Complaint is true and accurate to the best of my knowledge and accordingly I am requesting that the Spirit Lake Tribal Council exclude the above individual(s) in accordance with Title 13 of the Spirit Lake Law and Order Code.

COMPLAINANT

DATE

WITNESSED BY:

DATE

SECRETARY-TREASURER
SPIRIT LAKE TRIBAL COUNCIL

DATE

NOTICE OF COMPLAINT/ PETITION FOR EXCLUSION AND HEARING

DATE:

TO:

FROM: SECRETARY-TREASURER
SPIRIT LAKE TRIBAL COUNCIL

Please be advised that the Spirit Lake Tribal Council has received a Complaining/ Petition for Exclusion requesting against you. The Spirit Lake Tribal Council, in accordance with Title 13 of the Spirit Lake Law and Order Code shall conduct a hearing on the Complaint/ Petition on the following date and time:

DATE:
TIME:
LOCATION:

Be further advised that the Tribal Council shall, in its discretion limit all witnesses and testimony to what it deems to be relevant and the hearing shall not exceed 30 minutes, unless otherwise extended by the Tribal Council. Should you choose not to appear in person the Tribal Council may consider written responses or in the alternative may proceed with an Exclusion should you fail to respond or appear.

Secretary-Treasurer
Spirit Lake Tribal Council

SPIRIT LAKE TRIBE
SPIRIT LAKE JURISDICTION

BEFORE TRIBAL COUNCIL
FORT TOTTEN, NORTH DAKOTA

_____)	
PETITIONER,)	
)	
VS.)	EMERGENCY TEMPORARY
)	EXCLUSION ORDER
)	
_____)	
RESPONDENT.)	

To the Respondent:

- (1) Petitioner has requested an Exclusion Order against you. You are hereby ordered not to have any direct or indirect contact with the Petitioner on the Spirit Lake Reservation. You must immediately leave the Spirit Lake Reservation and are to stop any violence or harassment directed at the Petitioner within the Spirit Lake jurisdiction.
- (2) Based upon the nature of the allegations made against you the Tribal Council has deemed that a Emergency Exclusion is appropriate at this time. You are hereby ordered to vacate the Spirit Lake Reservation until a hearing can be held on this matter before the Spirit Lake Tribal Council.
- (3) A hearing shall be held on this matter at the Spirit Lake Tribal Office on the date and time specified herein. You are entitled to bring forth witnesses and/ or witness statements at the hearing, but be advised that your comment will be limited to 15 minutes. Should you fail to appear at the hearing the Tribal Council shall enter an Order of Exclusion against you.
- (4) You violate this order if, in addition to the prohibition set forth above, you:
 - a) Enter the Spirit Lake Reservation without the express authorization of the Spirit Lake Tribal Council; and
 - b) Failure to abide by the terms of this Order may result in criminal or civil proceedings in the Spirit Lake Tribal Court.
 - c) An Officer of the Fort Totten Police Department shall accompany the Respondent to retrieve any personal properties (clothes, toiletries, medication, documents of identification, or other personal items _____

_____)
 - d) Respondent and Petitioner shall be required to attend a hearing before the Spirit lake Tribal Council on the _____ day of _____, 20_____

at the hour of _____ AM/ PM at the Spirit Lake Tribal Council Office

located at _____

Failure by the Petitioner to appear at said hearing may result in dismissal of the Complaint and failure by the Respondent to appear shall result in the Exclusion Order being entered against you.

Any officer of the Fort Totten Police Department may arrest you with or without a warrant and take you into custody if said officer has probable cause to believe that you have violated this order.

CONSENT OF THE PETITIONER TO SAID CONTACT DOES NOT INVALIDATE THIS ORDER AND WILL BE CONSIDERED A VIOLATION.

The Clerk of Court shall give a copy of this Order to the Fort Totten Police Department that has jurisdiction over the residence of the Petitioner.

Dated this _____ day of _____, 20_____

(Tribal Seal)

Lonna J. Street
Tribal Chairwoman
Spirit Lake Tribal Council

SPIRIT LAKE TRIBE
SPIRIT LAKE JURISDICTION

BEFORE TRIBAL COUNCIL
FORT TOTTEN, NORTH DAKOTA

_____))
PETITIONER,))
vs.)) EMERGENCY TEMPORARY
)) EXCLUSION ORDER
)) Certificate of Service
_____))
RESPONDENT.))

CERTIFICATE OF SERVICE

Personal Service by Spirit Lake Tribal Court Process Server

Served on (name of recipient): _____

Served at (location): _____

Date of Service: _____

Time of Service: _____

Dated this _____ day of _____, 20 _____

Signature of Process Server

HEARING PROTOCOL

- STEP ONE: Chairman shall call hearing to Order
- STEP TWO: (15 minutes)
Complaining Party shall be given an opportunity to tell the Council why they feel an Exclusion needs to be put into place against the Respondent.
- STEP THREE: (15 minutes)
Respondent shall be given an opportunity to tell the Council why they feel that they should not be excluded. Witnesses and evidence shall be reviewed and considered in the sole discretion of the Tribal Council
- STEP FOUR: Chairman shall call for a vote of the Tribal Council
- STEP FIVE: A resolution shall be issued Approving or Denying the Exclusion
- STEP SIX: Chairman shall adjourn the Hearing
- STEP SEVEN: Secretary-Treasurer shall send the Resolution to the Complainant, Respondent, Clerk of Court and Law Enforcement.

SPIRIT LAKE TRIBE
SPIRIT LAKE JURISDICTION

BEFORE TRIBAL COUNCIL
FORT TOTTEN, NORTH DAKOTA

_____,)
PETITIONER,)
)
VS.)
)
)
_____,)
RESPONDENT.)

EXCLUSION ORDER

To the Respondent:

- (1) Petitioner has requested an Exclusion Order against you. You are hereby ordered not to have any direct or indirect contact with the Petitioner on the Spirit Lake Reservation. You must immediately leave the Spirit Lake Reservation and are to stop any violence or harassment directed at the Petitioner within the Spirit Lake jurisdiction.
- (2) Based upon the nature of the allegations made against you and upon consideration of the evidence brought before the Tribal Council at a Hearing on the _____ day of _____, 20____ at the hour of _____ am/ pm the Tribal Council has deemed that a Exclusion is necessary at this time. You are hereby ordered to vacate the Spirit Lake Reservation until and unless you obtain written authorization from the Tribal Council to return.
- (3) You violate this order if, in addition to the prohibition set forth above, you:
 - a) Enter the Spirit Lake Reservation without the express authorization of the Spirit Lake Tribal Council; and
 - b) Failure to abide by the terms of this Order may result in criminal or civil proceedings in the Spirit Lake Tribal Court.
 - c) An Officer of the Fort Totten Police Department shall accompany the Respondent to retrieve any personal properties (clothes, toiletries, medication, documents of identification, or other personal items)

Any officer of the Fort Totten Police Department may arrest you with or without a warrant and take you into custody if said officer has probable cause to believe that you have violated this order.
CONSENT OF THE PETITIONER TO SAID CONTACT DOES NOT INVALIDATE THIS ORDER AND WILL BE CONSIDERED A VIOLATION.

The Clerk of Court shall give a copy of this Order to the Fort Totten Police Department that has jurisdiction over the residence of the Petitioner.

Dated this _____ day of _____, 20_____

(Tribal Seal)

Lonna J. Street
Tribal Chairwoman
Spirit Lake Tribal Council

SPIRIT LAKE TRIBE
SPIRIT LAKE JURISDICTION

BEFORE TRIBAL COUNCIL
FORT TOTTEN, NORTH DAKOTA

_____)

PETITIONER,)

VS)

_____)

RESPONDENT.)

EXCLUSION ORDER
Certificate of Service

CERTIFICATE OF SERVICE

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Served on (name of recipient): _____

Served at (location): _____

Date of Service: _____

Time of Service: _____

Dated this _____ day of _____, 20_____

Signature of Process Server