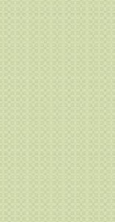



Full Faith and Credit for Tribal Protection Orders

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December 12, 2014



EXERCISE

What is a protection order?

- A piece of paper?
- Something that creates a right to safety?
- A paper that guarantees assistance?
- What can a protection order actually do?
- Would this order be enforced in in your jurisdiction? Why or why not?
- Switch with your neighbor...

• FULL FAITH AND CREDIT – WHAT IS IT?

What is Full Faith & Credit?

“Full Faith and Credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.”

U.S. Constitution, Article IV, Section I.

Examples:

- **Driver's license**
- **Marriage license**
- **Divorce Decree**
- **Birth Certificate**



Full Faith and Credit, Simply Stated:

Full faith and credit for protection orders means that when a protection order issued by any State, Indian tribe, or territory is violated in any other jurisdiction, it must be enforced as if the order had been issued in the enforcing jurisdiction.

Full Faith & Credit Provision of VAWA

18 U.S.C. § 2265 (a) FULL FAITH AND CREDIT -

Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were the order of the enforcing State, Indian tribe, or territory.

Jurisdiction and Due Process

A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

- (1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and
- (2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

18 U.S.C. §2265(b)

Federal Definition of “Protection Order”

The term ‘protection order’ includes—

(A) **Any injunction, *restraining order, or any other order issued by a civil or criminal court*** for the purpose of preventing violent or threatening acts or harassment against, *sexual violence* or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil *or criminal* court whether obtained by filing an independent action or as a *pendente lite* order in another proceeding so long as any civil *or criminal* order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection;

18 U.S.C. § 2266(5)

Protection Order, Cont.

(B) Any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

18 U.S.C. § 2266

Enabling Legislation

Full Faith and Credit at Work

- 49 states have enabling legislation, 1 state has attorney general guidelines.
- Many tribes have enabling legislation.
- These laws and policies dictate how out of jurisdiction orders are to be enforced.

Hawaii Revised Statutes § 586-21

Foreign protective orders.

Any valid protective order, as defined in 18 U.S.C. § 2266, issued by a court or tribunal of another state, tribe, or territory of the United States shall be accorded full faith and credit by the courts of this State and shall be enforced as if it were an order issued in this State.

What is a valid order under Hawaii law?

HRS § 586-22 (2014) - Valid protective order.

(a) A protective order issued by another state, tribe, or territory shall be considered valid if:

(1) The issuing court or tribunal had jurisdiction over the parties and matter under the laws of the state, tribe, or territory; and

(2) The respondent received notice and an opportunity to be heard before the foreign protective order was issued; provided that, in the case of an ex parte order, notice and opportunity to be heard were provided within a reasonable period of time, sufficient to protect the respondent's right to due process.

(b) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of an out-of-state protective order.

Bishop Paiute Full Faith and Credit Public Safety Ordinance No. 2009-01 § 202

A valid protective order issued by a state or tribal court shall be given full faith and credit by the Bishop Paiute Tribal Court, and enforced as if it were the order of the tribe.

The Bishop Paiute Tribe as the enforcing court determines how the protective order is enforced and determines the penalties and sanctions for violations of the order under Bishop Paiute Tribal law. The term Tribal law includes not only ordinances and written documentation, but also Tribal custom and practice. These remedies include but are not limited to suspension of Tribal services, monetary benefits such as sharing in Tribal per capita payments and eligibility for participation in Tribal programs.

Enforcement of valid foreign protection order in state tribunal - Cal Fam Code § 6402 (2014)

(a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

What is a valid order in California?

(d) A foreign protection order is valid if it meets all of the following criteria:

(1) Identifies the protected individual and the respondent.

(2) Is currently in effect.

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state.

Cal Fam Code § 6402 (2014)

What about ex parte orders?

If the order is ex parte, notice and opportunity to be heard must be provided within the time required by the issuing state or tribal law, within a reasonable time after the order is issued, and sufficient to protect the restrained party's due process rights.

What is a valid order under Bishop Paiute Law?

A valid protective order issued by a state or tribal court must meet the following conditions:

The issuing court has jurisdiction over the parties and matter; and

Is currently in effect and identifies the protected party and the respondent; and

The restrained party is given reasonable notice and opportunity to be heard sufficient to protect his or her due process rights.

Public Safety Ordinance No. 2009-01

What about an ex parte order?

(d)(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

Cal Fam Code § 6402 (2014)

° **WHAT'S INCLUDE IN A
STATE OR TRIBE'S
DEFINITION OF
PROTECTION ORDER?**

Hoh Definitions

Q "Order of Protection" means a court order granted for the protection of victims of domestic violence.

L "Foreign Protection Order" means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action.

Hoh Tribal Code 9-1.5 (2010).

Washington Definintions

"Foreign protection order" means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action.

Rev. Code Wash. (ARCW) § 26.52.010 (3) (2014).

The ISSUING Jurisdiction Determines:

- **Whom the order protects**
- **The terms and conditions of the order**
- **How long the order remains in effect**

Important Considerations for Issuing Courts

- Make sure orders are clear and legible.
- Avoid vague terms like “reasonable.”
- Make sure that orders are specific, but not too specific, i.e. stay away from childcare center, school, work.
- Firearms are addressed if necessary.
- Address full faith and credit in your orders – respondent will have notice and opportunity to be heard, order is covered under FFC and enforceable in all 50 states, etc.
- State that court had subject matter and personal jurisdiction.
- Make sure the name of the court, name of the judicial officer and contact information of the court are provided on the order.
- Don't issue mutual protection orders.

ENFORCING Jurisdiction Determines:

Enforcement is accomplished using the enforcement laws and procedures of your jurisdiction that govern:

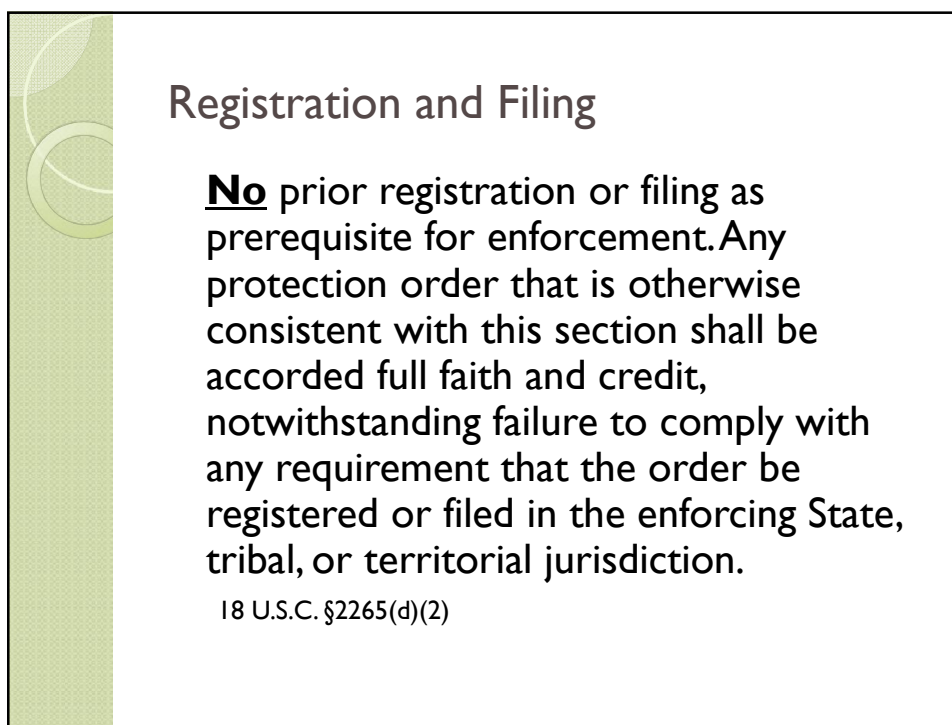
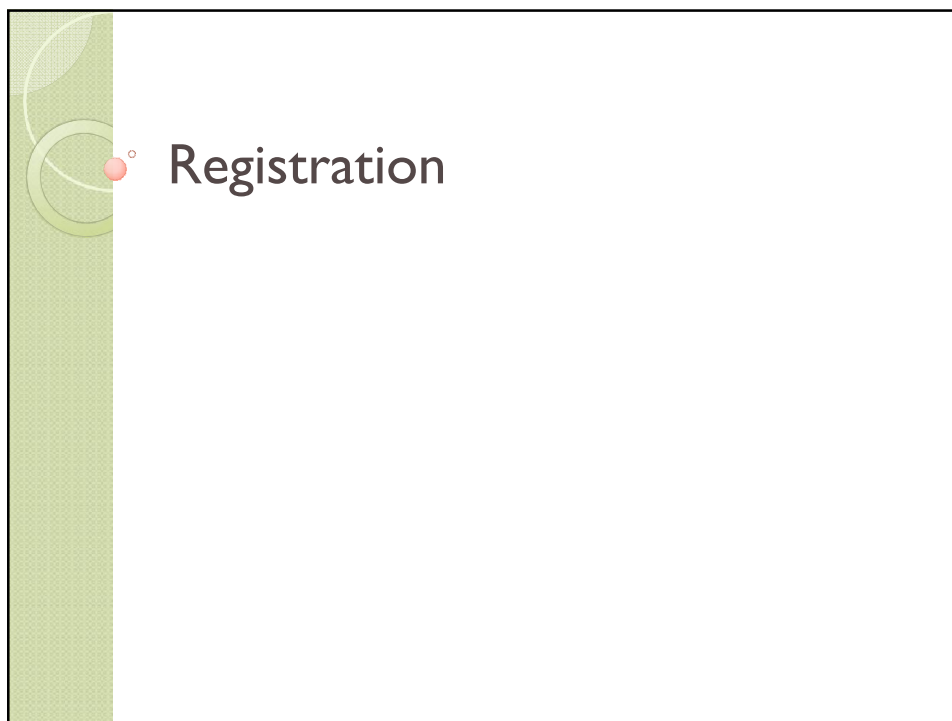
- Arrest
- Court enforcement mechanisms (e.g. civil contempt)
- Detention
- Bail/Bond
- Conditions of Release
- Victim Notification
- Penalties and Sanctions

MN Enforcement of a foreign PO by law enforcement

Subd. 19a. Entry and enforcement of foreign protective orders.

(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

Minn. Stat. § 518B.01 (2014).



Registration and Filing

No prior registration or filing as prerequisite for enforcement. Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

18 U.S.C. §2265(d)(2)

Notice of Registration

A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order. 18 U.S.C. §2265 (d)(1).

OK Registration

Nonjudicial enforcement of foreign protection order
D. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act.

22 Okl. St. § 60.24 (2014).



No Fees Allowed



VAWA No Fees Certification Requirement

Jurisdictions receiving STOP grants & Arrest grants MUST certify that:

(a) In general. A State, Indian tribal government, or unit of local government, shall not be entitled to funds under this part unless the State, Indian tribal government, or unit of local government--

(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order; or a petition for a protection order; to protect a victim of domestic violence, dating violence, sexual assault, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender; or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order; or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or

(2) gives the Attorney General assurances that its laws, policies and practices will be in compliance with the requirements of paragraph (1) within the later of--

(A) the period ending on the date on which the next session of the State legislature ends; or

(B) 2 years after the date of the enactment of the Violence Against Women Act of 2000 [enacted Oct. 28, 2000].

42 U.S.C. 3796gg-5. See also 42 U.S.C. 3796hh(c)(1)(D).

What does that mean?

The petitioner cannot be made responsible for the fees associated with the filing or issuance of protection orders in certain jurisdictions. This includes fees for service in the jurisdiction of issuance or outside the issuing jurisdiction.

Tennessee “No Fees”

Protection order -- Filing costs and assistance.

(a)(1) Notwithstanding any other law to the contrary, no domestic abuse victim, stalking victim or sexual assault victim shall be required to bear the costs, including any court costs, filing fees, litigation taxes or any other costs associated with the filing, issuance, registration, service, dismissal or nonsuit, appeal or enforcement of an ex parte order of protection, order of protection, or a petition for either such order, whether issued inside or outside the state. If the court, after the hearing on the petition, issues or extends an order of protection, all court costs, filing fees, litigation taxes and attorney fees shall be assessed against the respondent. Tenn. Code Ann. § 36-3-617 (2014).

Out-of-state protection orders.

(c) A petitioner may present a certified copy of a foreign order of protection to a court having jurisdiction of orders of protection in the county in which the petitioner believes enforcement may be necessary. The clerk of such court shall receive the certified copies of any foreign order of protection and any supporting documents used to show the validity of such order and shall maintain such orders, along with any submitted documents. No costs, fees or taxes shall be charged by the clerks for this service. If an enforcement action is instituted in the court pursuant to any such order, the clerk shall file the order and shall otherwise treat the enforcement action as a case, except that all court costs, fees and litigation taxes shall be taxed by the judge at the adjudication of the enforcement action. Tenn. Code Ann. § 36-3-622 (2014).



Enforcement of Protection Orders

Sabrina and Caleb: A Scenario



The Background

Sabrina and Caleb are married and both are enrolled members of the tribe living on the reservation. Caleb was enlisted in the Army and has recently been discharged. Shortly before they were set to move to back to your jurisdiction, Caleb struck Sabrina. Sabrina filed for a protection order in the county where they were living. Her petition was granted and a final protection order was issued. Caleb and Sabrina are now in their home on the reservation. They are having an argument about some bills. Caleb strikes Sabrina and Sabrina calls law enforcement.



What steps should Law Enforcement take when they arrive?



Responding Officers should:

- Respond just as you would to any other domestic violence call. Establish safety for yourselves, the survivor, and any other parties (e.g. children) at the scene.
- Interview the parties separately & ask whether there is a protection order in effect. If so, ask to review a paper copy of the protection order.
- Consider what other tribal/federal laws the abuser may have violated.



Verification

What steps should responding officers take to determine whether Sabrina's protection order is enforceable on the Reservation? In your jurisdiction?



Facial Validity Assessment

- If there is a paper copy of the foreign protection order available, do a facial validity assessment by looking for:
 - the parties' names (same parties involved here),
 - issuance date (prior to seeking enforcement),
 - if the order contains an expiration date (still in effect),
 - name of issuing court,
 - signature by or on behalf of judicial officer,
 - specifies terms and conditions against respondent.

Has the order been violated?

- Read the terms of the order carefully and in their entirety.
- One paragraph may prohibit certain behavior and the next may give exceptions to that prohibition.

VIOLATION OF A PROTECTION ORDER

Cal Pen Code § 273.6 (2014) - Punishment for violation of protective order

- (a) Any intentional and knowing violation of a protective order, as defined in Section 6218 of the Family Code, or of an order issued pursuant to Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code, is a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment.
- (b) In the event of a violation of subdivision (a) that results in physical injury, the person shall be punished by a fine of not more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both that fine and imprisonment. However, if the person is imprisoned in a county jail for at least 48 hours, the court may, in the interest of justice and for reasons stated on the record, reduce or eliminate the 30-day minimum imprisonment required by this subdivision. In determining whether to reduce or eliminate the minimum imprisonment pursuant to this subdivision, the court shall consider the seriousness of the facts before the court, whether there are additional allegations of a violation of the order during the pendency of the case before the court, the probability of future violations, the safety of the victim, and whether the defendant has successfully completed or is making progress with counseling.

Notice for Caleb?

Do the responding officers need to confirm that the order has been served or that Caleb had actual notice of the order and its terms?

Verification of Notice/Service

- | Federal law does NOT require verification of service before enforcing protection orders.
- | Some jurisdictions do require verification of service by law enforcement. In those jurisdictions, officers should first see whether that information is contained in the order itself. If not, officers must verify service or notice by other means.

Cal Fam Code § 6383 (2014)

(e) if the law enforcement officer determines that a protective order has been issued, but not served, the officer shall immediately notify the respondent of the terms of the order and where a written copy of the order can be obtained and the officer shall, at that time, also enforce the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of Sections 273.6 and 29825 of the Penal Code.

Changing the Facts

Caleb strikes Sabrina in Seattle, WA and she gets a temporary protection order in Seattle on December 1st. Sabrina then moves in with her friend Mary in LaPush. Caleb follows Sabrina and is outside of Mary Kate's house this morning. Sabrina calls for enforcement. Caleb has not had a chance to dispute the order in court. Is the order entitled to enforcement?

After verifying that a valid order exists

- Enforce according to Quileute Law
 - Arrest
 - Report
 - Statement on protection orders
- Inform Issuing jurisdiction's court/law enforcement
- Provide victim with information on local domestic violence resources

If you can't verify the order....

- Look for other violations
 - Stalking
 - Harassment
 - Burglary
 - Assault
 - Trespass
- Make an arrest on a different type of crime

Violations

Charges against the defendant will be based on your laws, rather than the law of the issuing jurisdiction. These violations will be prosecuted in your jurisdiction, although the issuing jurisdiction retains the right to prosecute violations of its orders.


Sabrina, Caleb and Thomas

Sabrina and Caleb are divorced and have a son, Thomas. Sabrina lives in Nevada and has an Nevada protection order. Sabrina is on the reservation to pick up Thomas after an extended visit with his father. The protection order gives Sabrina custody of Thomas and grants Caleb visitation. Caleb refuses to return Thomas from the scheduled visit. What should law enforcement do?

New Definition of Protection Order


Remember the definition of protection order includes provisions on child custody and support. These provisions are entitled to enforcement if the order meets the requirements for full faith and credit.

Sabrina would be entitled to enforcement of the child custody provisions in her order. Caleb would be subject to your jurisdictions enforcement mechanisms.



The Cliff Notes Version

Specific Types of Protection Orders



Types of Protection Orders

- Ex parte orders (18 U.S.C. §2265(b)(2))
- Mutual orders (18 U.S.C. §2265(c))
- Criminal protection orders (18 U.S.C. §2266(5))
- Consent orders (18 U.S.C. §2265(b))
- Custody provisions (18 U.S.C. §2266(5))
- Enforcement of civilian protection orders on military bases (10 U.S.C. §1561a)
- Military protection orders (not afforded FFC)
- Tribal protection orders (18 U.S.C. §2265)

Scenario

David and Maggie have recently separated. As Maggie left the marital home, David stated that he “would kill her if she didn’t come back [to him].” Maggie is renting a room in Buellton, CA but after David showed up in the apartment parking lot several days in a row and also followed her to work while shouting threats at her, Maggie decided to get a protection order. The temporary order was granted on Thursday, December 11th. Maggie goes to visit her friend on the Pascua Yaqui reservation for the weekend. David pulls into the driveway 10 minutes after Maggie and is sitting in his parked car. Because the order was issued yesterday, David has not yet been served with the order. Maggie has a certified copy of the order in her purse and calls for enforcement. What should happen?

Ex Parte Orders

- In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.
- Thus, an ex parte order is entitled to full faith and credit as long as the respondent has notice of the order, even if the hearing has not yet been held.

18 U.S.C. §2265(b)(2)

Pascua Yaqui Law

Section 70 Orders of Protection; Other Jurisdictions; Penalties (4 PYTC § 3-70)

(A) A police officer who is entitled to enforce tribal laws may enforce the terms and provisions of a qualifying order of protection within the Pascua Yaqui Indian Reservation.

(B) A peace officer may arrest and take into custody any person who the peace officer has probable cause to believe has willfully violated an order of protection issued by the Pascua Yaqui Tribal Court under Section 60 of this chapter or a qualifying order of protection from another jurisdiction.

(C) A qualifying order of protection means:

(1) The order of protection prohibits or provides protection against violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person.

(2) The order was issued against the defendant.

(3) The order is enforceable by the Pascua Yaqui Tribe.

(4) The order was issued by a court of competent jurisdiction including federal, state or tribal courts.

(D) Any person who willfully violates the terms of a qualifying protection order is guilty of the crime of domestic violence.

Pascua Yaqui Law

Section 60 Order of Protection; Ex Parte Orders of Protection; Procedure; Contents; Arrest for Violation; Penalty (4 PYTC § 3-60)

(K) A peace officer may, with or without a warrant, arrest a person if the peace officer has probable cause to believe that the person is in violation of disobeying or resisting an order issued pursuant to this section, whether or not such violation occurred in the presence of the officer.

Scenario

Sabrina has called for enforcement of her order to have Thomas returned to her. Police arrive on the scene and review her order. The document appears to be a mutual order. Caleb is listed as having filed a cross petition, Sabrina remains the original petitioner. Upon further review there seem to be terms prohibiting Caleb's conduct but none restricting Sabrina's behavior. There have been no findings that Caleb is entitled to an order. What happens? Who gets enforcement?

Mutual Orders

- A protection order issued by a State, tribal or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if –
 - no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or
 - a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

18 U.S.C. §2265(c)

Scenario

Police are called to a domestic disturbance in your jurisdiction. When they arrive they find John outside the home with a bloody nose and scratches on his face. He alleges that his ex-girlfriend, Mindy, did this to him. He claims that she left after he called 911. Mindy is found later that night and taken into custody. She is charged with assault and battery. She is released on bond. The judge told her that as a condition of release she must stay 100 feet away from John and not have contact with him in any way. Mindy sends John an apology e-mail and shows up to visit him at his mother's house in Indian Country. John calls law enforcement. What should happen?

Criminal Protection Orders

- Under the federal law, protection orders issued by criminal courts are entitled to full faith and credit.
- Criminal protection orders include those found in pre-trial release orders, conditional releases orders, bond conditions or probation orders.

Scenario

Krissy and George live in town. Krissy has been married to George for 10 years. She has now decided to leave George who became verbally abusive shortly after they wed. In the divorce decree, Krissy requests that George not contact her and remain at least 75 feet away from her, her home, job and car. Krissy requests that George pay her maintenance and that she receive a portion of his retirement plan. George agrees to these terms. The divorce decree is signed by both parties and a judge in Forks. Krissy moves to the reservation to live with her sister and be closer to her job there. In the following week George wants to discuss changing the asset divisions with Krissy and comes to her job. Krissy calls law enforcement and shows them her divorce decree. What do the officers do?

Consent or Agreed Orders

- Protection orders issued based upon consent agreements between the parties are entitled to full faith and credit, provided they satisfy the requirements of 18 U.S.C. §2265(b).
- Thus, if the court had subject matter jurisdiction and personal jurisdiction and the respondent had the opportunity to be heard, a consent order must be enforced as if it had been issued in the enforcing jurisdiction.

18 U.S.C. § 2266(5)

Scenario

Susan has an order from New York against Kelly. This order grants Susan custody of a daughter, Darcy, she and Kelly had adopted together. Kelly now works on the Mashentucket Pequot reservation, it is now summer break and she and Darcy are having an extended visit. When Darcy does not return on the train, Susan calls the tribal police. What happens?

Custody Provisions

- Protection orders often include terms to award temporary custody of the minor children to the victim. Non-issuing courts and law enforcement must enforce custody provisions within protection orders.
- Full Faith and Credit applies to:
 - “any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial or local law authorizing the issuance of protection orders, restraining order or injunctions for the protection of victims of domestic violence, sexual assault, dating violence or stalking.”

18 U.S.C. § 2266(5)(B).

Scenario

Sabrina and Caleb move to local military base where Caleb is stationed. They live on base. It is at this point that Caleb begins hitting Sabrina. During one incident Sabrina calls the MPs for help. Caleb is escorted out of the apartment and appears before the base commander who orders him to refrain from beating Sabrina and to relinquish all of her ID cards and credit/bank cards. Sabrina is sightseeing in your jurisdiction when Caleb attacks her. Bystanders call for help. When you arrive Sabrina shows you her protection order. What do you do?

Military Protection Orders

- Most military protection orders do not meet the requirements for inter-jurisdictional enforceability because they are usually issued by a commanding officer and the respondent is not accorded due process.

Enforcement of Civilian Orders on Military Installations

- Federal law allows for civil protection orders to be enforced on military installations.
- Civilian Orders of Protection: Shall have the same force and effect on military installations as they do in the issuing jurisdiction. 10 U.S.C. §1561a.
- Civilian Order of Protection is defined the same as in the definition used in 18 U.S.C. §2266(5).
- States should work with local military installations concerning military and civilian protection order to facilitate enforcement.

Tribal Protection Orders

- States and territories must enforce Tribal Protection Orders.
- 18 U.S.C. § 2265 applies to tribal court orders.



QUESTIONS?



National Center on Protection
Orders and Full Faith and Credit
Thank you!

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