



Violence Against Native Women

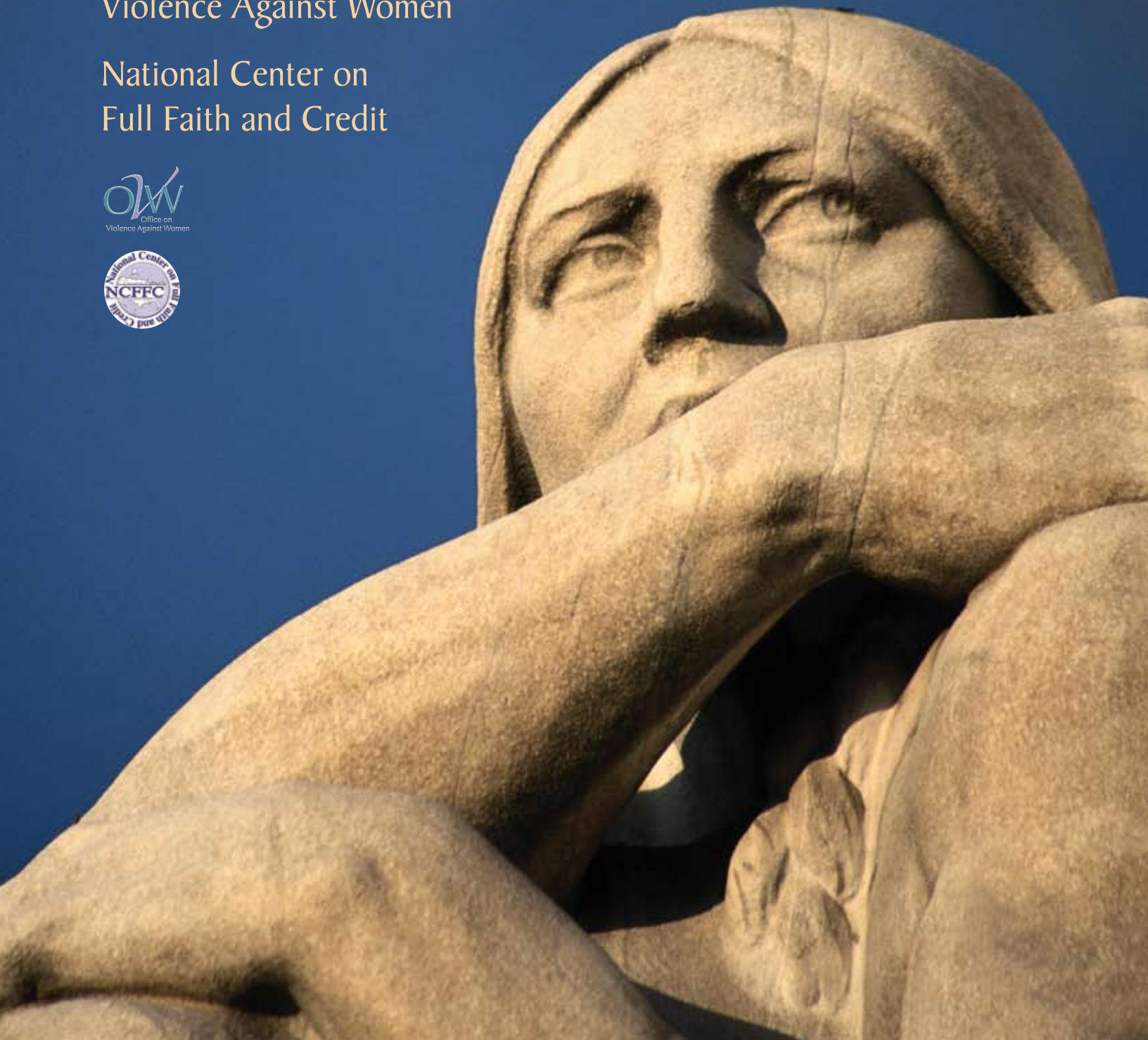
A Guide for Practitioner Action

Office on
Violence Against Women

National Center on
Full Faith and Credit



Office on
Violence Against Women





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and the
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I. Introduction

Native women are not safe. Department of Justice statistics depict a danger-ridden existence for American Indian and Alaska Native women. Native women have the highest rate of violent crime victimization, more than double that of women of other races.¹ Compared to women of other races, Native women have the highest rate of intimate partner violence,² the highest rate of stalking,³ and suffer from the highest rate of rape and sexual assault.⁴ More than one in three Native women will be raped during her lifetime.⁵ It is evident that Native women are not safe—are in fact particularly vulnerable to violent crime—and that an epidemic of violence against Native women threatens the health and well-being of Native communities.

Despite the current epidemic, Native women have not always been the targets of partner abuse and sexual assault.⁶ Scholars have concluded that physical and sexual violence was extremely rare in indigenous communities in pre-Colonial times.⁷ Native communities have traditionally depended on gender balance, in which each gender has separate roles and functions, with both honored equally.⁸ Under these conditions and societal norms, violence against Native women was not tolerated. On the rare occasions when physical or sexual violence did occur, it was severely punished by Native justice systems.⁹


The following examples illustrate these prevailing social norms and societal structures in which violence against Native women was not tolerated:

“A man who battered his wife was considered irrational and thus could no longer lead a war party, a hunt, or participate in either. He could not be trusted to behave properly....He was thought of as contrary to Lakota law and lost many privileges of life and many roles in Lakota society and the societies within the society.”¹⁰

“The essential Navajo value is that while men and women are distinct, they relate as complementary equals. That kind of relationship creates, or should create, an environment that views violence toward women as deviant behavior. Under Navajo common law, violence toward women, or mistreatment of them in any way, is illegal.”¹¹

Many tribal leaders, organizations, and individual Native people are actively engaged in dialogue to determine the best approaches to respond to and end





domestic and sexual violence against Native women.¹² To devise effective strategies to end violence against Native women both on the reservation and in the dominant culture, there must first be an analysis of why there is so much violence against Native women today. Then there must be an examination of the roles of tribal, state, and federal actors, including civil attorneys, law enforcement, prosecutors, advocates, judges, and probation and parole agents, in responding to the domestic and sexual violence.

Accordingly, this paper includes discussion of the theories of Native scholars regarding the sharp rise of the level of violence against Native women, as well as history and demographic information relevant to an overall understanding of the contemporary lives of Native women. This paper also reviews actions taken by the U.S. government and many tribal nations to respond to violence against Native women and to eliminate barriers to justice and healing for Native women who have survived domestic or sexual violence. Practice tips are included to assist practitioners and elected tribal officials. The paper concludes with a list of resources and a glossary.

This paper is intended to serve as a guide to practitioners who represent Native women who are the victims of domestic and sexual violence. It is dedicated to the brave Native women whose faces are behind the horrifying statistics.



II. The Evolution of Violence Against Native Women


Physical and sexual violence against Native women did not begin at contact with Western Europeans. However, it has increased exponentially over the course of centuries of contact. Violence has included ethnic cleansing, the deliberate spread of disease, targeted violence against Native women and children, and efforts to annihilate Indian cultures.¹³ Therefore, a discussion of contemporary epidemic levels of violence committed against Native women must begin with the colonization and conquest of North America. Understanding the origins of domestic and sexual violence against Native women is essential to understanding and addressing the complex and pervasive problem.

The discussion must continue with an examination of other causes and contributions to the epidemic of violence against Native women. One explanation is that the attempted destruction of Native culture has created an atmosphere in which violence directed against Native women is condoned, tolerated, or ignored.¹⁴ A second explanation is that the federal prohibitions that restrict tribal governments' ability to protect their women citizens perpetuate violence against Native women.¹⁵ These explanations are not definitive, nor are they the sole causes of violence against Native women. They are, however, paramount, and are explored below.

A. Traditional Native Communities

Historically, domestic and sexual violence against women in Native communities was rare. It was rare because such behavior was inconsistent with the role of women within the precontact worldview of Native people,¹⁶ in which importance was placed on respecting and upholding women.¹⁷ Generally, Native people held women as sacred, and honored and respected women for their life-giving powers.¹⁸ Native women were appreciated for their roles and contributions to their families, their clans, or their communities.¹⁹ Many Native American societies were matrilineal, and in some tribal societies women owned the property and held positions of leadership.²⁰ Additionally, the rights of a Native woman to retain her property and custody of her children, or to separate from or divorce her husband, were widely accepted among some tribal communities.²¹ In these societies, in which women were respected and held rights, domestic and sexual abuse against Native women was extremely rare.²² Even in Indian tribes that were patrilineal, the abuse of women was extremely rare, and in many cases, it was considered criminal.²³

In response to violence against Native women, some communities recruited persons involved in the conflict to resolve the matter in a way that restored harmony between the individuals and within the larger community.²⁴ Moreover, the wishes and role of the



aggrieved woman were central to the response of the community to the offense.²⁵ In fact, some early written tribal laws against rape reflected oral legal traditions that honored the victim's story and wishes.²⁶ Historians have indicated that most tribal communities had a strong response to sexual violence against women, including corporal punishment and banishment.²⁷ In response to domestic violence, communities used banishment, whipping, public humiliation, as well as other means of ensuring that the offender refrained from continuing his wrongdoing.²⁸

B. The Attempted Destruction of Native Cultures

The history of Native people in the United States is one of “centuries of injustice.”²⁹ From first contact, Native people have been “oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny.”³⁰ Even federal programs intended to meet the needs of Native people have “frequently proved to be ineffective and demeaning.”³¹ Below is a discussion of the components of this history and experience that Native scholars and activists have determined contribute to the elevated levels of violence against Native women.

1. *The Rape and Sexual Assault of Native Women*

The rape and sexual assault of Native women were components of colonialism and the conquest of the land that became the United States. This is not extraordinary; the use of rape and sexual assault has long been a tool against indigenous peoples by colonists.³² It has been said that a woman's sexuality, because of its potential for reproduction and the continuity of culture or racial identity, is often the target of those seeking to destroy a people or a culture.³³ The legacy of these practices is manifested in today's alarming levels of rape and sexual violence against Native women.


The use of rape and sexual assault has long been a tool against indigenous peoples by colonists.

—Sarah Deer

Many European explorers committed rape and other forms of sexual violence against Native women as one means of wiping out tribal societies³⁴ and as a means of controlling and colonizing Native peoples.³⁵

There are countless documented accounts of rape and sexual assault from across the country. Rapes were committed against Native women in the southern plains during the Trail of Tears,³⁶ in the Southwest during the Long Walk,³⁷ and in the West during the Gold Rush.³⁸ Native women fared no better in the Northeast. Newspaper accounts report the murder and attempted rape of two Native women, one of whom was pregnant at the time, by two white men in Pennsylvania in 1776.³⁹ Such accounts were not unusual; General George Crook is quoted as stating that “It was of no [sic] infrequent occurrence for...a squaw to be raped by some brute....”⁴⁰ Typically, no punishment followed the commission of these crimes.⁴¹

Explorers also committed mutilation and the destruction of women's reproductive organs.⁴² The following eyewitness account from the Sand Creek Massacre on November 29, 1864 illustrates this point vividly:



“I heard one man say that he had cut a woman’s private parts out, and had them for exhibition on a stick...I also heard of numerous instances in which men had cut out the private parts of females, and stretched them over their saddle-bows and some of them over their hats.”⁴³

In addition to the pain and trauma experienced by Native survivors, the widespread rape and sexual assault of Native women disrupted many tribal societies and economic structures.⁴⁴ For example, in the Paiute tradition, women served as the primary food gatherers. Due to their vulnerability to rape and sexual assault by settlers, Paiute women had to relinquish their positions as food gatherers. Rape affected birth rates and fertility because some Native women chose to induce abortions or otherwise restrict their fertility to avoid bringing children into a society where they would be unsafe.⁴⁵


2. Federal Policies and the Disruption of Tribal Societies

Many ill-conceived federal policies have been used over the course of federal-tribal relations, including extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places.⁴⁶ The policy of assimilation—the destruction of Native culture and the absorption of Native people into the mainstream of American life—is perhaps the most disruptive to Native societies and the structures that were used to protect Native women from abuse in traditional societies.

From its first dealings with Native people, the government generally demanded that tribal nations use a single “headman,” or point person, to enter into treaties with the United States and make decisions for each tribe.⁴⁷ When this occurred, it centralized power in one individual within the tribe, and this person was nearly always a man.⁴⁸ In fact, the government at times refused to negotiate with Native women. For example, when a female citizen of the Sauk tribe protested against removal proposed by Major General Edmund Gaines, saying that women had a right to know of bargains made regarding the lands the women farmed, he responded that “the President did not send him here to make treaties with the women, not to hold council with them!”⁴⁹ This practice disrupted many tribes’ traditional means of group decision-making and lessened the power of women.

Another assimilation policy was the allotment of communally held tribal land. The rapid settlement and development of the West created a demand for legislation providing for the acquisition of tribal lands and resources. Congress answered this demand with the General Allotment Act of 1887,⁵⁰ which it thought could meet two goals at the same time—assimilating the Indians and providing more land for settlers.⁵¹

The General Allotment Act divided communally held tribal land into individual plots, typically 80- or 160-acre plots. Generally, each plot was given to a male head of the household,⁵² forcing upon Native people a societal arrangement of male dominance and creating a subservient status for women. In fact, one of the theories behind the General Allotment Act was that land ownership would “restore” manhood to Indian men.⁵³ This system was completely disruptive to many traditional Native societies, where rights in land vested in women and descended through the maternal line.⁵⁴




Today, because of the General Allotment Act, most reservations have non-Indian landowners and residents. In fact, non-Natives own 11 million acres, or 20 percent of all reservation land, and make up 46 percent of reservation populations.⁵⁵ Such “shared” landowning has created a jurisdictional maze that results in confusion in the enforcement of criminal and civil laws meant to protect Native women. For example, tribal law enforcement officers may be unsure of when they can make arrests or enforce laws against non-Native reservation residents. As explained in greater detail in section V, criminal jurisdiction on tribal lands is a complex competition of laws in which the federal government, a state, a tribe, or some combination thereof might have jurisdiction.⁵⁶ Consequently, violent crimes against Native women get lost in the maze of competing and concurrent jurisdictions of tribal, state, and federal courts.

The passage of Indian inheritance and property laws, intended to assimilate Native people and subordinate Native women, had a similar effect of skewing traditional Indian values regarding property.⁵⁷ In those communities where land vested in women and descended through the maternal line,⁵⁸ the government’s new rules about property inheritance were completely at odds with the existing cultural norms.

Another assimilation policy was educational programs that taught Native men to become farmers and Native women to become housewives.⁵⁹ Policy dedicated to turning “Indian people” into farmers missed the fact that many Native women already were farmers.⁶⁰ In many Native communities, including the Cherokee and Iroquois, men were responsible for the hunting, while the women were responsible for the farming.⁶¹ In these societies, women’s responsibility for agriculture was an important source of power and prestige.⁶² By pushing Native men into farming and Native women into housework, the federal government forced upon Native people a European division of labor and value system, which disrupted the traditional division of labor and stripped Native women of a traditional source of leadership and honor.

Assimilation policies also included the suppression of Native religions and spirituality, and the imposition of Christianity in its place.⁶³ The European explorers, Christian organizations, and the United States government have all undertaken specific and sustained practices intended to eradicate Native religious practices.⁶⁴ The united goal of both church and state was to assimilate the Indians by destroying Native religions and culture and replacing them with Christianity and “American” culture.⁶⁵ Federal laws criminalized Indian religious practices, including a ban on ceremonial dances in general, with targeted suppression of the Lakota Ghost Dance and Pueblo dances in particular.⁶⁶ The U.S. Army enforced these bans with the massacre of people engaged in religious dances.⁶⁷ In addition, the government funded programs assigning Christian missionaries to reservations to convert Native people.⁶⁸ Virtually every major denomination had federal contracts.⁶⁹ The effect of these evangelizing actions meant the end or forced secrecy of Native spiritual practices and their replacement by Christianity, which lessened the status of women in Native societies.

The government also attempted to dismember Native communities through incentives and assistance to individual members to move to “relocation cities,” such as Chicago,



Los Angeles, Minneapolis, Seattle, Phoenix, and Denver during the 1950s and 1960s.⁷⁰ The stated intent of removing Indian people from their reservations to urban areas was to solve the problem of high unemployment on reservations and to further assimilate Native people.⁷¹ Because of the relocation effort, many Native communities temporarily or permanently lost valuable members of their societies, which further disrupted their traditional social structures.

3. *Boarding Schools*

Assimilation policies also took the form of mandatory boarding schools, with devastating consequences that continue to reverberate today throughout Indian Country. It is believed that the prevalence of Indian-on-Indian domestic and sexual violence in Native communities is rooted in the forced removal of Indian children from their homes and from their families and tribes and into religious and government-operated boarding schools.⁷²


From 1879 through the 1950s, more than 300 boarding schools across the country taught lessons of self-hate, domestic and sexual abuse, gender stereotypes, and patriarchal norms to Native children forced or coerced into attending the schools.⁷³ Children attending the boarding schools were not permitted to see their families, speak their own language, or follow their cultural practices or traditional religion, and children were expected to stay for a minimum of four years.⁷⁴ The stated goal behind the boarding schools was changing the “savage” ways of the Indian children, so they would become members of mainstream society.⁷⁵

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—Felix S. Cohen

The boarding schools forcibly cut all Indian children’s hair, the significance of which cannot be overstated.⁷⁶ Many of the children had never had their hair cut before. In many of their cultures, hair represented pride and honor, and to have it forcibly cut was akin to an assault.⁷⁷ Children were stripped and scrubbed with lye soap and given school uniforms, which mimicked non-Indian attire.⁷⁸ Traditional Native clothing was not permitted, nor was speaking a child’s Native language.⁷⁹ Children caught speaking their native language were punished with varying degrees of severity, from having their mouths washed with soap to being beaten with leather belts.⁸⁰

Educators at the boarding schools replaced the children’s names with “American” and “Christian” names.⁸¹ This renaming was contrary to Native cultures, in which use of a first and last name was not commonplace.⁸² The changing of names directly undercut Native culture by switching from the practice of tracking family lineage through the mother (and belonging to a clan system) to tracing lineage through the father (denoting ownership of offspring).



The abuse in the 300 or more boarding schools is documented by stories from survivors.⁸³ Sexual abuse ranged from sexual fondling and touching to extreme sexual violence and penetration.⁸⁴ At a boarding school in Winnebago, Nebraska, for example, it was considered an initiation for boys to be sexually abused by the priest on the night of their thirteenth birthday.⁸⁵

Shame and internalized oppression followed the survivors of the boarding school experiment.⁸⁶ They were taught to conform in every way to the dominant culture.⁸⁷ They were robbed of experiencing and learning about the parenting and kinship methods or ways of their tribe.⁸⁸ They were taught to reject the traditional structuring of their families and to embrace male-headed, nuclear family units.⁸⁹ Some boarding school survivors were never able again to identify as “Indian.”⁹⁰ Not fully accepted by either the white world or the Indian world, many of the boarding school survivors dealt with their trauma through alcohol consumption, suicide, and by passing learned violence and abuse to another generation.⁹¹

C. Federal Restrictions on Tribal Governments' Ability to Respond to Violence Against Their Citizens

Many scholars have found that the limitations placed upon tribal nations by the United States Congress and the Supreme Court have undercut the ability of tribal governments to protect their female citizens.⁹² This inability of tribes to adequately deal with violence against their female citizens, coupled with the reluctance of government agents who do have the power to prosecute the perpetrators of violence against Indian women, has created a clear message to abusers that such behavior will go unpunished.

1. *The Major Crimes Act*

The Major Crimes Act has been called the first major intrusion by the federal government into the prosecution of sex crimes in Indian Country.⁹³ Tribes originally maintained criminal jurisdiction over all criminal acts committed within their territorial bounds.⁹⁴ However, in 1885, Congress passed the Major Crimes Act, 18 U.S.C. § 1153, which mandated that certain “major crimes”—including rape, and later, sexual abuse—committed in Indian Country be adjudicated through the federal justice system. The federal government is therefore responsible for investigating and prosecuting sexual violence and aggravated assault in Indian country. Rates of arrest and prosecution by the federal government for sexual assaults are low.⁹⁵

Federal case law indicates that tribal nations retain concurrent jurisdiction over the crimes enumerated in the Major Crimes Act if they are committed by Indians.⁹⁶ However, this concurrent jurisdiction was circumscribed by later restrictions placed upon tribes, which are discussed below. The assertion of jurisdiction by the federal government has had the effect of dissuading tribes from exercising jurisdiction; tribes now defer to the federal government for the prosecution of the crimes listed in the Major Crimes Act. The result is a significantly limited response to rape, severe physical violence, and sexual assault at the tribal level.

2. *Indian Civil Rights Act*

Congress later imposed limitations on the criminal sentencing authority of tribes through the Indian Civil Rights Act (ICRA),⁹⁷ which greatly affected the ability of tribal nations to address violence against Native women. Pursuant to ICRA, the sentencing authority of tribal courts is limited to one-year imprisonment and a \$5,000 fine. This limitation prevents many tribal prosecutors from prosecuting serious crimes because the sentences are too minimal to be effective against felony crimes such as rape and sexual assault.⁹⁸

The effect of the limitations imposed by ICRA is that tribal governments cannot provide adequate punishments for persons convicted of rape and sexual violence against Native women. The limitations are roughly synonymous with the misdemeanor punishments imposed by some states for crimes such as violations of protection orders or simple assault. As a result, tribes are unfairly restricted from enforcement of tribal orders in ways that states are not. First, some states treat repeat protection order violations as felonies. This is not an option available to tribes. Tribes are prohibited by ICRA from prosecuting violent crime against women and issuing severe penalties. Second, ICRA's remedy limitations apply to all misdemeanor crimes, even those that are felonies under state law. The result is lesser penalties for violence against Indian women than for violence against all other women.⁹⁹




3. *Public Law 280*

In 1953, Congress passed Public Law 280 (PL 280), in which it gave five (later expanded to six) states extensive criminal and civil jurisdiction over Indian Country, and left the option available for all other states to acquire such jurisdiction if desired.¹⁰⁰ Tribes were not consulted before the enactment of Public Law 280 and had no right of refusal if a state wished to assert jurisdiction over the people and activities on reservations pursuant to Public Law 280. At the same time, the government sharply curtailed funding for many tribal justice systems, leaving tribes with no law enforcement whatsoever, and no funding for the development and maintenance of concurrent tribal prosecution and court systems.

Therefore, states using PL 280 have criminal jurisdiction on tribal lands, and the state's criminal laws apply on those reservations. Federal jurisdiction is virtually eliminated. In theory, tribal jurisdiction is concurrent with state jurisdiction, but the practical impact of PL 280 was to divest tribes of jurisdiction over crimes occurring on affected tribal lands.¹⁰¹

This means that Native survivors of domestic abuse, rape, sexual assault, or stalking on reservations affected by PL 280 are largely dependent on the state criminal legal systems for safety and justice.¹⁰² Analysis of PL 280 indicates that many state law enforcement agencies and court systems are reluctant to become involved in Indian Country crimes.¹⁰³



Additionally, Native scholars suggest that state jurisdiction has a negative psychosocial impact, at least in the context of rape and sexual assault. For a Native survivor, relying on an external jurisdiction to provide a resource for healing and justice may seem an act of betrayal on her part and exacerbate the sense of humiliation experienced by her people.¹⁰⁴

4. Oliphant v. Suquamish Indian Tribe

Finally, tribes lack criminal jurisdiction over non-Indians who commit crimes on their reservations as a result of the 1978 Supreme Court case *Oliphant v. Suquamish Indian Tribe*.¹⁰⁵ Oliphant divested Indian tribes of authority to prosecute non-Indians in criminal matters. As a result, tribal nations are powerless to criminally punish non-Indians who come within the boundaries of the reservation and commit domestic or sexual violence against Native women.

Statistics indicate that American Indian and Alaska Natives are much more likely to be raped by a non-Indian than an Indian.¹⁰⁶ In addition, non-Indians commit 88 percent of all violent crime against Native people, while the vast majority of perpetrators of violent crime against individuals of other races are members of their own race (e.g., black on black, and white on white).¹⁰⁷ The lack of authority to prosecute non-Indians committing crimes on the reservation is a significant obstacle to the efforts to curtail the high level of violence against Native women committed by non-Native people.

Presently, the prosecution of these crimes is left to the federal government in some cases, and the states in others. The Department of Justice (DOJ) has general jurisdiction over felony crimes committed by or against Indians, including homicide, rape, aggravated assault, and


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–Greenfield, Smith, and Perry

stalking. The many barriers to federal investigation and prosecution of violence against Indian women include geography (there can be hundreds of miles between the federal prosecutor and the victim), a lack of coordination between separate governments (tribal and Bureau of Indian Affairs law enforcement and federal attorneys), heavy Assistant United States Attorney (AUSA) caseloads, and the fact that federal law enforcement agents are more likely to prioritize murder and terrorism, given limited budgets and a paucity of agents. The result is that the federal government rarely prosecutes domestic violence and sexual assault cases arising in Indian Country. Similarly, state governments with jurisdiction pursuant to Public Law 280 rarely prosecute these crimes by non-Indians.¹⁰⁸

The limitations on the authority of tribes to protect their female citizens, and the limitations on tribal self-determination, are interconnected with



violence against Native women. Solutions must certainly be grounded in the enhancement of tribal self-determination and exclusive governance.¹⁰⁹

D. Contemporary Life for Native Women and Their Children

The policies of the United States government toward Indian nations and the breaking of covenants with Indian nations have contributed to severe social ills and economic troubles in Native communities.¹¹⁰ Consequently, of the 4 million¹¹¹ American Indian and Alaska Native people living on tribal land or in Indian Country, many live in third world conditions, and Native people are still the poorest in the country in terms of health, education, and welfare.¹¹² Each of these issues is explored in more detail below in order to present a clear picture of the contemporary life of Native women and their children.

1. Poverty in Indian Country

American Indian and Alaska Natives are 2.5 times more likely than the rest of the population to live in poverty. Regardless of the success of the gaming enterprises of a few tribal nations, income from tribal casinos and gaming establishments has not significantly lowered the high levels of poverty endemic to Native people nationwide.¹¹³ Poverty among Indians has actually risen during the past decade, despite the gaming boom.¹¹⁴ Today, more than half of all reservation Natives live below the poverty level, which is more than four times the national average.

- 45 percent of Native persons live at or below the poverty level.
- 75 percent of the Native workforce earns less than \$7,000 each year.
- The average unemployment rate is 45 percent.
- On some reservations, the unemployment rate is upwards of 90 percent.¹¹⁵

2. Modern Health Care Crisis in Indian Country

Members of the 562 federally recognized American Indian and Alaska Native villages and their descendants are eligible for services provided by the Indian Health Service (IHS), an agency within the Department of Health and Human Services (HHS). The IHS provides health care services for approximately 1.8 million Native people.¹¹⁶ Most of the IHS service population lives on or near reservations and in rural communities in 35 states, largely in the western United States and Alaska. Indian health is underfunded by about 40 percent.¹¹⁷ The government spends about twice as much on health care for a federal prisoner as for an American Indian.¹¹⁸ The resultant disparities in health between Indians and other Americans are stark.

- The tuberculosis rate is 750 times greater than among all other Americans.¹¹⁹
- The diabetes rate is 6.8 times greater than among all other Americans.¹²⁰
- The prevalence of pneumonia and influenza is 61 percent greater than among all other Americans.¹²¹
- Natives die six years earlier, on average, than other Americans.¹²²



3. *Substandard and Inadequate Housing*

Approximately 40 percent of reservation housing is inadequate.¹²³ Overcrowding, lack of plumbing, and substandard conditions compound social problems to such a degree that health care, education, and employment suffer.¹²⁴ For example, on the Navajo reservation, which is the nation's largest reservation and the one with the most natural resources, most housing is inadequate and substandard:

- 46 percent of Navajos have no electricity.
- 54 percent of Navajos have no indoor plumbing.
- 82 percent of Navajos live without a telephone.¹²⁵

4. *Educational Failure*

In addition to disparate rates of poverty, substandard housing, and lack of access to adequate health care, Native children are pushed out of school at an alarming rate. According to the United States Department of Education's Indian Nations at Risk Task Force, American schools have failed to nurture the intellectual development and academic performance of Native children, as evidenced by high dropout rates and negative attitudes toward school.¹²⁶

- Only 52 percent of Native teens finish high school.
- Only 17 percent attend college, and only 4 percent graduate.
- Only 2 percent attend graduate school.¹²⁷

In 2003, American Indian/Alaska Native high school students were more likely than the total population of their peers to report having been threatened or injured with a weapon on school property and having been in a physical fight on school property.¹²⁸ In addition to the higher incidence of violence among Indians on school grounds, the Department of Education found that teachers in public schools with large Native populations (public schools with 25 percent or more enrollment of Native students and BIA schools) were more likely to identify serious problems in the school, such as students coming to school unprepared, lack of parent involvement, poverty, and student apathy, than were teachers in public schools with less than 25 percent enrollment of Native students.¹²⁹

As other communities focus on bringing Internet connectivity to their citizens, many American Indians and Alaska Natives have yet to be connected to a basic telephone network. In 1999, three reports examining the state of connectivity in Indian Country found that Native Americans face an urgent situation, in which telecommunications and information technology infrastructure capabilities fall far behind the rest of the United States.¹³⁰

The capacity of Indian adults to engage competitively in the workforce is sharply constrained by these limits of educational opportunity.

III. The Response of the United States to Violence Against Women

In August 1994, the 103rd Congress signed into law the Violence Against Women Act (VAWA).¹³¹ VAWA created new penalties for gender-related violence and new grant programs encouraging states and tribes to address violence against women. Congress reauthorized the act in 2000 (VAWA 2000) and in 2005 (VAWA 2005), with President George W. Bush signing the latest act into law on January 5, 2006.¹³²


It is important to note that Indian tribes were included within the language of all three authorizations of the VAWA, encouraging larger opportunity for tribes to be involved in the effort to stop violence against their tribal citizens. VAWA recognizes the unique status of Indian tribes as sovereign governments, with a significant interest in the protection of their citizens and women living on tribal lands.¹³³

A key component of revisions in law contained in VAWA 2000 was the full faith and credit provision, which declared that:

[a]ny protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.¹³⁴

VAWA's full faith and credit provision is a clear congressional mandate that qualifying protection orders (i.e., those which meet the statute's requirements) are valid throughout the United States.¹³⁵ The intent behind VAWA's full faith and credit provision is to enable survivors of domestic violence to obtain enforcement of protection orders even when they leave the issuing court's jurisdiction by requiring that other jurisdictions recognize and enforce the protection order as if it were issued by that jurisdiction's courts. The full faith and credit provision of VAWA recognizes that when victims of domestic violence leave their abusers, they and their children are at an increased risk of violence. The statute applies to both criminal and civil orders.





The full faith and credit provision mandates that a protection order be enforced on its face. Thus, a responding officer must enforce the terms and conditions of a valid order as written, including the custody and firearms prohibitions. This means that the enforcing jurisdiction may be required to enforce an order on behalf of a victim who might not be eligible for orders in the enforcing jurisdiction, or for periods of time longer than authorized in the enforcing jurisdiction, or containing directives against abusers that might not be available in the enforcing jurisdiction. Officers in the enforcing jurisdiction must comply with all laws, policies, and procedures of their own jurisdiction concerning violation of orders of protection, such as how the order is enforced, the arrest authority of the responding officer, the detention and notification procedures, and the crimes charged for violation of an order.

Ex parte orders are emergency or temporary orders issued prior to providing the respondent with notice or a hearing. Ex parte orders are entitled to full faith and credit if the respondent has notice of the order and will have an opportunity to be heard in court within the time required by state or tribal law, or within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

Mutual orders of protection are those that contain "no contact" provisions against both parties, or that direct both parties not to abuse each other. The full faith and credit provision of VAWA states that a mutual order should be enforced against the respondent, and not the petitioner, unless the respondent filed a written pleading and the issuing court made a specific finding that each party was entitled to such an order. The intent behind these restrictions was to protect battered adults whose batterers sought mutual orders.

VAWA 2005 established a Deputy Director for Tribal Affairs within the Office on Violence Against Women.¹³⁶ Among other duties, the Deputy Director will oversee and manage the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, or tribal nonprofit organizations.



IV. Efforts to Respond to Violence Against Native Women

In response to the contemporary epidemic of domestic and sexual violence against Native women, a number of tribal nations and Native organizations have employed strategies to end violence in their communities and to promote justice and healing for Native survivors of domestic and sexual violence. Below is a summary of some of these efforts.

A. Tribal Efforts


1. *Tribal Protection Orders for Domestic Violence*

Many tribes use protection orders as a principal means of confronting domestic violence on their reservations.¹³⁷ A protection order is a legal order issued by a tribal court that requires one person to stop harming another person. Protection orders will differ from one tribal jurisdiction to another in content, form, length, layout, and title (e.g., restraining order, stay away order, criminal protection order, conditions on release, no contact order, or injunction). The issuing tribe will determine the law and procedure governing protection order issuance within the reservation boundaries of the tribe.

Tribal protection orders can be either civil or criminal. They can be issued *ex parte* (temporary) or entered as permanent protection orders. It is not uncommon in Indian Country to find petitions and protection orders that are handwritten by the petitioner and signed by the tribal judge. Handwritten protection orders are valid so long as they comply with the requirements for issuing protection orders set forth in the governing tribal code.

Many tribes have enacted a domestic violence code. Tribal codes on domestic violence vary depending on the history and culture of each tribe, but they typically identify persons protected under the law, and set forth what constitutes domestic violence. Most tribal codes include a broad group of protected persons, without regard to marital status or age, in recognition of the extensive degree of interaction in the Native community among extended family members and within social units unique to tribal society.¹³⁸ For example, the Navajo Nation Domestic Abuse Protection Act protects a class of persons including not only a current or former member of the abuser's household or family, but also any relative or clan member of the abuser, any elder, and any vulnerable person.¹³⁹

Tribal codes will also set forth the behavior that is proscribed. Codes generally permit a tribal judge to order the abuser to stay away from the victim/petitioner, as well as her workplace, school, or day care center. A court may also order that all contact, whether by phone, note, mail, fax, or e-mail, be stopped and that the abuser stop hurting or threatening the victim/petitioner. Other provisions can include temporary alimony or child support, medical or property costs, the relinquishment of guns or other ammunition, and child custody. Some tribes include mandatory attendance at a batterers'



treatment program, drug testing, spiritual counseling with elders, or victim or community restoration.

A violation of a protection order occurs when the abuser does something that the court has ordered him not to do, or fails to do something the court has ordered him to do. Pursuant to the full faith and credit provision of VAWA, the abuser must be arrested for a violation of the order of protection if the law of the jurisdiction where the violation occurred requires an arrest. A violation of a tribal court protection order can have a number of consequences. A petitioner may file a “motion for contempt” outlining for the tribal court how the abuser violated the court order. A tribal prosecutor may also file misdemeanor charges against the respondent for violation of the protection order. If, after a hearing, the court determines that the abuser violated the order, the court might impose sanctions. A sentence of criminal contempt can include jail time or a fine, or both. If the petitioner files a notice asking that the respondent/defendant be held in civil contempt, after a finding of contempt the court can impose jail time or a fine, or both.

For more information on tribal protection orders, contact the Tribal Law and Policy Institute at (651) 644-1125 or the National Center on Full Faith and Credit (NCFCC) at (800) 903-0111, ext. 2.

2. Hope Card Project—Crow Tribe and Bureau of Indian Affairs

The Hope Card Project is an attempt to couple law enforcement’s need for information about protection orders during incidents involving violations of the orders and the victim’s need for police intervention and streamlined services during times of crisis. The Hope Card is a supplement to a paper copy of a qualified protection order that contains vital information derived directly from the order. Made of durable, weather-resistant plastic, the Hope Card can be easily carried in the pockets, wallets, or purses of the women who hold the protection orders.

The information on the Hope Card is critical to first responders for the enforcement of protection orders. Key features of the Hope Card include the following:

1. A photograph and description of the victim and the offender.
2. A description of the offender’s vehicle.
3. The protection order number.
4. The issuance and expiration dates of the order.
5. A notice to officers indicating the court of origin and a reference to the full faith and credit provision of VAWA.
6. A toll-free verification contact number for law enforcement in the field.
7. The terms of the protection order.
8. A color code based on threat levels.
9. A bar code containing the protection order information.
10. Durable and weather-resistant construction.



For more information about the Hope Card Project, contact the Billings, Montana, office of the BIA at (406) 657-5936 or the Crow Police Department at (406) 638-2957.

3. President's Family Justice Center, Sitka, Alaska

On July 21, 2004, the DOJ announced that the Sitka Tribe of Alaska had been chosen as one of 15 communities to receive funding to prevent and respond to domestic violence under the President's Family Justice Center Initiative (PFJCI). PFJCI addresses the problem of uncoordinated and scattered services for battered women by providing comprehensive services for domestic violence victims at one location, including medical care, civil legal services, counseling, social services, employment and housing assistance, law enforcement and prosecution advocacy, and crime victim compensation. For more information about this Center, contact (907) 747-7221.

4. Reclamation of Batterer or Sexual Assailant

In addition to or in place of the criminal justice process, some tribes actively seek reclamation of perpetrators of violence. As one tribal advocate stated, "The idea of reclaiming batterers is something that tribes embrace because of the idea that we are all relatives. Just like you wouldn't give up on your brother, you wouldn't give up on a member of your nation."¹⁴⁰ Tribal judges in these communities balance the tribe's interest in reclamation of the tribal citizen who has committed the crimes with the interests of ensuring that the survivor is safe and the situation has been resolved completely. It is understood that some members cannot be reclaimed.

B. Native Organizations Serving Survivors of Violence


Discussed below are some of the major organizations serving Native women who have survived domestic or sexual violence. For a complete list of resources, see the Resources section of this paper.

1. Sacred Circle

Operated by Cangleska, Inc., Sacred Circle aids tribes and tribal organizations in ending violence against Native women. Sacred Circle provides technical assistance, policy development, training institutes, and resource information regarding domestic violence and sexual assault to develop coordinated agency response in American Indian/Alaska Native tribal communities. Additionally, Sacred Circle maintains an education program for batterers. Sacred Circle has two offices in South Dakota, in Rapid City and Kyle. For more information about Sacred Circle, contact (877) 733-7623.

2. White Buffalo Calf Woman Society, Inc.

In 1977, White Buffalo Calf Woman Society, Inc. (WBCWS) was created on the Rosebud Sioux Reservation in South Dakota. It was the first battered women's shelter in the country established to serve Native women. A group of women, led by Tillie Black Bear, came together to build the shelter. The purpose of WBCWS was to create a safe place for Indian



women that honored each survivor in her own culture. For more information about WBCWS, contact (605) 856-2317.

3. Native American Circle

The Native American Circle, Ltd., is a nonprofit victim advocacy organization located in Avery, Texas. It serves tribes that operate batterer intervention programs and victim services programs, as well as non-Indian programs wishing to offer culturally competent victim services. Native American Circle also provides technical assistance for recipients of Violence Against Indian Women Grants, Rural Domestic Violence and Child Victimization Enforcement Grants, and Grants to Encourage Arrest Policies and Enforcement of Protection Orders. For more information about Native American Circle, contact (903) 684-3365.

4. Women of Nations

Women of Nations, founded in 1982 by four Native women in St. Paul, Minnesota, is now a shelter and a comprehensive domestic violence program. Women of Nations began as a Community Advocacy Program, which provided training, community education, legal advocacy, a 24-hour crisis line, and culturally appropriate support for Indian victims of domestic violence. In 1991, Women of Nations opened its shelter doors to all battered women and their children seeking safety from domestic violence. Women of Nations also provides services to other family members when appropriate, and educates the public about domestic violence issues. For more information about Women of Nations, contact (651) 251-1603.

5. Tribal Law and Policy Institute

The Tribal Law and Policy Institute is a Native American nonprofit corporation in West Hollywood, California, organized to design and deliver education, research, training, and technical assistance programs that promote the enhancement of justice in Indian Country and the health, well-being, and culture of Native peoples. The Tribal Law and Policy Institute maintains a Web site that houses its publications, many of which contain information on domestic violence and Indian Country. For more information about the Tribal Law and Policy Institute, contact (323) 650-5467.

6. Southwest Center for Law and Policy

The Southwest Center for Law and Policy, in Tucson, Arizona, is a nonprofit organization that provides legal education, training, and technical assistance to tribal, state, and federal agencies and to tribal communities and service providers in the areas of domestic violence, sexual assault, elder abuse, child abuse, abuse of persons with disabilities, and stalking. Housed on the organization's Web site, www.swclap.org, are many articles containing information about domestic violence and Indian Country. For more information about Southwest Center for Law and Policy, contact (520) 623-8192.

7. Morning Star House, Inc.

The Morning Star House, Inc., is a nonprofit organization in Albuquerque, New Mexico, which serves the 30,000 Native people residing in the Albuquerque area. Services provided by the Morning Star House include designing culturally based domestic violence services for Native people and assisting the with coordinated community efforts to combat domestic violence. For more information about Morning Star House, contact (505) 232-8299.

8. Mending the Sacred Hoop

Mending the Sacred Hoop grew out of a Duluth, Minnesota, Native women's advocacy and support group for survivors of domestic violence. Its early work included conducting systems advocacy, intervention, and organizing a coordinated community response to domestic violence with Carlton County and the Fond du Lac reservation in northeastern Minnesota. Today, Mending the Sacred Hoop supports Violence Against Indian Women grantees all over the United States by providing training, technical assistance, and resource development and helping Indian tribes improve their response to victims of domestic violence and sexual assault through training, technical assistance, and publications. The group provides technical assistance to aid tribes in restoring safety and integrity to their communities and eliminating violence in the lives of Indian women and their children. For more information about Mending the Sacred Hoop, contact (888) 305-1650.

9. National Congress of American Indians Task Force on Violence Against Women

The National Congress of American Indians (NCAI) is the largest and oldest national organization of Indian tribes and Alaska Native tribal governments. NCAI maintains a Task Force on Violence Against Women, which contributes to the development of legislation and policy affecting Native women who have survived domestic or sexual violence. The tribal membership of NCAI enacted NCAI Resolution #PHX-03-034, a resolution in support of the 2005 reauthorization of VAWA, including funding and jurisdictional enhancements for tribal nations. For more information about the NCAI Task Force on Violence Against Women, contact (202) 466-7767.

C. Project Passport

The National Center for State Courts (NCSC) created Project Passport to generate more uniform protection order forms to further VAWA's full faith and credit mandate. Project Passport is intended to ameliorate enforcement problems caused by widely varied protection order forms between jurisdictions. It is anticipated that encouraging states and tribes to use a standard first page with all protection orders will make it easier for law enforcement officers and judges as they review and enforce foreign protection orders of survivors who relocate or are outside of the issuing jurisdiction.

The project is flexible. A model order is given to the states and tribes as a guideline, and every jurisdiction can modify the order to reflect the needs of the jurisdiction. All jurisdictions are strongly urged to adopt a common first page.



V. Barriers to Justice and Healing for Native Women Who Have Survived Domestic and Sexual Violence and Stalking

A number of barriers prevent or hinder justice and healing for Native women who have survived domestic and sexual violence and stalking. This section discusses some of these barriers.

A. Federal Restrictions on Tribes' Criminal Authority

As discussed in Section II, the U.S. Supreme Court has precluded tribes from criminally sanctioning non-Natives who commit crimes on a reservation. Many tribal courts and tribal law enforcement officers continue to be frustrated with these federal restrictions on their authority. Lack of jurisdiction over non-Indian perpetrators of crimes against Indian and non-Indian women on the reservations is a barrier to justice and healing for Native women.

B. Access Barriers for Native Women Who Have Survived Domestic Violence

Access to effective civil legal services is a huge barrier for Native women who have survived domestic abuse and seek protection orders, divorces, custody, and support from the legal system. Most legal services organizations are swamped with cases and lack the resources to assist all the women who qualify for their services. Some women do not qualify for legal services because of income, but still cannot afford an attorney's regular rate. They face a similar hardship in finding a lawyer to work on a reduced-fee basis. Even when legal representation is available, a lawyer untrained in federal Indian law, domestic violence, or family law can compromise the interests of the Native woman.

Obtaining a protection order can also be difficult for Native victims of domestic violence. Some tribal courts do not have pro se forms to assist victims unrepresented by legal counsel. Some tribal courts do not provide assistance to women with limited English or literacy, prohibiting underserved survivors from accessing court protection from their abusers.

Service of orders is also a problem when the programs available for battered Native women are scattered, uncoordinated, and far from a survivor's residence. Like most non-Native rural communities, few reservations have a central location for all the services that battered Native women need. When services are uncoordinated, the woman can receive differing instructions, causing confusion and dissuading her from continuing to seek the services she needs. In some cases, survivors have to drive hours to get to one service provider and then drive another hour to get to another. When the Native woman does not drive or own a working car, she may be unable to access services.

C. Barriers to the Enforcement of Tribal Protection Orders

More than 10 years after the enactment of the full faith and credit provision of VAWA, many tribal protection orders are still not recognized as enforceable outside of the issuing

tribal court's jurisdiction. Enforcing jurisdictions have failed to recognize tribal protection orders. Where the issuing tribal court handwrote the protection order, enforcement is even less likely. Unfortunately, it is not just states that sometimes refuse to enforce a tribal court order. Some tribes may not enforce protection orders issued by other sovereign tribes.

Courts may impose requirements for certification or special seals before a foreign order may be given full faith and credit. Such requirements create additional steps that a battered woman must take for full enforcement of her protection order, erecting additional barriers to her safety. Said requirements for certification or registration are not required by VAWA. In fact, to the contrary, VAWA specifically prohibits requirements that create impediments to enforcement outside of the issuing jurisdiction.¹⁴¹




Another challenge to the full enforcement of tribal protection orders is the requirement of some states that protection orders be registered with the court in the new jurisdiction before the state will enforce the order. Registration of orders creates barriers for victims. For example, on one reservation in the northern part of the country, it is not uncommon for a survivor to obtain a temporary protection order from her tribal court, and then have to drive to the county courthouse, which is a half-hour away, to have the order registered. To reduce the hardship of registration in other jurisdictions where enforcement may be required, state registries have developed electronic systems whereby tribal orders can be transmitted by fax, e-mail, or to a Web-based repository. Nonetheless, state requirements of registration are contrary to VAWA.¹⁴²

Currently, there is no national tribal registry for protection orders.¹⁴³ Additionally, many, if not most, tribal protection orders are not entered into the federal registry for protection orders, the National Crime Information Center (NCIC) Protection Order File (POF). Some tribes have entered into memoranda of understanding (MOUs) or other cooperative agreements with neighboring state jurisdictions so that the tribal protection orders are entered into the state and federal registries. Few tribal governments have the required infrastructure for direct submission of tribal orders to the NCIC POF. Verification of tribal protection orders that are not entered into any tribal, state, or federal registries can delay the enforcement of those orders.

If the issuing tribal or state court does not capture at least one numeric identifier, the protection order will not be entered into the NCIC POF and thus they still may not be given full enforcement. A numeric identifier may be the respondent's date of birth, social security number, a fingerprint identification card, or a driver's license number.

Another barrier to the enforcement of protection orders arises when tribes located in a PL 280 state must work with state and county law enforcement officers who may have a hostile relationship with the tribe, its law enforcement, and its citizens. Hostile relations



can prevent the tribe and local state jurisdiction from working together in a manner that is effective, responds to violence against Indian women, as well as conducive to ending it.

In some non-PL 280 states, law enforcement officers will not arrest non-Indians committing violent acts such as rape or sexual assault against a Native woman on the reservation. The federal government has jurisdiction over these crimes pursuant to the Major Crimes Act, but the federal government cannot always be there to make the arrest. State law enforcement can be cross-deputized to act for the FBI or ATF to arrest non-Indian domestic violence perpetrators.

Judges can also pose a barrier to ending violence when they ignore applicable tribal or state law in refusing to grant or enforce protective orders. Many judges need training on domestic violence and full faith and credit.

D. Lack of Reciprocal Cross-Deputization

Another challenge to justice and healing for Native women who have survived domestic or sexual violence and stalking is the lack of reciprocal cross-deputization of state and tribal law enforcement officers. Many tribal law enforcement officers are state-deputized, allowing them to make arrests and transport defendants to the state. However, most state law enforcement officers are not cross-deputized, and are, therefore, unable to make arrests on state land on behalf of a tribe or deliver a defendant to the tribe when an offender has committed a crime of abuse on tribal land and thereafter fled. Cross-deputization is necessary for tribes whose land bases are adjacent to or near to non-Native cities or towns, and where people move frequently between tribal and state lands.

E. Reluctance to Report Sexual Assault Crimes

A recent study found that fewer than half of all rapes and sexual assaults committed against American Indian women are reported to law enforcement.¹⁴⁴ A significant reason that Native women may be reluctant to report sexual assault to law enforcement is the perception that the criminal justice system will not respond to the crime.¹⁴⁵ When rape and sexual assaults go unreported, there is no punishment for the perpetrator, no justice for the victim, and therefore no healing and restoration for either the victim or her community. When the victim suffers alone, no normative prohibition against or cultural repudiation of the conduct and no incentive for changed behavior emerge. Thus, the fact that fewer than half of all rapes and sexual assaults committed against Indian women go unreported is a barrier to ending future sexual assault.

F. Lack of a Legal Response to Rape and Sexual Assault

A lack of adequate legal response from federal, state, and tribal governments also poses a barrier to justice and healing for Native women who have been raped or sexually assaulted. In cases where the federal government has exclusive jurisdiction, the rates of arrest and prosecution by the federal government for sexual assaults on tribal lands are

low.¹⁴⁶ Similarly, in PL 280 states, where the state government has criminal jurisdiction, the states rarely prosecute these crimes.¹⁴⁷

Even when the federal or state governments have jurisdiction, the tribes retain concurrent jurisdiction over rape or sexual assault committed by Indians. Some tribal nations do not have criminal laws that address sex crimes against adult women.¹⁴⁸ Of the tribal nations that do have criminal statutes prohibiting rape or sexual assault,¹⁴⁹ many retain laws that mirror language from state rape laws of the early twentieth century. These laws often included the requirement of proof of violence or force (instead of lack of consent) in order to secure a conviction¹⁵⁰ or a marital rape exemption, meaning that a man cannot be prosecuted for raping his wife.¹⁵¹ Since tribal laws were often patterned after state laws, they do not typically reflect tribal or Native perspectives on sexual violence against women. Through rape reform laws of the 1970s, some tribes and states changed their laws to more progressive statutes on rape and sexual assault.

Tribal nations can prosecute only if the defendant is an Indian, and even then can merely impose a maximum sentence of one year incarceration or a \$5,000 fine, or both. Tribal justice systems also suffer from lack of resources for both adjudication and incarceration.¹⁵² These barriers prevent full justice and healing for many Native victims of rape and sexual assault.

Tribal nations have largely not explored civil contempt, particularly in the realm of civil protection order violation, that could be legitimately applied to non-Natives who rape or sexually assault Native women on tribal lands.


G. Need for Basic Domestic Violence and Sexual Assault Education

It is critical that all practitioners who encounter Native women who have survived domestic or sexual violence and stalking be trained in domestic violence and sexual assault. Domestic and sexual violence training is critical to avoid revictimizing the survivors and to ensure justice and healing for them.

For example, anyone who is not trained in the power and control underpinnings of domestic violence may believe that a defendant/respondent's battering is caused by alcoholism or substance abuse, family problems, or financial difficulties. Without the proper training, a practitioner might make any of the following mistakes: arrest the victim for harm inflicted on the batterer when she acted in self-defense; rely on anger management classes to stop physical abuse; or write off the victim as someone who will later recant her story.

Similarly, anyone not educated about rape as a crime of power and control may mistakenly believe that it is motivated by sexual desire. Without the proper training, a practitioner





might make any of the following mistakes: believe that a victim “asked for” the rape or deserved to be sexually assaulted; believe that the victim was selected because of her appearance or behavior; or respond with disbelief if the victim shows no visible sign of attack.

H. Insufficiency of Protection Orders

Another barrier for battered Native women is the insufficient protection order. In protection orders, tribal courts should direct law enforcement officers to confiscate firearms and ammunition pursuant to federal law.¹⁵³ The protection order should also reference the full faith and credit provision of VAWA to enhance enforcement in other jurisdictions. Judges should include one numeric identifier in protection orders to facilitate placement in NCIC.

For a court to issue a comprehensive protection order, the judge must know the full range of risk posed by the batterer. Therefore, a detailed description of the abuse should be included in pleadings. It is critical that advocates assist petitioners with the inclusion of detailed descriptions of the abuse, since judges without this information may issue orders that do not fully address the violence and protect the woman. Concomitantly, if orders are not tailored to meet the individual safety requirements of each battered woman, an Indian victim may find herself allegedly protected by an order that is meaningless, at best, or that compromises her safety and agency, at worst.

Judges should also fully review any protection order that is presented from another jurisdiction in order to afford full faith and credit under VAWA. Judges should enforce the order on its face but may also find it helpful to speak with the issuing judge in determining criminal penalties for any violation.

I. Not Allowing the Native Woman to Be in Control

Another barrier to justice and healing for Native women is practitioners who believe they know what is best for the Native woman and do not respect the decisions that she makes. It has long been a philosophy in the domestic violence movement that the battered woman should be in control of her situation and should retain or be accorded the authority to make the decisions to keep herself and her family safe. Yet, there are still practitioners who seek to impose their perspectives and preferred outcomes on the battered woman.

When the battered woman is also an Indian, the problem is confounded by her peoples’ history. Non-Indians have long felt that they have the answer to how Indians should live, what they should look like, and what they should do. Advocacy in Indian Country that does not recognize these facts poses additional barriers to ending violence against Indian women.

Similarly, the decisions of Native women who have survived rape or sexual assault should be respected and honored. Practitioners should support victims’ decisions to report or not report the assault to police. Tremendous personal sacrifices must be made to prosecute a rapist or sexual assailant, and only the survivor can decide if prosecution is the best choice for her safety and healing.

J. Challenges Associated with Life in Small Communities

The small size of a tribal community may also pose problems. For example, in small communities where everyone knows everyone, court personnel and the community as a whole may use gossip against the victim. If people think that a woman is promiscuous, they might use that information as an excuse for her partner's battering, or to blame her for a sexual assault committed against her. The judge might also excuse the abuse based on information he or she has heard as a member of the community.

Small communities also pose problems in that people are so interrelated that a member of the perpetrator's family or clan might be on the tribal council, working for law enforcement, or acting as a sitting judge. In one case, a tribal court order giving possession of the family car to the victim was not given full faith and credit in another southwestern tribe's jurisdiction.

The second tribe refused to enforce the first tribe's order because the perpetrator's mother, who worked for tribal law enforcement, was keeping the car in her garage.

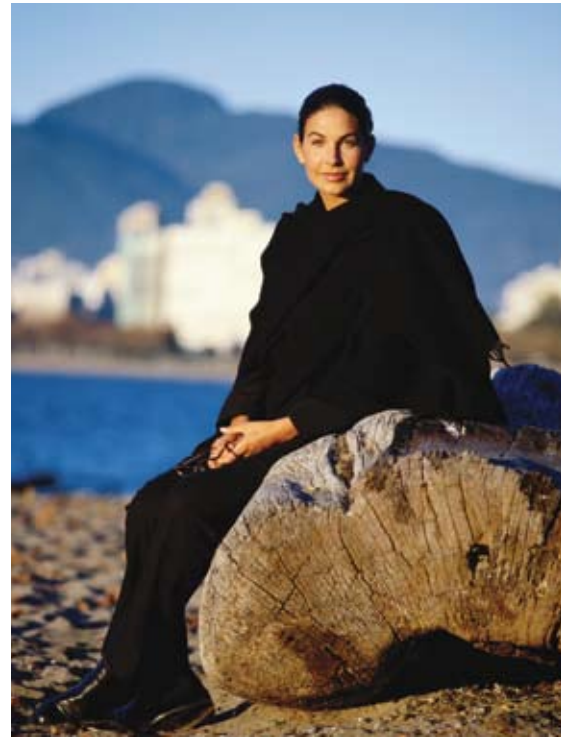
Clan bias, or other forms of favoritism, may decrease accountability in tribal courts. This can result in judges having an affinity for the offender if the judge respects the batterer's family or is a member of that clan. Similarly, the offender may be a political figure within the tribe or have respected elders in the community.


In some small tribal communities, advocates have breached the confidentiality of the victim by talking about the victim's situation to other community members. When breaches of confidentiality occur, the victim's safety may be jeopardized, and it may make her unwilling to come back for services or to seek help. Ultimately, the victim's problems are compounded by advocates' lack of confidentiality.

Small reservations, or villages/tribal economic centers within larger reservations, can pose problems when it comes to protection orders and the restrictions on where a batterer may go. For example, the reservation may be small enough that one of the batterer's relatives lives next door to the victim, or the batterer and the victim may work in the same village area. The close proximity of the batterer or his allies can hinder the effectiveness of the protection order.

K. Burnout

There is a problem with a high turnover rate among tribal law enforcement and advocates on reservations. Professionals must understand vicarious trauma and carefully examine





the high ratio of violence that creates stress in the lives of practitioners. A high turnover rate can be the natural result of the emotionally stressful and physically draining jobs of police work and advocacy for victims of violence. High turnover can be averted through frequent training on the importance of relaxation and stress-reducing activities in the daily lives of participants, in addition to training on the basics of domestic violence, various components of federal Indian law, and full faith and credit.

L. Emotional Barriers

Many situations may create emotional barriers that prevent justice and healing for the Native survivor of violence. For example, Native women who are victimized by Native men and who go public about the violence committed against them can be made to feel that they are pitting themselves against their communities. Similarly, when the community is small and insular and when the batterer's family is prominent within the community, victims may feel that they are betraying their communities or bringing shame to their families.

M. Cultural Barriers

When Native women must utilize an "outsider's" court (state or federal) to obtain a protection order or for the prosecution of the rapist or sexual assailant, there is a natural disconnect that may prohibit them from doing so. Some Native women believe that a non-Native court will not be willing to help them. The woman may believe that non-Indian judges and jurors will not understand the import of the threats used by the assailant and the impact of the sexual attack on her life and reputation and station in the community or within her clan. Such women may not even see state courts as an option, which may close the one avenue available to them for protection from abuse or for prosecution of the crimes committed against them.

VI. Guidance for Practitioners

Adequately responding to domestic and sexual violence and stalking of Native women requires a coordinated effort among a number of practitioners. To assist this work, included below are specific advocacy tips for tribal leaders, law enforcement officers, advocates, attorneys, prosecutors, judges, and probation or parole officers. These practice tips were compiled after talking with practitioners on tribal lands about effective practices that best serve Native women who have survived domestic and sexual violence.

A. Universal Practice Tips

Certain practice tips are universal in application. These include the following:

1. Build relationships with other practitioners.

All practitioners involved in responding to violence against Native women should build relationships and trust with other practitioners, work on effective communication, and participate in cross-training to increase the understanding of each other's jobs and roles. Cooperative efforts and alliances between advocates and law enforcement officers, or between probation officers and prosecutors, can go a long way in the enforcement of protection orders, the prosecution of perpetrators of violence, and the service of Native women who have survived violence.

In some communities, the formation of a domestic and sexual violence task force, with a membership of diverse disciplines meeting monthly, has helped to improve coordination and cooperative efforts. Other communities have developed protocols among community partners, which provide for the sharing of information in a reasonable and timely fashion and the coordination of efforts.

2. Participate in continued domestic and sexual violence training.

All persons who provide services to women who are survivors of domestic or sexual violence and stalking or their children should receive continued training on domestic or sexual violence and stalking. Training might include interviewing skills, engagement, trust building, prosecution and/or treatment, as well as victim services. Proper training is critical for self-care and to avoid inhibiting the healing process and revictimizing the woman throughout the criminal process.





3. Be mindful of the traditions and cultural norms of the Native woman's tribe or clan.

Practitioners should become familiar with the principles, beliefs, and customs of the tribe on whose lands they practice and not assume that the Native woman will respond to the same techniques that work for other American women. There may be traditions, cultural norms, or an expected code of conduct particular to that community that must be followed for the practitioner to be effective. Practitioners might therefore consider those aspects of the tribal culture that can aid the woman in escaping the violence or in healing from the experience of being victimized.

Practitioners who overlook these traditions, cultural norms, or expected conduct risk taking actions or making comments that could deeply offend and alienate the woman they are attempting to aid. For example, in the Navajo culture, some elders consider it disrespectful to walk up to a person's house and knock on the door. Instead, a visitor is supposed to wait in the car until the owner of the house or children come outside to welcome the visitor. To violate this cultural practice, or other cultural practices, might offend and therefore alienate the woman from the practitioner's services.

4. Hold batterers and sexual assailants accountable, even when they are highly respected members of the tribal community.

Batterers and sexual assailants must be held accountable. Certain professionals, such as judges and probation or parole officers, have more opportunity and power to hold batterers and sexual assailants accountable for the crimes they commit. Therefore, specific suggestions for judges and probation or parole officers are included in the sections below.


However, some perpetrators of domestic or sexual violence against Native women are the prominent community figures such as tribal leaders, veterans, or spiritual advisors. Practitioners should develop a group plan for addressing violence against women committed by highly respected members of the tribal community, since those individuals are the most likely to be given leniency throughout every stage of the legal and traditional resolution processes. When this happens, all practitioners should be prepared to hold these perpetrators accountable.

5. Be knowledgeable about federal full faith and credit law.

The full faith and credit provision of VAWA exists to protect survivors of abuse who flee an issuing jurisdiction in order to put distance between themselves and the batterer. A protection order entitles the survivor to protection no matter where she is located. It is critical that law enforcement officers enforce valid orders from other jurisdictions when there is probable cause to believe that a violation of the order occurred in the enforcing jurisdiction.

6. Be cautious when claiming Native heritage.

It is common for non-Natives to claim Native identity. While motivation for identification as a Native may come from a desire to demonstrate sympathies or to create an allegiance,



the effect is quite the opposite. When non-Native advocates speak about their very distant Native heritage, it creates credibility issues and can undermine future communication between the advocate and Native people. Native persons are generally wary of attempts to identify as Native, and such assertions make the advocates' motivations suspect. Consequently, especially when working with Native people, practitioners should be cautious about claiming Indian heritage if they are not enrolled members of or applicants for citizenship in an Indian nation.

B. The Role of Tribal Leaders

In tribal communities, Native women play significant roles culturally, spiritually, and politically.¹⁵⁴ In fact, Native women have been referred to as the “backbone” of tribal sovereignty.¹⁵⁵ As a facet of sovereignty, tribal nations should consider developing and strengthening their responses to domestic and sexual violence and stalking. Doing so ensures the continued leadership and contributions of all tribal members and the ultimate survival of their communities. There are a number of ways in which tribes can do this, including the following:

1. Adopt or strengthen tribal domestic violence, sexual assault, and stalking codes.


Native women need civil and criminal avenues that they can use in seeking protection for themselves and their children from domestic and sexual violence and stalking on tribal land. Strong domestic violence codes providing for civil protection orders give Native women the option of obtaining tribal court orders to keep them safe from batterers. Similarly, tribal civil orders of protection from sexual assault¹⁵⁶ provide a civil remedy Native women can use for protection from non-Indian sexual assailants, over whom the tribal courts lack criminal authority.¹⁵⁷

Strong domestic violence and sexual assault criminal codes are also extremely helpful for Native women. Convictions for misdemeanor crimes of domestic violence carry with them permanent federal firearms prohibitions for convicted persons,¹⁵⁸ which may be a result that the Native woman needs to achieve safety.

Tribes may also wish to enact or strengthen sexual assault misdemeanor codes to ensure that these crimes against their female citizens are punished. In the absence of a tribal misdemeanor sexual assault code, the protection of the female citizens of tribal nations is relegated to federal or state prosecutors, where there is a noted lack of diligence in prosecuting sexual assault on Indian lands.¹⁵⁹ The lack of misdemeanor codes leaves perpetrators free to abuse Native women with impunity.

2. Look outside the criminal justice system to respond to crime committed by non-Indians.

Because of the federal restrictions on tribal criminal jurisdiction over non-Indians, tribal nations may wish to look outside of the criminal justice system to respond to the high percentage of perpetrators who are non-Indian. Tribes might enact civil remedies and proce-



dures that will provide justice for survivors. Examples include civil protection orders for sexual assault, banishment or exclusion from the tribal lands, fines, restitution, and labor or community service on behalf of the victim, her family, or the tribal community.

3. Develop and strengthen services for survivors of domestic and sexual violence.

Tribal leaders can develop and strengthen services for survivors of domestic and sexual violence and stalking in a number of ways. Tribal leaders can apply for grants and other funding to establish services for survivors including battered women's shelters, advocate positions, training for law enforcement and prosecutors, and offender treatment programs explicitly tailored to ending violence against women. Tribal leaders can support a coordinated community response to violence against women and ensure that services are comprehensive and appropriate for the entire community. They can partner with existing programs or agencies to stretch tribal resources further than they might otherwise go. They can strive to make each community institution a safe place where survivors can come for help. They can create a survivor-friendly environment by displaying brochures, posters, and pamphlets with contact information for local services. They can persuade state agencies to include funding for Indian-specific victim services in metropolitan areas or on reservations.

C. Practice Tips for Law Enforcement Officers

1. Remember the domestic violence is a crime, not a family matter.

Domestic violence is a crime, not a family matter. Law enforcement officers should take it seriously. Immediate action by officers responding to domestic violence calls might include ensuring the safety of all involved; accessing essential medical attention; safeguarding the victim from further abuse; providing escort service to reclaim property; transporting survivors to safety; seeking the voluntary surrender of firearms or seizing firearms subject to tribal, state, or federal law; enforcing custody provisions in accordance with court orders; and attempting to locate and arrest the abuser. A responding officer can also be helpful to the victim by making housing, victim compensation, and other community referrals.

2. Remember the potential dangers to law enforcement officers.

Law enforcement officers are in potentially dangerous situations when responding to domestic violence calls. Therefore, it is important that law enforcement agencies adopt and follow danger and threat management policies and protocol for officer responses to domestic violence situations.

Lethality assessments can be an important part of officer safety strategies. Factors to consider in determining serious injury/lethality situations include threats of homicide or suicide by the abuser; history of domestic or sexual violence, stalking and other violent criminal conduct; separation of the parties; depression or other mental illness of the perpetrator; possession or access to weapons; abuse of pets by the alleged offender; and destruction of the victim's property.



3. Be compassionate and maintain a focus on Native survivors of domestic and sexual violence.

Law enforcement officers should be compassionate and maintain a focus in their work on Native women who have survived domestic and sexual violence. Compassionate and helpful practices include officers assisting the survivor with temporary safety planning at the scene or officers conducting follow up meetings with the battered woman shortly after the initial response. For survivors of sexual assault, the compassionate law enforcement officer might support the survivor by not questioning or judging what she wore, whether she tried to stop the assailant, or what she said during the assault, and by not expressing or showing disbelief in the survivor's account of the assault.

Compassion also includes avoiding other judgments about the survivor or personally commenting on her situation. Abusive relationships continue for many reasons, and conveying judgmental attitudes toward the battered woman at the scene will not help solve this complex problem. Similarly, a person becomes a victim of sexual assault because of the assailant's decision to assault, not because of her attractiveness, location, or behavior. Asking questions that relate to any of these factors can revictimize the woman. To help, the officer may assist the survivor by coordinating referrals to support services. It is important for the officer to assure the survivor that the purpose of the intervention is to help address the problem and prevent further violence, not to make the situation worse.

4. Make arrests of domestic and sexual violence and stalking perpetrators.

Law enforcement officers should make arrests for violation of protection orders. Stalking violations need not include additional acts of sexual or domestic violence; mere following and placing the victim in fear in violation of a protection order constitutes a violation in most jurisdictions. Many stalking perpetrators do not appear to be career criminals and are, accordingly, often immune from vigorous investigation and arrest. Officers should also arrest the perpetrator when responding to a domestic violence call when there is probable cause to believe that the alleged assailant has committed a crime. In determining who the batterer is in a given situation, the officer should look beyond which party has sustained injuries. Instead, officers should undertake a primary aggressor evaluation and an assessment of continuing danger. Officers should not arrest battered adults for acts of self-defense.

5. Seize firearms subject to tribal or federal prohibitions.

Federal law prohibits persons subject to a qualifying protection order from possessing firearms and ammunition. Tribal law may also prohibit batterers, sexual assailants and stalkers from possessing firearms and ammunition. Tribal law enforcement officers may seize firearms and ammunition that are unlawfully in the hands of batterers pursuant to tribal or federal law, and officers may hold the firearms and ammunition until federal authorities have the chance to respond. Officers may also seek voluntary surrender of firearms and ammunition. A search of the residence or family car may be lawful pursuant to consent by the victim or perpetrator. A search may also be appropriate when the victim alleges a weapon was used in commission of the violation of a protection order or a crime,

but only when the officer has concluded that there is probable cause to believe a violation or a crime was committed by the alleged assailant. State and tribal law articulate the authority of law enforcement to search and seize firearms; each department should reference and provide directives subject to the law of the jurisdiction.

6. Conduct evidence-based investigations in domestic violence cases.

Law enforcement officers should do all that they can to conduct evidence-based investigations to enable prosecutors to go forward even without a victim's testimony. In addition to collecting statements from the victim, the batterer, children, and any other witnesses, the officer should ensure that all evidence of the crime is documented. Means of collection include taking photographs of injuries, collecting all physical evidence including damaged clothing and furniture, recording excited utterances or admissions, documenting all written threats of the alleged batterer, obtaining statements about abuse against the children or animals, identifying and seizing guns or ammunition in the house, and describing any cultural or linguistic conduct that may shed light on the crime(s) committed.

D. Practice Tips for Advocates

1. Be mindful of your own safety.

It is very important that advocates attend to their own safety. Advocacy on behalf of battered and sexually assaulted women can be dangerous, so it is important that advocates limit exposure to danger.




2. Practice self-care to avoid burnout.

Self-care is very important to avoid the burnout that comes from the difficult and emotionally draining work of representing women who have survived domestic or sexual violence and stalking. Some advocates find it helpful to “debrief” or talk to coworkers about stressful work events. Some advocates establish boundaries with clients at the earlier stages of advocacy and services to avoid becoming over-extended or becoming so deeply involved as to become an ineffective advocate. The advocate and/or the program for which she works may wish to decide ahead of time if the advocate's work will include building a personal relationship with the survivor, babysitting for the survivor's children, or having the survivor and her children over to the advocate's house.

3. Be aware of the power of advocates in the tribal court system.

Many petitioners in tribal courts do not have access to lawyers, and some tribal courts operate in a manner that is less formal than state courts. In these cases, the role of the advocate is even more essential and powerful than it otherwise is in more formal courts or when lawyers are involved. Advocates should recognize their power in these situations and do their best to be a strong advocate for the Native woman. In a system in which



advocates have the opportunity to play such a great role, vibrant advocacy can make a difference in the lives of the battered women. It is critical that the advocate be grounded in the preferences of the survivor.

4. Continue safety planning with the survivor, and remain judgment free.

Advocates should continue safety planning with the survivor, and should remain judgment free about the decisions that the survivor makes. The survivor is an expert on her own safety, and the advocate is there to support the survivor. The advocate may not understand the role the survivor's extended family, spirituality, or clan factor in to the survivor's choices. However, the advocate should respect the woman's choices and continue to strategize for safety with the woman.

5. Prepare for litigation but keep all options open.

Advocates should assist Native survivors in the preparation of protection order applications or in identifying information or witnesses for criminal prosecution. At the same time, the advocate should emphasize to the survivor that court action is an option, and that the decision is hers to make about initiating a civil process and about testifying in criminal court. Advocates should be highly knowledgeable about local practices before aiding the survivor with decisions about litigation.

6. Preserve privacy and confidences.

Confidentiality is key in developing and maintaining the relationship between client and advocate and in assisting the battered woman to deal with the violence that has been committed against her. Particularly in small communities, it is important that advocates not share any information, personal or otherwise, about the battered woman. A breach of confidence revictimizes the survivor, is a disclosure of private information, and may profoundly compromise her safety.


7. Protect the battered woman's address.

Some judges require a petitioner to include the address of the temporary shelter or other place where the battered woman is staying on the protection order. Some judges will not allow an order to move forward without an address written on the protection order. A battered woman might not want to disclose the address of the safe home or her residential location for fear of informing the batterer where she now lives. Advocates should work with courts to create a process whereby judges are provided with information about a battered woman's residence, while that information is not disclosed to the perpetrator or his attorney.

E. Practice Tips for Civil Attorneys

1. Resist mutual protection orders.

Some battered women acquiesce in the issuance of mutual protection orders to avoid irritating the judge or as a trade-off for custody or maintenance. However, the danger of



mutual protection orders is that they are unenforceable in the issuing jurisdiction and even less likely to be enforced in any non-issuing jurisdiction. Civil attorneys should be well versed in the law and the problems arising from mutual orders, including the risk that the victim will be prosecuted for violating the order entered against her. Clients should make informed decisions about such orders.

2. Recognize that the goals of professionals may differ from those of the woman who has survived domestic or sexual violence.

Battered women may have different goals from attorneys. For example, the goals of a battered woman seeking help from the criminal court might be to get her partner rehabilitated and to keep the family together. She may not want conviction or incarceration. The goal of the prosecutor might be for the battered woman to leave the batterer. The civil attorney may have to intervene to persuade the prosecutor of the wisdom of the course of action that the victim has selected. In child welfare proceedings, the attorney for the agency may wish to impose a particular safety plan on the survivor. Again, the role of the civil attorney should be to persuade counsel for the agency of the different strategies that the victim prefers over that chosen by the agency. Civil counsel should also resist imposing his or her preferred outcomes on survivors. The civil attorney should help battered women sort through choices and make informed decisions. Practitioners should pay close attention to the restitution, restoration, and community recovery needs of survivors and seek economic remediation in sentencing.

F. Practice Tips for Prosecutors

1. Charge and seek appropriate pretrial custody or protective conditions on release.

Prosecutors should pursue felony charges when the evidence permits, especially when the suspect presents a serious danger to the battered woman or an elevated risk of flight. Also, prosecutors should seek pretrial confinement or high bonds in cases where the suspect appears to present a risk of serious harm to the battered woman.

2. Use pretrial motions to advocate in court in violence against women cases.

Prosecutors can use pretrial motions and trial memos to lay the groundwork about violence against women generally, and about the domestic, sexual, or stalking violence in the particular case, and to destroy myths that the batterer's abuse was a one-time, momentary loss of control, or that the survivor's conduct provoked the violence of the suspect.

3. Use best efforts, even if the victim becomes unavailable.

Prosecutors should use trial skills to investigate and prepare and present a successful case. While it is tempting to compel testimony of the survivor (bond hearing, preliminary hearing) in case the victim becomes unavailable for trial, this strategy should be used infrequently, and only as a last resort. Thorough investigation should enable successful prosecution based on other witnesses and evidence.



G. Practice Tips for Judges

Tribal court judges are encouraged to do the following:

1. Make sure the protection order contains all the requested relief.

It is easier for law enforcement, prosecutors, and other courts to enforce tribal court protection orders when the orders contain certain basic elements. Tribal court judges should include the following provisions in tribal protection orders: (1) names of the parties, including the abuser's name, and any children; (2) date the order was issued; (3) expiration date, if applicable; (4) terms and conditions against the abuser; (5) the explicit relief granted by the court, including economic and custody protections; (6) name and phone number of the issuing court, and the name of the judicial officer who issued the order; (7) signature of the judicial officer; and (8) a numeric identifier of the respondent, such as date of birth or driver's license number.

2. Facilitate service of orders.

Develop a service form that contains information about the respondent, including identifying marks, height, weight, hair and eye color, residence address, location of employment, and places frequented by the respondent when not at work. Also develop a system for feedback from the process server to the court and the survivor about the success and time of service of process.

3. Enforce tribal law and applicable federal law.


It is important that tribal judges enforce tribal law effectively and consistently, notwithstanding any bias, prejudice, and personal or political relationships, when presiding over and ruling on a domestic or sexual violence or stalking case. Additionally, it is important that judges enforce applicable federal law, in particular the full faith and credit and firearms provisions of VAWA and the Gun Control Act. Regardless of how a judge may feel toward the issuing state or tribe, when a battered woman enters a tribal jurisdiction with a foreign protection order, all valid orders should be given full force and effect.

4. Look for solutions to financial constraints.

Many tribes do not have the resources to put into their tribal court systems or battered woman services. In order to make the most of available funding, some tribes have formed consortia in which they pool resources to create better court systems than they might otherwise be able to afford.

5. Communicate with other judges.

Communication between judges is key when more than one court is involved. Tribal court staff should seek telephonic confirmation of any foreign protection order from the issuing court and request communication with the issuing judge, as good practice may require. When charges are pending against the same perpetrator in both tribal and federal



courts, tribal court judges should communicate with the federal court judges to promote the fair and impartial administration of justice. There are many instances in which unintentional collusion with offenders can be avoided and justice for the battered woman can be achieved by communication among judges.

6. *Establish a policy for the execution of warrants that does not penalize or discourage women who have survived domestic or sexual violence.*

Some Native women in need of protection orders will avoid seeking a court order because of outstanding warrants for traffic or other violations. Similarly, some Native women who have survived sexual assault may be hesitant to seek criminal prosecution because of outstanding warrants against them. Tribal judges should establish a policy within the tribe related to the execution of warrants so that these women are not dissuaded from utilizing the court for protection against violence.

State court judges are encouraged to do the following:

1. *Respect tribal sovereignty.*

State court judges should respect tribal sovereignty by affording full faith and credit to tribal court protection orders. This includes tribal court orders that are handwritten, and orders that contain provisions that are outside of the scope for state court-issued protection orders. Examples of provisions that might be out of the ordinary for state court judges include provisions that involve entire families or even clans, or provisions requiring a batterer to attend religious healing ceremonies.¹⁶⁰

Both tribal and state court judges are encouraged to:

1. *Hold batterers and sexual assailants accountable.*

Tribal and state judges must also ensure that batterers and sexual assailants take the judicial system seriously and are held accountable for their wrongdoing. Judges can do this by imposing appropriate sentences, including jail and/or fines against batterers and sexual assailants. Additionally, tribal judges should order the batterer to attend a batterer's intervention program that embraces a curriculum that identifies the motivations behind domestic violence as power and control. Judges must be careful to avoid unintentional collusion with perpetrators, for example through continuances without notice to survivors or through batterer manipulation of the custody or visitation order.

Tribal court judges may also wish to track serial batterers or sexual assailants in an effort to hold them accountable. The Wisconsin Oneida track serial batterers in a database that is shared among the tribes and counties. By creating a system in which "repeat bad actors" are flagged and the information is shared among communities, more batterers are held accountable for the violence they commit.



H. Practice Tips for Probation and Parole Officers

1. Emphasize victim safety and the prevention of further victimization.

Victim safety should be a primary goal and strategy of probation work in domestic and sexual violence cases. Probation and parole officers should emphasize the enforcement of applicable tribal or state firearms and ammunition prohibitions against probationers and parolees. They should also alert federal law enforcement of probationer's violation of federal firearm laws. During the initial contact or any subsequent conversations with the victim, officers might ask questions pertaining to the probationer's (or parolee's) weapons history and current weapon possession. Prior criminal history and collateral information might also be examined to check for firearms. Probation officers should make surprise home visits to assess compliance with sentencing conditions.

Probation officers should also carefully attend to the children of families where domestic violence occurs. By recognizing the potential adverse influence of domestic violence on children and providing intervention and referrals to interrupt the violence, probation professionals can be instrumental in stopping the abuse and ensuring compliance.

2. Hold the batterer or sexual assailant accountable.

Because domestic and sexual violence offenders choose to engage in violent and controlling behavior, the primary focus of probation intervention should be on holding them accountable for their behavior and promoting behavior change.

One means of holding batterers and sexual assailants accountable is to respond to non-compliance immediately. Swift, sure, and appropriate response to offender noncompliance is crucial to reform batterers' and sexual assailants' conduct and to preserve the integrity and accountability of the criminal legal system. Essential in the supervision of these individuals are good threat assessments. Community contacts may also help probation and parole officers stay aware of developments and track compliance. Close coordination of supervision services with providers of Batterer Intervention Services and other appropriate treatment providers can also be critical in supervising offenders and monitoring their compliance.



VII. Conclusion

I see a world where sovereign indigenous peoples continue to plunge our memories to come back to our originality, to live in dignity and carry on our resuscitated and ever-transforming cultures and traditions with liberty.... I see a world where native women find strength and continuance in the remembrance of who we really were and are...a world where more and more native men find the courage to recognize and honor—that they and the women of their families and communities have the capacity to be profoundly vital and creative human beings. —Ines Hernandez-Avila¹⁶¹

What we know is that violence against Native women is at epidemic levels. What we know is that Native women suffer the highest rates of intimate partner violence and sexual violence, and that their violent crime victimization is more than double that of women of other races. What we know is that this has not always been the case. Native women once occupied important roles in communities with societal norms and structures that protected them from abuse and appropriately responded to crimes against them. Finally, we know that there are solutions and that Native communities do not have to continue along this path of violence and destruction of Indian women.

In finding solutions, it is important that we tap into the extraordinary resources that Native people have themselves. We know that it is far better to empower the community to address its own issues than to seek a solution from the outside. Tribal sovereignty is not the enemy of progress in this area; indeed, it is part of the answer. Particularly in this era of self-determination, the empowerment of tribal governments, courts, law enforcement, and communities to resolve their own problems is a necessary component of ending domestic and sexual violence against Native women.

Changes must be made at the tribal and federal levels. There should be more federal funding for tribal domestic and sexual violence education and the development of tribal domestic violence and sexual assault codes, tribal courts, victim services, and offender reclamation programs. Additionally, federal restrictions on the authority of tribal governments to respond to domestic and sexual violence should be remedied in order to promote self-determination and local tribal control over criminal and civil matters affecting the integrity of the tribal nation, and to empower tribal nations to respond justly to violence against women citizens.

State governments must also be part of the solution. State court judges and law enforcement officers should recognize the sovereign status of tribal nations, and engage with tribes as governments working toward the same goal of a violence-free environment for Native and other women. State courts and law enforcement officers should honor and enforce tribal court protection orders to the full extent required by federal law. Where states share borders with tribal nations, state law enforcement agencies should cross-deputize their officers with the local tribal law enforcement to ensure maximum enforcement of state and tribal laws. Finally, it is imperative that states prosecute domestic violence and sexual assault committed against Native women that occur off-reservation.



Glossary

For purposes of this paper, the following terms are defined as described below. Some of the terms may have specific civil and criminal meanings that are defined differently by the states, tribal nations, and United States territories. Therefore, with regard to criminal definitions, it is advised that practitioners consult the criminal code of their jurisdiction.

Abuse: Any type of treatment that is harmful, injurious, or threatening. There are many types of abuse, including emotional, mental, physical, economic, and sexual.

Accountability: The principle that batterers and sexual assailants must take responsibility for their violence, acknowledging the impact of their violence, accepting the consequences for that violence, and providing restitution and restoration to victims.


Acculturation: The process of adopting the dominant culture's beliefs, practices, and social meanings by a person who was raised in or has embraced another cultural milieu. Such change in beliefs, practices, and social meaning has characterized most political conquests and expansions in human history.

Advocate: A person who engages in critical thinking with a survivor, assists him or her in identifying the wrong or injustice done to himself or herself, offers options counseling, and acts with the survivor to remedy the social injustice the survivor has experienced. An advocate may also provide direct services to women who have survived domestic or sexual violence, as well as their children, ensuring that their needs are met using every resource available to the advocate.

Anger Management: A term that commonly refers to a system of psychological, therapeutic techniques and exercises by which one with excessive or uncontrollable anger can control or reduce the triggers, conduct, and effects of an angered emotional state. Anger management programs are controversial among those who work in the anti-domestic violence movement because of the belief that violence is not caused by anger (or stress levels, or alcohol, or drug use), but is about power and control over intimate partners.

Assimilation: The process whereby individuals or groups of people with differing ethnicity are absorbed into the dominant culture of a society.

Bureau of Indian Affairs (BIA): An agency within the Interior Department of the United States that maintains responsibility for the administration and management of 55.7 million acres of land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. The BIA is also responsible for developing forestlands, leasing assets on these lands, directing agricultural programs, protecting water and land rights, and developing and maintaining infrastructure and economic development in Indian Country. In addition, the Bureau of Indian Affairs provides education services to approximately 48,000 Indian students. The BIA's central office is located in Washington, D.C., and it operates 84 agencies at the reservation level. The reservation agencies are administered through 11 regional offices in Anadarko, Aberdeen, Albuquerque, Billings, Eastern, Juneau, Minneapolis, Navajo, Phoenix, Portland, and Sacramento.



Bureau of Justice Statistics (BJS): An office within the United States Department of Justice, Office of Justice Programs, whose principal function is the compilation, analysis, and dissemination of criminal and civil justice data and statistical information.

Checkerboard Reservation: The allotment of Indian land that resulted in mixed land ownership (i.e., land owned by both Native people and non-Native people), which, in many cases, looks much like a checkerboard.

Collusion: Any act that intentionally or unintentionally supports bad, deceitful, or illegal behavior. In terms of battering, it is any act that discounts, condones, or ignores any of the tactics that batterers use to maintain power and control over their partners.


Comity: The principle that courts of one state or tribe give effect to the law and judicial decisions of another state or jurisdiction, not as a matter of obligation but out of deference and mutual respect.

Consent: Saying “yes” to engaging in a particular act. Consent does not occur when one person says “no,” says nothing, is coerced, is physically forced, is mentally or physically helpless, is intoxicated, is under the influence of drugs, or is unconscious. Consent must be explicitly given. Having given consent on a previous occasion does not mean that a person has consented for any future encounter or event.

Confidentiality: An agreement, policy, or statutory/rule mandate that the information shared with a professional or in a particular milieu will not be shared with others without the protected party’s informed consent or written permission. Many domestic violence and rape crisis hotlines, counseling, and crisis centers assure callers/clients that information shared will be held in confidence and not disclosed to any third party. There are some instances where confidentiality cannot be guaranteed, such as in the case of abuse of a minor, where a person threatens to do harm to self or others, or the subpoena of records or testimony by a court. When records are subpoenaed, the professional asked to disclose may do so only if the court requires disclosure or if the client consents and that consent is “knowing.” The person from whom disclosure is sought should seek to suppress the information at least until a judge has thoroughly reviewed any claims of confidentiality or privilege.

Counseling: A guided exploration of feelings and behaviors and their roots. Counselors can be psychologists, psychiatrists, social workers, licensed counselors, or paraprofessionals. Counseling may be focused narrowly on a particular issue, such as on sexual assault, emotional abuse, or substance addiction.

Courts of Indian Offenses: First established in the 1880s by the Interior Department, courts meant to handle less serious criminal offenses and to resolve disputes between tribal members through the application of federal law and regulations (not tribal law or custom). These courts became known as CFR courts after guidelines were established for the courts in the Code of Federal Regulations. The Bureau of Indian Affairs operates CFR courts, making them quasi-federal in nature. Today, there are approximately 23 CFR courts.



Crisis Center: A center that provides crisis intervention services, typically geared toward victims of sexual assault or domestic violence. The services provided by crisis centers vary, but may include shelter; an intervention hotline; support for secondary survivors; survivor support groups; educational programs for members of the local community; legal, medical, and counseling advocacy; and referrals to community services. For a crisis center near you, visit <http://www.womenslaw.org> or call (800) 799-SAFE (7233).

Cross-Deputization: Being deputized in more than one jurisdiction. For example, a tribal police officer might also be deputized with the county or state, and thereby able to make arrests in either jurisdiction.

Dating Violence: Any type of emotional, physical, economic, or sexual abuse where the victim and the offender are in a dating relationship.

Defendant: The alleged offender or perpetrator in the criminal legal system.

Department of the Interior (DOI): A department created on March 3, 1849, to establish a governmental entity to take charge of the internal affairs of the United States. The DOI has a wide range of responsibilities, including, but not limited to managing the Bureau of Indian Affairs, the National Park Service, the United States Fish and Wildlife Service, and the Bureau of Land Management.

Domestic Violence: A term, that refers to physical, sexual, psychological, emotional, and economic abuse that takes place in the context of an intimate relationship. Also called “intimate partner abuse,” “battering,” or “wife beating.” Domestic violence is gender-based violence and is often characterized by long-term patterns of abusive behavior, rule making, and tactics of control and power over the abused.

Domestication: The process by which a court adopts the order of another jurisdiction as its own.


Emotional Abuse: Any words or conduct that causes or intends to cause emotional damage. This can include name-calling, derogatory comments, insults, threats, and social isolation. Emotional abuse is often targeted at eviscerating the victim’s self-esteem. Emotional abuse almost always includes blaming the victim for the abuse.

Enforcing Court: The court asked to enforce orders, sometimes of another jurisdiction.

Exigent: Urgent, requiring immediate action or attention.

Ex Parte: An action or communication directed to a judge by one party to a legal matter without notice to, or the opportunity for the opposing party to be heard by the court. In the context of protection order processes, an ex parte application is one filed seeking emergency or temporary relief. Some courts require notice or attempted notice to the opposition before an ex parte communication or application is made to the court. Practitioners are advised to check the local rules of the governing jurisdiction.

Federally Recognized Tribe: A group, band, nation, or other organized group of indigenous American people, including any Alaska Native village, that is recognized by the federal government as constituting a distinct and historically continuous political entity.¹⁶²



Full Faith and Credit: The recognition and enforcement of the orders and judgments of another jurisdiction; specifically, the recognition by one state of another state's or tribe's, or one tribe of another tribe's or state's, court orders.

Hotline: A telephone number that a person can call to confidentially discuss a particular issue. Typically hotlines are geared toward a certain issue, such as sexual assault, domestic violence, drugs or alcohol, or harassment. To find hotline numbers, visit <http://www.womenslaw.org>, or call (800) 799-SAFE (7233). Most hotlines are operated 24/7.


Indian: Any person who is a citizen of any Indian tribe, band, group, pueblo, or community that is recognized by the federal government as eligible for services from the Bureau of Indian Affairs, and any "Native" as defined in the Alaska Native Claims Settlement Act. An Indian can also be a person who is a member of a state-recognized tribe or a person recognized by a Native community as an Indian person.

Indian Child Welfare Act (ICWA): An act passed in 1978 that provides, in pertinent part, "that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs."

Indian Civil Rights Act (ICRA): An act passed in 1968 that was intended to impose most of the provisions of the federal Bill of Rights upon tribes. The notable exceptions are the omission of a provision against the establishment of religion by a tribe and the right of an indigent accused to have counsel at the tribal government's expense. ICRA was largely controversial among the tribes, as it was viewed as an undue federal intrusion into tribal affairs. One provision of ICRA that many tribes welcomed was its amendment of Public Law 280, so that states could no longer assume civil and criminal jurisdiction over Indian Country unless affected tribes consented at special elections. ICRA is codified at 25 U.S.C. § 1301, et seq.

Indian Country: Includes "all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation...all dependent Indian communities within the borders of the United States...and...all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way."¹⁶³

Indian Health Service (IHS): An agency within the Department of Health and Human Services that is responsible for providing federal health services to American Indians and Alaska Natives. The provision of health services to members of federally recognized tribes derives in part from tribal nations' cession of over 400 million acres of land to the United States in exchange for promises, usually reflected in treaties, of health care in perpetuity. The IHS is the principal federal health care provider for Indian people and currently provides health services to approximately 1.8 million American Indians and Alaska Natives.



Indian Reorganization Act (IRA): A law passed by Congress in 1934 in an attempt to give back management of lands to American Indians, prevent depletion of reservation resources, build a stronger economic base for reservations, and restore local self-government on a tribal basis. The IRA is codified at 25 U.S.C. § 461, et seq.

Indian Tribe: A group, band, nation, or other organized entity of indigenous American people, including any Alaska Native village, that is recognized by the federal government as constituting a distinct and historically continuous political entity for at least some governmental purposes.

Issuing Court: The court that issued the protection order.

Law Enforcement: The agency that enforces the law, whether it be the tribal police, BIA police, county sheriff or police, or other state or federal law enforcement agency.

Major Crimes Act: An act that grants jurisdiction to federal courts, exclusive of the states, over Indians who commit murder, manslaughter, kidnapping, maiming, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, an assault against an individual who has not attained the age of 16 years, arson, burglary, robbery, and a felony in Indian Country, regardless of whether the victim is an Indian or non-Indian. The Major Crimes Act was adopted in 1885 and is codified at 18 U.S.C. §1153.


Mental Abuse: A term for emotional, intellectual, or psychological abuse.

Native: Any person who is a citizen of an Indian tribe, band, group, pueblo, or community that is recognized by the federal government as eligible for services from the Bureau of Indian Affairs, or any “Native” as defined in the Alaska Native Claims Settlement Act.

National Crime Information Center (NCIC): An electronic system maintained by the Federal Bureau of Investigation that stores criminal justice data and is accessible to law enforcement and the courts. The data maintained by NCIC is transmitted to this electronic repository by law enforcement agencies throughout the nation.

NCIC Protection Order File (POF): A file of protection orders issued for the purpose of preventing abuse, violent or threatening acts, or harassment against another person. Active protection orders that contain an affirmative Brady indicator will disqualify a person from purchasing a firearm under federal law. All criminal and civil protection orders otherwise qualifying for NCIC POF inclusion must contain at least one numeric identifier related to the abuser/offender to be eligible for inclusion in NCIC POF.

Office on Violence Against Women (OVW): Created in 1995 as an office within the United States Department of Justice. The Violence Against Women Office (now the Office on Violence Against Women, established by VAWA 2000 as an Office outside of OJP), leads the implementation of the VAWA (1994/2000/2005) and the national effort to stop domestic violence, sexual assault, stalking of women and dating violence. The OVW works with the Office of the United States Attorney to ensure enforcement of the federal crime statutes on domestic violence and stalking, assists the Attorney General in formulating



policy related to civil and criminal justice for survivors, and administers grants to help states, tribes, and local communities transform the way in which civil and criminal justice systems respond to violent crimes against women.

Physical Abuse: Any physical injury, threat of injury, or conduct that risks physical harm, disfigurement, or death. Physical abuse can include hitting, kicking, biting, slapping, punching, strangulation, and pushing. Physical abuse can also include such things as withholding access to medical treatment or necessities such as food and shelter.

Precontact: The period before foreign explorers and Europeans settled in the area now known as the Americas.

Protection Order: An order to protect one person from another. The order lists certain conditions the respondent/offender must follow—usually that he or she can have no direct or indirect contact with the other person, must vacate a shared residence, must surrender weapons, and must make specific economic reparations.

Postcontact: The period of time following the Native peoples' first contact with explorers and European settlers in the area now known as the Americas.

Public Law 280 (PL 280): Passed in 1952 as part of the federal government's "termination" policy, a law that gave several states (California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska) extended criminal jurisdiction for all crimes committed on Indian reservations.

Rape: Any unwanted sexual intercourse to which one person does not freely consent.¹⁶⁴


Registration: A requirement in some states that foreign protection orders be registered with the state or local court in order to be given full faith and credit in that state.

Reservation: Indian Country and any lands, title to which is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation.

Respondent: The adverse party in a civil legal action (i.e. the person against whom a protection order is sought).

Restorative Justice: Justice that focuses on transforming wrongdoing by healing the harm, particularly to community and/or personal relationships, which is created by harmful behavior. The primary stakeholders in restorative justice processes are the person who committed the crime, the victim, and the community in which the harm was inflicted.

Revictimization: The process of "reliving" an assault or abuse in a negative way by having to retell it or answer questions about it to others or by experiencing disrespectful, hostile, or coercive legal processes. Sometimes survivors feel that they are victimized again during criminal proceedings, particularly when they cannot describe their experience in a way that is authentic, as when their testimony is circumscribed by the rules of criminal procedure.



Safety Planning: The process of developing an individualized plan to reduce the risks that battered or sexually abused women and their children face. Safety plans include strategies to reduce the risk of physical violence and other harm caused by an offender and ways to acquire basic needs such as housing, health care, food, education, and transportation.

Secondary Survivor: A person who is in a close personal relationship with a survivor of physical, mental, or emotional abuse; sexual assault; dating violence; domestic violence; or incest and who experiences adverse consequences or trauma as a result of the abuse inflicted by the offender on the survivor.


Self-Determination: The federal government's current policy toward Indian nations, also called "self-governance" or "sovereignty." In 1970, President Nixon issued a statement on Indian affairs that set this policy. President Nixon declared the former policy of "termination" to be a failure and stressed the importance of the trust relationship between the federal government and the tribes. Following his statement, Congress in 1975 passed the Indian Self-Determination and Education Assistance Act, which authorized the Secretaries of the Interior and of Health, Education and Welfare (now Health and Human Services) to enter contracts under which the tribes themselves would assume responsibility for the administration of federal Indian programs. Subsequent congressional and executive policies have continued to favor self-development.

Sexual Abuse: Any abuse, whether physical or mental, that is sexual in nature. Sexual abuse can include rape, sexual harassment, forcible sodomy, exhibitionism, voyeurism, sexual pressure or coercion, unwanted genital contact, inappropriate sexual comments, and forced object penetration.

Sexual Assault: Sexual assault is a term used to describe many criminal offenses and includes rape, forcible oral sodomy, forcible anal sodomy, unwanted object penetration, sexual strangulation, and unwanted sexual touching.

Sovereignty: In the context of federal Indian law, the inherent right or power to govern. At the time of European discovery of America, Indian tribes were sovereign by nature, conducting their own affairs with no outside source of power to legitimize their acts of government. By treating the tribes as foreign nations and by leaving them to regulate their own internal affairs, the colonial powers, and later the federal government, first recognized the sovereign status of tribes. The nature of the sovereign status of tribes has since been described and explained through congressional acts and Supreme Court case law. State governments have no power to limit or circumscribe the sovereign status of Indian nations.

Stalking: A type of assault where the offender is continuously entering the victim's life without permission, either in person or through a third person, on the telephone, on the Internet, at home, at work, or in multiple locales. Many criminal statutes describe stalking as acts of following or harassing with intent to cause fear of bodily injury or serious bodily injury. Batterers often induce third parties to oversee or scrutinize the life and activities of the abused persons, asking them to report back to the batterer; this is also stalking.



State-Recognized Tribe: A tribe whose sovereign status is acknowledged by the state in which the tribe is located. State recognition is separate from federal recognition.

Survivor: A person who has experienced sexual assault, dating violence, domestic violence, incest, or abuse. The term “survivor” is often embraced by a “victim” who has decided to reclaim power and to establish an identity that is strong rather than highly vulnerable.

Tribal Courts: Judicial systems administered by Indian nations, which have been created by tribal constitution or other Indian authority, that enforce the laws of the Indian nation articulated in the tribal code.

Victim: A person who has experienced sexual assault, dating violence, domestic violence, incest, or abuse. The term “victim” is often used by the criminal legal system immediately after the occurrence of the assault or abuse and is always used when someone has died due to the assault or abuse.

Violence Against Women Act (VAWA): An act signed in August 1994 by the 103rd Congress as part of the Violent Crime Control and Law Enforcement Act of 1994 (PL 103-322). VAWA was intended to be the first national effort to alleviate violent crime against women, including domestic violence, sexual assault, and stalking. VAWA created new penalties for gender-related violence and new grant programs encouraging states and tribes to address violence against women. VAWA was re-enacted in modified form in 2000 and 2005. VAWA will next sunset in 2011.

Endnotes

- ¹ Steven W. Perry, U.S. Dep't of Justice, *American Indians and Crime: A BJS Statistical Profile, 1992-2002*, NCJ 203097, at 7 (December 2004).
- ² Patricia Tjaden & Nancy Thoennes, U.S. Dep't of Justice, *Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women*, at 21-23 (2000).
- ³ *Id.*
- ⁴ *Id.* See also Lawrence A. Greenfeld & Steven K. Smith, U.S. Dep't of Justice, *American Indians and Crime* (1999) at 3 (finding that American Indian and Alaska Native women suffer a rate of sexual assault of 7 per 1,000 people, compared to 2 per 1,000 for all women).
- ⁵ See Title IX of the Violence Against Women and Department of Justice Reauthorization Act of 2005, H.R. 3402 ("VAWA 2005"), signed into law by President George W. Bush on January 6, 2006. In VAWA 2005, Congress made the following findings: (1) 1 out of every 3 Native women are raped within their lifetimes; (2) Native women experience 7 sexual assaults per 1,000, compared with 4 per 1,000 among Black Americans, 3 per 1,000 among Caucasians, 2 per 1,000 among Hispanic women, and 1 per 1,000 among Asian women; and (3) Native women experience the violent crime of battering at a rate of 23.2 per 1,000, compared with 8 per 1,000 among Caucasian women. Title IX of VAWA 2005 also directs the National Institute of Justice to work with the Office on Violence Against Women (OVW) in conducting a national baseline study to examine violence against Native women, evaluating the effectiveness of federal, state, tribal, and local responses to the violations. See also Tjaden & Thoennes, *supra* note 2, at 21-23.
- ⁶ See generally, Bethany Berger, *Indian Policy and the Imagined Indian Woman*, 14 KAN. J.L. & PUB. POL'Y 103 (2004); Sarah Deer, *Toward an Indigenous Jurisprudence of Rape*, 14 KAN. J.L. & PUB. POL'Y 121 (2004) (hereafter, "Deer, Indigenous Jurisprudence"); Sarah Deer, *Expanding the Network of Safety; Tribal Protection Orders for Survivors of Sexual Assault*, 4 TRIBAL L.J. 3 (2004) (hereafter "Deer, Expanding"); and Gloria Valencia-Weber & Christine Zuni, *Domestic Violence and Tribal Protection of Indigenous Women in the United States*, 69 ST. JOHN'S L. REV. 69 (1995). See also James W. Zion & Elsie B. Zion, *Hozho' Sokee'—Stay Together Nicely: Domestic Violence Under Navajo Common Law*, 25 ARIZ. ST. L. J. 407, 413 (1993), and Virginia H. Murray, *A Comparative Survey of the Historic Civil, Common, and American Indian Tribal Law Responses to Domestic Violence*, 23 OKLA. CITY U. L. REV. 433, 444 (1998).
- ⁷ *Id.*
- ⁸ See Deer, *Expanding*, *supra* note 6, at 135, citing Carol Devens, *Separate Confrontations: Gender as a Factor in Indian Adaptation to European Colonization in New France*, 38 AM. QUARTERLY 461 (1986).
- ⁹ See Deer, *Expanding*, *supra* note 6, at 130; see generally Murray, *supra* note 6.
- ¹⁰ See Valencia-Weber & Zuni, *supra* note 6, at 69 & n. 4, quoting Debra Lynn White Plume, *The Work of Sina Waken Win Okolakiciye—Sacred Shawl Women's Society*, in Carolyn Reyer, CANTE OHITIKA WIN (BRAVE HEARTED WOMEN) IMAGES OF LAKOTA WOMEN FROM THE PINE RIDGE RESERVATION, Vermillion, SD: University of South Dakota Press, 67 (1991).
- ¹¹ See Valencia-Weber & Zuni, *supra* note 6, at 60 & n. 3, quoting Zion & Zion, *supra* note 6, at 413.
- ¹² See Section IV, *supra*.
- ¹³ See Remarks of Kevin Gover, Assistant Secretary-Indian Affairs, Department of Interior, at the Ceremony Acknowledging the 175th Anniversary of the Establishment of the Bureau of Indian Affairs, (September 8, 2000), available at http://www.tribal-institute.org/lists/kevin_gover.htm.

¹⁴ *Id.* See also Deer, *Indigenous Jurisprudence*, *supra* note 6, at 129-134; Murray, *supra* note 6, at 444-445; Mending the Sacred Hoop, Community Based Analysis, at 325 (unpublished paper on file with the National Center on Full Faith and Credit (NCFCC)), available at <http://www.msh-ta.org/Resources/Native%20Women%20Research%20Project.pdf>. See generally Berger, *supra* note 6.

¹⁵ See Gover, *supra* note 13; Berger, *supra* note 6, at 110; Deer, *Expanding*, *supra* note 6, at Section II.B.; and Mending the Sacred Hoop, *supra* note 14 at 317-337.

¹⁶ See Valencia-Weber & Zuni, *supra* note 6, at 69, quoting Lemyra M. DeBruyn, Beverly Wilkins, and Karen Artichoker, *It's Not Cultural: Violence Against Native American Women 2* (Nov. 30, 1990) (citations omitted) (discussing tribes before European contact). See also Lemyra M. DeBruyn, et al., *Helping Communities Address Suicide And Violence: The Special Initiatives Team Of The Indian Health Service*, in AMERICAN INDIAN AND ALASKA NATIVE MENTAL HEALTH RESEARCH at 58 (Mar. 1988) (indicating that domestic violence exists in Native American communities due to poverty, isolation, alcohol abuse, low self-esteem, and unique status in relation to federal government). See also Mending the Sacred Hoop, *supra* note 14, at 317-337.

¹⁷ See Zion & Zion, *supra* note 6, at 411-413.

¹⁸ See generally Lauren Elizabeth Wolk, *Minnesota's American Indian Battered Women: The Cycle of Oppression*, in A CULTURAL AWARENESS TRAINING MANUAL FOR NON-INDIAN PROFESSIONALS (Battered Women's Project, St. Paul American Indian Center, 1982).

¹⁹ See Berger, *supra* note 6, at 105-111; Deer, *Expanding*, *supra* note 6 at Section II.A.; Murray, *supra* note 6, at 43 et seq.; Deer, *Indigenous Jurisprudence*, *supra* note 6 at 129-131; and Mending the Sacred Hoop, *supra* note 14, 317-337.

²⁰ See Mending the Sacred Hoop, *supra* note 14, at 317-337. See also Murray, *supra* note 6, at 444 et seq.

²¹ See Mending the Sacred Hoop, *supra* note 14, at 317-337. See also Murray, *supra* note 6, at 444 et seq.

²² See Murray, *supra* note 6, at 444-456. Murray uses as examples the Navajo, Cheyenne, and Cherokee nations.

²³ See Murray, *supra* note 6, at 444-456.

²⁴ See Mending the Sacred Hoop, *supra* note 14, at 325.

²⁵ *Id.*

²⁶ See, e.g., Sarah Deer, *What She Say, It Be Law: Rape Laws in Muskoke (Creek) Culture*, 4 Mending The Sacred Hoop Newsletter 2, 5 (2002) (hereafter "Deer, *Rape Law*") (describing the 1824 rape law of the Muscogee Nation).

²⁷ See, e.g., *Complementary but Equal: Gender Status in the Plateau*, in *Women And Power In NATIVE NORTH AMERICAN* 87 (Laura F. Klein & Lillian A. Ackerman eds., 1995). Norman, OK: University of Oklahoma Press. In tribal communities, banishment is the imposed exile of a person from the tribal community. In societies where a person's happiness and physical survival are dependent upon membership in the group-support system, banishment is a harsh penalty, perhaps even the equivalent to the death penalty in other cultures.

²⁸ See Mending the Sacred Hoop, *supra* note 6, at 326.

²⁹ President Richard M. Nixon, Special Message on Indian Affairs, July 8, 1970, in *Public Papers of the President of the United States: Richard Nixon*, 1970, at 564.

³⁰ *Id.*

³¹ *Id.*

³² See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 129.

- ³³ See Deer, *Expanding*, *supra* note 6, at Section I.B., quoting David Stannard, *American Holocaust: Conquest Of The New World* 121 (1993).
- ³⁴ *Id.* citing Antonia I. Castañeda, *Sexual Violence in the Politics and Policies of Conquest*, in *Building With Our Hands* (Adela de la Torre & Beatriz M. Pesquera, eds., 1993).
- ³⁵ See Deer, *Expanding*, *supra* note 6, Section I.B.
- ³⁶ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132, quoting John Demos, *THE TRIED AND THE TRUE: NATIVE AMERICAN WOMEN CONFRONTING COLONIZATION* 89 (Oxford University Press 1995); Carolyn Ross Johnson, *CHEROKEE WOMEN IN CRISIS: TRAIL OF TEARS, CIVIL WAR, AND ALLOTMENT, 1838-1907*, at 57 (University of Alabama 2003).
- ³⁷ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132, quoting David Roberts, *The Long Walk To Bosque Redondo*, 28 *Smithsonian* 46 (1997).
- ³⁸ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132, citing Albert L. Hurtado, *When Strangers Met: Sex And Gender On Three Frontiers*, 17 *FRONTIERS* 52, 63-68 (1996).
- ³⁹ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132, quoting Sharon Block, *Rape And Race In Colonial Newspapers, 1728-1776*, 27 *JOURNALISM HIST.* 146, 146-55 (2002).
- ⁴⁰ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132, quoting Angie Debo, *A HISTORY OF THE INDIANS OF THE UNITED STATES* 159 (University of Oklahoma Press: Norman 1976).
- ⁴¹ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 132.
- ⁴² *Id.*, citing *WHO'S THE SAVAGE?: THE DOCUMENTARY HISTORY OF THE MISTREATMENT OF THE NATIVE NORTH AMERICANS* 113-115 (David R. Wrone & Russel S. Nelson, Jr., eds., 1982).
- ⁴³ See *Sand Creek Massacre: A Documentary History* (New York: Sol Lewis, 1973). This quote comes from eyewitness accounts of the Sand Creek Massacre, November 29, 1864, in which Colonel John M. Chivington led approximately 700 U.S. soldiers to a village of about 500 Cheyenne and Arapaho people camped along the banks of Big Sandy Creek in southeastern Colorado. Chivington's troops attacked and killed about 150 people, mainly women, children, and the elderly. When troops asked if children were to also be killed, Chivington, who once belong to the clergy, stated, "Nits make lice." Ultimately, the massacre was condemned following federal investigations.
- ⁴⁴ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 133, quoting Rose Stremmlau, *Rape Narratives on the Northern Paiute Frontier: Sarah Winnemucca, Sexual Sovereignty, and Economic Autonomy, 1844-1891*, in *PORTRAITS OF WOMEN IN THE AMERICAN WEST* (Garceau ed., 2005).
- ⁴⁵ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 133.
- ⁴⁶ *Id.* See also Gover, *supra* note 13.
- ⁴⁷ See Murray, *supra* note 6, at 445.
- ⁴⁸ *Id.*
- ⁴⁹ See Berger, *supra* note 6, at 105.
- ⁵⁰ §§ 1-3, 24 Stat. 388 (formerly codified at 25 U.S.C. §§ 331-333, also known as the Dawes Act). The General Allotment Act is considered the most devastating of federal Indian legislation, since it resulted in the loss of nearly two-thirds of Indian lands (from 138 million acres of Indian-held land in 1887 to 47 million acres of land by 1934) and the death of entire communities. See generally Miriam Report of 1928, Institute for Government Research, *The Problem of Indian Administration* (L. Meriam ed., Johns Hopkins Press 1928).
- ⁵¹ Felix S. Cohen, *HANDBOOK OF FEDERAL INDIAN LAW*, 1040-1041 (2005 ed.).
- ⁵² See Murray, *supra* note 6, at 444.

- ⁵³ See *Zion & Zion*, *supra* note 6, at 419 & n. 95.
- ⁵⁴ See *Berger*, *supra* note 6, at 106.
- ⁵⁵ See George Russell, AMERICAN INDIAN FACTS OF LIFE: A PROFILE OF TODAY'S POPULATION, TRIBES AND RESERVATIONS, at 88 (Russell Publications, 2004).
- ⁵⁶ See discussion in Section V, *infra*.
- ⁵⁷ See *Murray*, *supra* note 6, at 444-445.
- ⁵⁸ See *Berger*, *supra* note 6, at 106.
- ⁵⁹ See *Murray*, *supra* note 6, at 445.
- ⁶⁰ See *Berger*, *supra* note 6, at 105.
- ⁶¹ *Id.*
- ⁶² *Id.*
- ⁶³ The struggle for freedom from religious suppression continues. As recently as 1988, the United States Supreme Court upheld the federal government's decision to build a road through an Indian sacred site even though it would "virtually destroy" the Native religion. See Kristin A. Carpenter, "Considering Individual Religious Freedoms Under Tribal Constitutional Law," 14 KAN. J.L. & PUB. POL'Y 561, 563 (2005).
- ⁶⁴ *Id.*
- ⁶⁵ Allison M. Dussias, "Ghost Dance and Holy Ghost: The Echoes of Nineteenth-Century Christianization Policy in Twentieth-Century Native American Free Exercise Cases," 49 STAN. L. REV. 773, 775 (1997).
- ⁶⁶ *Id.* at 788-806.
- ⁶⁷ *Id.* at 794-800 (describing the Lakota Ghost Dance and the 1890 Wounded Knee Massacre).
- ⁶⁸ *Id.*
- ⁶⁹ *Id.* at 784.
- ⁷⁰ See *Cohen*, *supra* note 51, at 92-93.
- ⁷¹ *Id.*
- ⁷² See *Gover*, *supra* note 13. See also *Mending the Sacred Hoop*, *supra* note 6, at 317-337.
- ⁷³ *Id.*
- ⁷⁴ See Indian Child Welfare Act, 25 U.S.C. §1901 *et seq.*
- ⁷⁵ In 1866, the Commissioner of Indian Affairs stated, "It is admitted by most people that the adult savage is not susceptible to the influence of civilization, and we must therefore turn to his children, that they might be taught to abandon the pathway of barbarism and walk with a sure step along the pleasant highway of Christian civilization.... They must be withdrawn, in tender years, entirely from the camp and taught to eat, to sleep, to dress, to play, to work, to think after the manner of white man." See Monroe E. Price, *Law and the American Indian*, Contemporary Legal Education Series (New York: Bobbs-Merrill Company, 1993).
- ⁷⁶ See *Gover*, *supra* note 13. See also *Mending the Sacred Hoop*, *supra* note 6, at 317-337.
- ⁷⁷ See *Mending the Sacred Hoop*, *supra* note 14, at 317-337.
- ⁷⁸ *Id.*
- ⁷⁹ *Id.*

- ⁸⁰ *Id.*
- ⁸¹ *Id.*
- ⁸² *Id.*
- ⁸³ See JEFF HINKLE, "A Law's Hidden Failure," AMERICAN INDIAN REPORT XIX, no. 1 (2003).
- ⁸⁴ See Mending the Sacred Hoop, *supra* note 14, at 317-337, quoting *Walking the White Man's Road*, American Radio Works. Minnesota Public Radio, WSCN, Duluth, Minnesota. (Feb. 2003.)
- ⁸⁵ See Mending the Sacred Hoop, *supra* note 14, at 317-337, quoting an interview with Eileen Hudon (Anishinabe) (2003).
- ⁸⁶ See Gover, *supra* note 13. See also Mending the Sacred Hoop, *supra* note 14, at 317-337.
- ⁸⁷ See Gover, *supra* note 13. See also Mending the Sacred Hoop, *supra* note 14, at 317-337.
- ⁸⁸ See Mending the Sacred Hoop, *supra* note 14, at 317-337.
- ⁸⁹ *Id.*
- ⁹⁰ *Id.* See also Gover, *supra* note 13.
- ⁹¹ See Mending the Sacred Hoop, *supra* note 6, at 317-337.
- ⁹² See Christopher B. Chaney, *The Effect of the United States Supreme Court's Decisions During the Last Quarter of the Nineteenth Century on Tribal Criminal Jurisdiction*, 14 BYU J. PUB. L. 173, 184-188 (2000); Deer, *Expanding*, *supra* note 6, at Section II.B.
- ⁹³ See Deer, *Expanding*, *supra* note 6, at Section II.B.
- ⁹⁴ *In Ex Parte Crow Dog*, 109 U.S. 556 (1883), the Supreme Court recognized the authority of Indian tribes over criminal jurisdiction on Indian lands.
- ⁹⁵ See Deer, *Expanding*, *supra* note 6, at Section II.B.2.
- ⁹⁶ *Id.*, citing *Westit v. Stafne*, 44 F.3d 823 (9th Cir. 1995). *But see Sam v. United States*, 385 F.2d 213, 214 (10th Cir. 1967) (suggesting, in *dicta*, that tribal courts do not have jurisdiction over the crime of rape).
- ⁹⁷ 25 U.S.C. § 1302(7).
- ⁹⁸ See Deer, *Expanding*, *supra* note 6, at Section II.B.3.
- ⁹⁹ Sarah Deer and Melissa Tatum illustrate the point with the following example: If a man were to commit a violation of a protection order and rape against the woman with the protection order, in state court he could face conviction of a misdemeanor and a felony, whereas tribes would be restricted to misdemeanor-level penalties for both the violation of the protection order and the rape. See Sarah Deer & Melissa Tatum, *Tribal Efforts to Comply with VAWA's Full Faith and Credit Requirements: A Response to Sandra Schmieder*, 39 TULSA L. REV. 403, 410 & n. 64 (2003).
- ¹⁰⁰ Public Law 280 was imposed upon tribes in the following states: Alaska, California, Minnesota (except the Red Lake reservation), Nebraska, Oregon (except the Warm Springs reservation), and Wisconsin. The states that elected to assume at least partial jurisdiction included Arizona, Florida, Idaho (subject to consent of the tribes located therein), Iowa, Montana, Nevada, North Dakota (subject to tribal consent) South Dakota, Utah, and Washington.
- ¹⁰¹ See Deer, *Expanding*, *supra* note 6, at Section II.B.2. & n. 54.
- ¹⁰² See *Id.* at Section II.B.2.
- ¹⁰³ See generally Carole Goldberg & Duane Champagne, *A Second Century of Dishonor: Federal Inequities and California Tribes*, (UCLA American Indian Studies Center) (Mar 26, 1996), available at <http://www.sscnet.ucla.edu/indian/ca/Tribes.htm>.

¹⁰⁴ See Deer, *Expanding*, *supra* note 6, at Section I.B.

¹⁰⁵ 435 U.S. 191 (1978).

¹⁰⁶ See Greenfeld & Smith, *supra* note 4, at 7, finding that “[a]bout 9 in 10 American Indian victims of rape or sexual assault were estimated to have had assailants who were white or black.”

¹⁰⁷ See Perry, *supra* note 1. While these statistics do not distinguish between crimes occurring on tribal lands versus crimes occurring off tribal lands, or between various forms of violent crime, the statistics are nonetheless staggering in the amount of crime against Native people that is committed by non-Indians.

¹⁰⁸ See generally Goldberg & Champagne, *supra* note 103.

¹⁰⁹ Stephen Cornell, *Accountability, Legitimacy, and the Foundations of Native Self-Governance*, Harvard Project, Kennedy School of Government (1993).

¹¹⁰ See Gover, *supra* note 13.

¹¹¹ United States 2000 Census, available at <http://www.census.gov/main/www/cen2000.html>.

¹¹² See Russell, *supra* note 55, at 41.

¹¹³ *Indian Gaming and Indian Poverty*, NATIVE AMERICAS MAGAZINE (Cornell University, 1997).

¹¹⁴ *Survey of Grant Giving by American Indian Foundations and Organizations* (Native Americans in Philanthropy, 1996).

¹¹⁵ See Russell, *supra* note 55, at 104.

¹¹⁶ *Id.*

¹¹⁷ See Russell, *supra* note 55, at 104.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² See Jodi Rave, *Indian Health Needs Outlined*, THE BISMARCK TRIBUNE (Lee News Service, July 15, 2005).

¹²³ See Russell, *supra* note 55, at 104.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.* at 103, citing the United States Department of Education, *Indian Nations at Risk Task Force 1991*.

¹²⁷ See Russell, *supra* note 55, at 103.

¹²⁸ See generally U.S. Department of Education, *Status and Trends in the Education of American Indians and Alaska Natives*, available at <http://nces.ed.gov/pubs2005/2005108.pdf>.

¹²⁹ *Id.* at 82.

¹³⁰ *Id.*

¹³¹ 108 Stat. 1902 *et seq.*

¹³² See Violence Against Women and the Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109-162, H.R. 3402 (January 5, 2006).

¹³³ *Id.* at § 901.

¹³⁴ See 18 U.S.C. § 2265(a) (2000). Subsection (b) requires that the issuing court possess jurisdiction and provide the respondent with due process. *Id.* § 2265(b).

¹³⁵ Under VAWA 2000, an order of protection was defined as “any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person.” See 18 U.S.C. § 2266.

¹³⁶ See VAWA 2005, *supra* note 132, at Section 907.

¹³⁷ See Melissa Tatum, *Law Enforcement Authority in Indian Country*, 4 TRIBAL L.J. 2 (2003/2004). See also Deborah Epstein, *Effective Intervention in Domestic Violence Cases Rethinking the Roles of Prosecutors, Judges, and the Court System*, 11 YALE J.L. & FEMINISM 3, 11 (1999); Christopher Shu-Bin Woo, *Familial Violence and the American Criminal Justice System*, 20 UNIV. HAW. L. REV. 375, 392-393 (1998); Margaret Martin Barry, *Protective Order Enforcement: Another Pirouette*, 6 HASTINGS WOMEN’S L. J. 339, 348 (1995).

¹³⁸ Valencia-Weber & Zuni, *supra* note 6, at 93 *et seq.*

¹³⁹ See IX Navajo Trib. Code § 1601 *et seq.* (1993).

¹⁴⁰ Statement of George Twiss, September 15, 2005, at NCFFC meeting in Tucson, Arizona (notes from meeting on file with NCFFC).

¹⁴¹ See 18 U.S.C. § 2265(d)(2). In VAWA 2000, Congress amended the full faith and credit provision, clarifying that a jurisdiction must enforce a protection order issued in another jurisdiction notwithstanding the petitioner’s failure to comply with any filing or registration requirements of the enforcing jurisdiction.

¹⁴² *Id.*

¹⁴³ *But see* VAWA 2005, through which Congress has directed the Federal Bureau of Investigation (FBI) to permit tribal law enforcement agencies to enter information into the NCIC POE. See VAWA 2005, *supra* note 132, at Section 905 (b). VAWA 2005 also directs the Attorney General of the U.S. to contract with tribes or tribal organizations in the development of a national tribal sex offender registry and a tribal protection order registry. *Id.*

¹⁴⁴ See Timothy C. Hart & Callie Rennison, U.S. Dept. of Justice, *Reporting Crime to the Police 1992-2000* (Mar. 2003).

¹⁴⁵ See Deer, *Expanding*, *supra* note 6, at n. 64.

¹⁴⁶ *Id.*

¹⁴⁷ See generally Goldberg & Champagne, *supra* note 103.

¹⁴⁸ See Deer, *Expanding*, *supra* note 6, at Section II.C.

¹⁴⁹ *Id.* at Section II.C. & n. 69.

¹⁵⁰ *Id.* at Section II.C. & n. 73.

¹⁵¹ *Id.*

¹⁵² *Id.* at 6 & n. 76.

¹⁵³ See 18 U.S.C. §§ 922(g)(8) and 922(d)(8), which prohibit those individuals subject to a protection order or who have been convicted of misdemeanor crimes of domestic violence from possessing guns or ammunition.

¹⁵⁴ See Deer, *Indigenous Jurisprudence*, *supra* note 6, at 124 & n. 29, citing ELSIE B. REDBIRD, HONOURING NATIVE WOMEN: THE BACKBONE OF NATIVE SOVEREIGNTY, IN POPULAR JUSTICE AND COMMUNITY REGENERATION: PATHWAYS OF INDIGENOUS REFORM, at 121 (Kayleen M. Hazelhurst ed., 1995).

¹⁵⁵ *Id.*

¹⁵⁶ The idea of tribal civil protection orders for sexual assault was first explored by Sarah Deer in *Expanding*, *supra* note 6.

¹⁵⁷ *Oliphant v. Suquamish*, 435 U.S. 191 (1978).

¹⁵⁸ 18 U.S.C. §§ 922(d)(8), 922(d)(9), 922(g)(8), 922(g)(9).

¹⁵⁹ See Perry, *supra* note 1, 7 (stating findings on the rates of violence crimes against Native women); Goldberg & Champagne, *supra* note 103 (stating findings on the low rate of state prosecution of crime on tribal lands in PL 280 states); and Deer, *Expanding*, *supra* note 6, at Section II.B.1. (stating that federal prosecution rates of violent crime against Native women are low).

¹⁶⁰ Traditionally, Indian tribes had not been subject to constitutional restraints in their governmental actions, because those restraints are imposed upon the states through the 14th Amendment. See *Talton v. Mayes*, 163 U.S. 376 (1896). The Indian Civil Rights Act of 1968 imposed on tribes the protection of free speech, free exercise of religion, due process, and equal protection of the laws, but did not include, *inter alia*, religious constraints similar to the Establishment Clause of the First Amendment of the United States Constitution. Consequently, tribal courts may use traditional religious practices in the directives of court orders.

¹⁶¹ From the writing of Ines Hernandez-Avila (Confederated Tribes of the Colville Reservation), poet and scholar.

¹⁶² The federal government currently recognizes 562 Indian tribes and Alaska Native villages.

¹⁶³ See 18 U.S.C. § 1151 as including: (1) federal reservations, whether created by statute or Executive Order, see *Donnelly v. United States*, 228 U.S. 243 (1913), including fee land, see *United States v. John*, 437 U.S. 634 (1978); *Seymour v. Superintendent*, 368 U.S. 351 (1962); (2) dependent Indian communities, see *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998) (land that is neither a reservation nor an allotment which has been validly set aside for the use of the Indians as Indian land, and under the superintendence of the government); and (3) Indian allotments to which title has not been extinguished, see *United States v. Pelican*, 232 U.S. 442 (1914), and *United States v. Ramsey*, 271 U.S. 467 (1926). Although not specifically mentioned in Section 1151, land held in trust by the United States for a tribe or individual Indian is also accorded Indian country status. *Oklahoma Tax Comm'n v. Potawatomi Indian Tribe*, 498 U.S. 505 (1991). Acquisition of land in fee simple by a tribe, despite the restraint on alienation imposed by 25 U.S.C. § 177, has been held insufficient standing alone to create Indian country. *Buzzard v. Oklahoma Tax Comm'n*, 922 F.2d 1073 (10th Cir. 1993). Indian country status is not lost by cession to, or acquisition by, a state of civil and criminal jurisdiction pursuant to Pub. L. 83-280 ("Public Law 280") or similar act of Congress. See *California v. Cabazon Band of Indians*, 480 U.S. 202, 207 n.5 and text (1987).

¹⁶⁴ Black's Law Dictionary refers to rape as unlawful sexual intercourse with a female without her consent. See BLACK'S LAW DICTIONARY at 1260 (6 ed. 1990). Commonly, states include the crime of rape within the larger umbrella of "sexual assault."



Resources

Domestic Violence and Sexual Assault Shelters Serving Native Women

(Shelters are listed alphabetically by tribe or location.)

• *Aleutian Islands*

Unalaskans Against Sexual Assault and Family Violence (USAFV)

P.O. Box 36
Unalaska, AK 99685
Phone: (800) 478-7238
Fax: (907) 581-4568
usafved@arctic.net

USAFV serves Unalaska/Dutch Harbor and the Aleutian and Pribilof Islands. USAFV provides crisis intervention, immediate safety, shelter, support, advocacy, educational information, and referral services in order to promote personal power, safety, health, and wellness.

• *Anchorage*

Alaska Native (Willa's Way)

Safe Housing Program
Anchorage, AK 99508
Phone: (907) 729-2500
<http://www.scf.cc/willa.cfm>

(See Alaska Women's Aid in Crisis (AWAIC) for urban services)

AWAIC and Southcentral Foundation offer the Willa's Way program, where women live in smaller safe houses and have a dedicated case manager. Native Safe Home is an alternative for Native people who have been harmed, as well as their families. Native Safe Home advocates provide case management and advocacy in a culturally sensitive manner. Advocates link the person who has been harmed with services and provides supportive services to the Native Safe Home guest in a nonjudgmental, confidential environment that respects the culture and the decisions of the guest.

• *Apache Tribe of Oklahoma*

Violence Free Living Center

511 E. Colorado
P.O. Box 1220
Anadarko, OK 73005
Phone: (405) 247-9495
violencefree@apachetribeofoklahoma.org

The Violence Free Living Center provides services to Native victims of domestic violence and their children in a seven-county area.



• *Big Lagoon Rancheria*

Two Feathers Native American Family Services

2355 Central Ave., Suite C
McKinleyville, CA 95519
Phone: (707) 839-1933
Toll-free: (800) 341-9454
<http://www.twofeathers-nafs.org>

Two Feathers Native American Family Services provides child and family services under the auspices of the Indian Child Welfare Act, and operates a number of other grants for Native families. Service area includes over 100 northern California counties. Two Feathers serves adult victims, Indian children, and families. Their hours of operation are Monday–Friday, 8:30 a.m.–5:00 p.m.

• *Bristol Bay Native Association*

Safe and Fear-Free Environment (SAFE)

P.O. Box 94
Dillingham, AK 99576
Phone: (800) 478-2316 (SAFE)
Fax: (907) 842-2198
vrbaime@besafeandfree.org

The SAFE program includes a 16-bed shelter, five-bed emergency home for children in state custody, and several unique programs that provide victim advocacy services. In addition, SAFE volunteers run a toll-free 24-hour crisis hotline serving the Bristol Bay region. SAFE serves the following Alaskan Native villages: Dillingham, Aleknagik, Chignik, Egegik, Eku, Goodnews Bay, Igiugig, Iliamna, Ivanof Bay, King Salmon, Levelock, Manokotak, Naknek, New Stuyahok, Newhalen, Nondalton, Pedro Bay, Pilot Point, Platinum, Port Alsworth, South Naknek, Togiak, and Ugashik.

• *Cheyenne River Sioux*

Sacred Heart Center Women's Shelter

P.O. Box 2000
Eagle Butte, SD 57625-2000
Phone: (800) 390-9298
SHC@RapidNet.com
<http://www.shconline.org/womens.php>

Sacred Heart Women's Shelter provides 24-hour emergency housing for families and single women. Services include sexual assault response team, counseling, referrals, and shelter. Residents may stay at Sacred Heart Shelter for up to 90 days. Services include transportation vouchers, access to free child care, clothing, weekly free medical and mental health attention, and referrals to job-readiness and training programs.



• *Coeur D'Alene*

Coeur d'Alene Women's Center

2201 North Government Way, Suite E

Coeur d'Alene, ID 83814

Phone: (208) 664-9303

DV Hotline/Crisis: (208) 664-1443

Rape Hotline/Crisis: (208) 661-2522

wcgen@adelphia.net

<http://www.cdawomenscenter.org>

The Coeur d'Alene Women's Center provides a 24-hour hotline for victims of domestic violence, rape, and sexual assault and is designed to offer crisis intervention and referral service for all ages. Specially trained advocates help callers find alternatives in solving their own problems. Victims and their families receive immediate response, advocacy, support, and referral. On request, volunteers are available to accompany and support victims at the hospital, with law enforcement, and through the judicial system. Regular domestic violence support groups are available, as well as sexual assault survivor groups. Individual counseling is available on a limited basis to those in need.

• *Coeur d'Alene*

Stop Violence Against Indian Women

160 11th Street

Plummer, ID 83851

Phone: (208) 686-0900

Fax: (208) 686-6501

<http://www.cdatribe-nsn.gov/stop.shtml>

The Stop Violence Against Indian Women Program provides services to all adult Native Americans or their significant others living on the Coeur d'Alene Reservation who have been or who are presently victims of domestic violence, sexual assault, elder abuse, or stalking. The Stop Violence Against Indian Women Program is dedicated to breaking the cycle of violence, sexual assault, elder abuse, and stalking through awareness and intervention and developing partnerships within the community and other programs. The program's office hours are Monday–Friday, 7:30 a.m.–4:00 p.m.

• *Crow Creek*

Project SAFE and The Children's Safe Place

Wiconi Wawokiya, Inc.


P.O. Box 49

Fort Thompson, SD 57339

Phone: (605) 245-2471

Fax: (605) 245-2737

Wiconi Wawokiya, Inc., Project SAFE is a nonprofit victim services organization located on the Crow Creek Reservation in South Dakota. Any victim in search of safety is eligible for services. Wiconi Wawokiya offers a 24-hour crisis hotline, shelter, court/legal advocacy, medical advocacy, relocation assistance, transportation, emergency financial assistance, and more. The crime victims who most often seek refuge with the organization are victims of domestic



violence, sexual abuse, and child abuse. The overall mission of Wiconi Wawokiya is to reduce violence in the home, workplace, and schools.

• *Eight Northern Pueblos*

Peacekeepers Domestic Violence Program

706 A-1 Lahoya St.
Española, NM 87532
P.O. Box 969
San Juan, NM 87566
Phone: (505) 753-4790
Toll-free: (800) 400-8694
Fax: (505) 753-5233
k_howkumi@yahoo.com

The Peacekeepers Domestic Violence Program provides community education about domestic violence in order to reduce the violence. The program serves residents of the Eight Northern Pueblos. Services include advocacy, counseling, children's counseling, civil legal assistance, legal advocacy, training, crisis intervention, and prosecution. Peacekeepers' staff includes a prosecutor, two civil attorneys, probation officers, abuser re-educators, and victim advocates. The staff, which is based in both Taos and Española, works with tribal courts and tribal police at the eight pueblos.

• *Emmonak Village*

Emmonak Women's Shelter (EWS)

P.O. Box 207
Emmonak, AK 9581
Phone: (907) 949-1443
Fax: (907) 949-1718
emmonakws@aol.com

EWS provides immediate shelter, crisis intervention, services for children, and education and support for victims of domestic violence or sexual assault, and can accompany survivors to court.

• *Fond du Lac Band of Lake Superior Chippewa Reservation*

Min no wii jii win House
927 Trettel Lane
Cloquet, MN 55720
Phone: (218) 879-1989
24-hour line: (218) 348-1817
<http://www.pausa.org/smartadvocacy.htm>
cvlook@safehavenshelter.org

Min no wii jii win House provides advocacy for victims of sexual assault, domestic abuse, and general crime. It offers a 24-hour crisis line, legal and support advocacy, support groups, community and prevention education, information, referrals, and culturally specific services. The organization serves Carlton and Southern St. Louis counties and the Fond du Lac reservation. Services hours are Monday–Friday, 8:00 a.m.–4:30 p.m., with a 24-hour crisis line.

• *Houlton Band of Maliseet Indians*

Domestic Violence Response Program

88 Bell Road, Suite 2
Littleton, ME 04730
Confidential/Client Phone: (207) 532-6401
Phone: (207) 532-6401
After Hours Phone: (207) 694-1353
http://www.maliseets.com/domestic_violence.htm
end.domestic.violence@maliseets.com

The Domestic Violence Response Program provides direct services to any member of a federally recognized Indian tribe who resides in Aroostook County. Other advocacy is available to all victims of domestic abuse in Aroostook County.

• *Juneau*

Aiding Women from Abuse & Rape Emergencies (AWARE)

P.O. Box 20809
Juneau, AK 99802-0809
Crisis Line: (907) 586-1090
Phone: (800) 478-1090 (800 # only works when calling from local area.)
<http://www.juneau.com/aware>

AWARE provides services for survivors of domestic violence or sexual assault or elder abuse. Services include shelter, counseling, advocacy, a crisis line, children's services, rural outreach, and child sexual abuse counseling.

• *Kodiak*

Kodiak Women's Resource and Crisis Center (KWRCC)

P.O. Box 2122
Kodiak, AK 99615-2122
Phone: (907) 486-6171
Fax: (907) 486-4264
Crisis Line: (907) 486-3625
kwrcc@ptialaska.net

KWRCC provides resources and crisis services to the community, as well as shelter for women and their children who are victims of domestic violence and sexual assault.

• *Navajo Nation (Serves reservations in Arizona, New Mexico, and Utah)*

The Navajo Nation Victim Assistance Program

Contact: Christine J. Butler

P.O. Box 1168

Tuba City, AZ 86045

Phone: (928) 283-3132

Fax: (405) 247-5579

Contact:

Sandi Wilson

P.O. Box 928

Crownpoint, NM 87313

(505) 786-2302

• *Pueblo of Laguna*

Laguna Family Shelter Program

P.O. Box 194

Laguna, NM 87026

Phone: (505) 552-9701

Hotline/Crisis: (505) 552-9701

Phone: (505) 552-6666

• *Red Lake Band of Chippewa*

Family Advocacy Center of Northern Minnesota (FACNM)

North Country Health Services

1300 Anne Street NW

Bemidji, MN 56601

Main Desk: (218) 751-5430

Phone: (218) 333-6011

FACNM is a collaborative effort among federal agencies, Leech Lake, Red Lake, and White Earth Tribes, and 15 northern Minnesota counties. Its role is to provide for the immediate medical and mental health needs of family violence victims.

Equay Wiigamig (Red Lake Women's Shelter)

Red Lake, MN 56671

Phone: (218) 679-3443

Hotline: (800) 943-8997

The Equay Wiigamig (Red Lake Women's Shelter) serves the Red Lake Reservation and Beltrami County.

• *Rosebud Sioux Tribe*

White Buffalo Calf Woman's Society

North Main Street

Mission, SD 57555

Phone: (605) 856-2317

Fax: (605) 856-2994

http://calthunderhawk.tripod.com/wbcws/wbcws_index.html

The White Buffalo Calf Women's Society provides shelter and safe home availability for emergency situations, as well as a women's support group on Monday and Wednesday from 7:00 p. m. to 8:00 p.m. and on Saturday from 11:00 a.m. to 12:00 p.m., and a sexual assault survivors' meeting every Monday from 2:00 p.m. to 3:00 p.m.

• *Southern Ute Reservation*

Alternative Horizons

P.O. Box 503

Durango, CO 81302

Hotline: (970) 247-9619

Fax: (970) 247-8408

<http://www.alternativehorizons.org>

info@alternativehorizons.org

Alternative Horizon maintains a crisis hotline staffed by volunteer advocates who provide crisis intervention, follow-up peer counseling, advocacy, information, and referrals. Other services include court advocacy, in which an advocate is available to work with a victim/survivor in the criminal justice system every afternoon that court is in session and who offers assistance in obtaining restraining orders, filing victim's compensation claims, explaining the criminal justice process, and assisting female defendants. The organization also offers support groups, some legal representation to survivors in divorce and child custody cases, and community education. Alternative Horizon's services are available for individuals with disabilities, individuals in gay/lesbian relationships, and individuals who do not speak English.

• *Zuni*

New Beginnings

Zuni, NM 87327

Phone: (505) 782-4600 or (505) 782-4991

New Beginnings provides 24-hour emergency shelter services, crisis intervention assistance, materials, children's support groups, transportation to shelter, and advocacy to Zuni victims of domestic violence.



Urban Area Shelters Serving Native Women

(Shelters listed alphabetically by state.)

Alaska

• Anchorage

Alaska Women's Aid in Crisis (AWAIC)

100 W. 13th Avenue (13th Avenue between A and C Streets)

Anchorage, AK 99501

Phone: (907) 279-9581

Anchorage, call: (907) 272-0100 (24-hour crisis line)

Outside Anchorage, call collect: (907) 272-0100 (24-hour crisis line)

Fax: (907) 279-7244

<http://www.awaic.org/>

(See Willa's Way for rural services)

AWAIC intervenes in the cycle of violence with safe shelter for women and their children, support and advocacy for all family members, and community education. AWAIC works to empower all those affected by domestic violence so that they can make positive decisions about their lives. AWAIC provides confidential individual and group support for women who have experienced emotional, physical, or sexual abuse within their intimate or family relationships. Services and programs include a 24-hour shelter, crisis intervention, case management and advocacy, children's programs, a youth center, and legal advocacy.

• Anchorage

Standing Together Against Rape (STAR)

1057 W. Fireweed, Suite 230

Anchorage, AK 99503

Voice mail line: (907) 276-7279

Phone: (907) 276-7273

Outside Anchorage, call: (800) 478-8999

Fax: (907) 278-9983

<http://www.star.ak.org>

star@staralaska.org

STAR provides critical services to the people of Anchorage and surrounding communities. STAR's mission is to provide the best quality of crisis intervention and advocacy services to victims of sexual assault and sexual abuse.

• Sitka

Sitkans Against Family Violence (SAFV)

P.O. Box 6136


Sitka, AK 99835

Phone: (907) 747-6511

Fax: (907) 747-3450

Toll-free crisis line: (800) 478-6511 (800# only works when calling from local area)

akwoman@ptialaska.net



SAFV provides domestic violence prevention, crisis intervention, advocacy, safe housing, counseling, and referrals to victims of domestic violence and sexual assault. SAFV serves central southeast Alaska, including Kake and Angoon.

Minnesota

- *Duluth*

Dabinoo' Jgan

Native American shelter
419 N. 1st Ave. West
Duluth, MN 55806
Phone: (218) 722-2247
rv_dabubii@email.com

Dabinoo' Jgan provides emergency shelter and advocacy for battered Indian women and children. Services include civil legal assistance, biweekly cultural classes, and advocacy.

- *St. Paul*

Women of Nations

P.O. Box 40309
St. Paul, MN 55104
Phone: (651) 222-5830
Fax: (651) 222-1207
Crisis line: (651) 222-5836
Toll-free: (877) 209-1266
<http://www.women-of-nations.org>

Women of Nations provides a temporary shelter mainly for Native American battered women and their children.

New Mexico

- *Albuquerque*

Morning Star House (Native American Women & Children)

6001 Marble Ave. NE, Ste. 15
Albuquerque, NM 87110
Phone: (505) 232-8299
Toll-free: (800) 658-6967
Fax: (505) 268-0622
morningstarwomen@uswest.net

Morning Star House is a community-based advocacy program that provides safety, advocacy, education, and support for Indian women and children who are victims of domestic violence.



Oklahoma

- *Del City*

Spirits of Hope Coalition
3701 SE 15th Street, Ste. 208
Del City, OK 73115
Phone: (405) 619-9707
Fax: (405) 619-9715
<http://www.onadv.com/>
spiritsofhope@coxinet.net

The Spirits of Hope Coalition, formerly known as the Oklahoma Native American Domestic Violence Coalition, provides training to tribal and nontribal programs on domestic violence, sexual assault, and stalking in Oklahoma Indian Country. The coalition also provides resources and referral information and civil legal assistance to victims of domestic violence, stalking, and sexual assault who are referred to the program from organizational members.

Native Service Organizations and Technical Assistance Providers

- *Alaska Family Violence Prevention Project (AFVPP)*

Section of Community Health & Emergency Medical Services
3601 C Street, Suite 934
Anchorage, AK 99524-0249
Phone: (907) 269-3454
Toll-free: (800) 799-7570 (in Alaska)
Fax: (907) 269-3497
http://www.hss.state.ak.us/dph/ipems/injury_prevention/akfvpp/default.htm

AFVPP conducts research, develops domestic violence training curricula, and provides multi-disciplinary training and technical assistance on family violence for health and social service providers, public health professionals, and communities across Alaska. AFVPP works closely with the Alaska Network on Domestic Violence and Sexual Assault and the Alaska Council on Domestic Violence and Sexual Assault to increase awareness about and community capacity to prevent or intervene in family violence.

- *Alaska Inter-Tribal Council*

1569 S. Bragaw Street, Suite 102
Anchorage, AK 99508
Phone: (907) 563-9334
Toll free: (800) 995-9334
Fax: (907) 563-9337
<http://www.aitc.org>
aitc@alaskaintertribal.org

The Alaska Inter-Tribal Council, a statewide consortium of First Nations, shares a common bond with unique cultures, language, spirituality, and traditional values, and proactively advocates for, protects, defends, and enhances our inherent rights as self-determining tribal sovereigns.



• *Alaska Native Justice Center, Inc. (ANJC)*

3600 San Jeronimo Drive, Suite 264
Anchorage, AK 99508
Phone: (907) 793-3550
Fax: (907) 793-3570
<http://www.anjc.org>
dwing@anjc.net or jmeier@anjc.net

The Alaska Native Justice Center is a nonprofit organization established in 1993 to advocate for and serve the unmet needs of the Alaska Native and American Indian communities in the adult justice system, juvenile justice system, and child welfare system. Since its formation in 1993, the Justice Center has helped more than 5,000 Alaska Natives to resolve legal concerns in the justice system at the local, state and federal level. It has also helped individuals and families involved with the child welfare system. The Justice Center staff serves on various advisory boards and task forces to promote changes in statutes that adversely affect Alaska Natives. The Justice Center also works in partnership with organizations to achieve systematic changes within the justice system.

• *American Indian Law Center, Inc. (AILC)*

P.O. Box 4456, Station A
Albuquerque, NM 87196
Phone: (505) 277-5462
Fax: (505) 277-1035
<http://lawschool.unm.edu/ailc/index.php>
ailcmail@law.unm.edu

The American Indian Law Center, Inc., is an Indian-controlled and Indian-operated legal and public policy organization. AILC provides services to tribal and other governments, as well as to Indian organizations, in the areas of legal research, policy analysis, technical assistance, and training, in addition to offering specific programs in professional and organizational development.

• *American Indian Policy Center (AIPC)*

1463 Hewitt Avenue
St. Paul, MN 55104
Phone: (651) 644-1728
Fax: (651) 644-0740
<http://www.airpi.org/>
aipc@cpinternet.com

The American Indian Policy Center engages in projects to expand the public's understanding of American Indian issues. AIPC provides government leaders, policy makers, and the public with accurate information about the legal and political history of American Indian nations, and the contemporary situation for American Indians.

• *Battered Women's Justice Project (BWJP)*

2104 Fourth Avenue South, Suite B
Minneapolis, MN 55404
Toll-free: (800) 903-0111, ext. 1
Phone: (612) 824-8768
Fax: (612) 824-8965
<http://www.bwjp.org>
crimjust@bwjp.org

BWJP focuses on interagency coordination and policy development that guides individual practitioners in the use of arrest, prosecution, sentencing, victim safeguards, and batterers' intervention programs. The office also handles information on advocacy for victims of military personnel.

BWJP provides technical assistance and training aimed at enhancing justice for battered women and their children in the civil legal arena by improving battered women's access to civil justice options and quality legal representation in civil court processes. BWJP provides technical assistance on such issues as protection orders, separation violence, divorce and support, custody, mediation, confidentiality of shelter records and lay advocate testimony, safety planning, economic advocacy, welfare, and the Violence Against Women Act.

• *Battered Women's Justice Project-Defense Office (BWJP-Defense)*

National Clearinghouse for the Defense of Battered Women


125 S. 9th Street, Suite 302
Philadelphia, PA 19107
Toll-free: (800) 903-0111, ext. 3
Phone: (215) 351-0010
Fax: (215) 351-0779
<http://www.bwjp.org>

BWJP-Defense provides technical assistance to battered women charged with crimes and to their defense teams (attorneys, advocates, and expert witnesses). The organization assists advocates for women who have injured or killed their batterers in self-defense, battered women who have been coerced into criminal activity, and women charged with failing to protect their children from the batterers' violence.

• *Clan Star, Inc.*

P.O. Box 1835
Cherokee, NC 28719
Phone: (828) 497-5507
Fax: (828) 497-5688
<http://www.clanstar.org>
terri@clanstar.org or jaque@clanstar.org

Clan Star, Inc., works to restore the safety of Native women by addressing domestic battering, sexual abuse, torture, and stalking. Currently, Clan Star works with 14 tribal domestic violence and sexual assault coalitions from across the United States. Clan Star was instrumental



in the introduction of an Internet-based communication system for use by Native women, the passage of resolutions to promote reform of justice systems, and the development of tribal-based training that promotes the restoration of indigenous life-ways and the sovereignty of Indian nations.

• *Cangleska, Inc.*

P.O. Box 638
Kyle, SD 57752
Phone: (605) 455-2244
Fax: (605) 455-1245
<http://www.cangleska.org>
kay.humphrey@cangleska.org

Cangleska, Inc., is a national resource center for tribes, providing training manuals, technical assistance, and training for tribes and tribal organizations that serve Native victims of abuse. Cangleska, Inc., also assists tribes in the development of tribal domestic violence and probation codes. The Cangleska, Inc.'s battered women's shelter has helped more than 650 women and children in the Oglala tribe escape their abusers.

• *Mending the Sacred Hoop Technical Assistance Project*

202 E. Superior Street
Duluth, MN 55802
Phone: (218) 722-2781
Toll-free: (888) 305-1650
Fax: (218) 722-5775
<http://www.msh-ta.org/>

Mending the Sacred Hoop provides training and technical assistance to Indian and Alaskan Native persons to end violence in the lives of women and their children. The organization works with Native nations to improve the justice system, law enforcement, and service provider response to the issues of domestic violence, sexual assault, and stalking in Native communities.

• *Minnesota Indian Women's Resource Center (MIWRC)*

2300 15th Avenue
Minneapolis, MN 55404
Phone: (612) 728-2000
Fax: (612) 728-2039
[http://www.miwrc.org/
information@miwrc.org](http://www.miwrc.org/information@miwrc.org)

The Minnesota Indian Women's Resource Center provides a number of services, including case management, education, support services, housing, and a sexual abuse survivors program that incorporates client-driven traditional ways of healing through advocacy, support groups, and referrals with the goal of self-empowerment. MIWRC also provides in-depth technical assistance and offers workshops for people providing services for American Indian women.



- *National American Indian Court Judges Association (NAICJA)*

4410 Arapahoe Ave., Ste 135
Boulder, CO 80303
Phone: (303) 245-0786
Fax: (303) 245-0785
<http://www.naicja.org/>
mail@naicja.org

The National American Indian Court Judges Association is a national voluntary association of tribal court judges, established in 1969 to strengthen and enhance tribal justice systems. Its membership is primarily judges, justices, and peacemakers serving in tribal justice systems. NAICJA's focus is the support of American Indian and Alaska Native justice systems through education, information sharing, and advocacy.

- *National Congress of American Indians (NCAI)*

1301 Connecticut Avenue NW, Suite 200
Washington, DC 20036
Phone: (202) 466-7767
Fax: (202) 466-7797
<http://www.ncai.org>
ncai@ncai.org

NCAI is the oldest and largest intertribal organization that monitors federal Indian law and policy and advocates for Indian nations at the national level. NCAI supported and lobbied for changes in VAWA 2005 that would increase tribes' responses to violence against Native women.

- *National Indian Law Library (NILL)*

1522 Broadway
Boulder, CO 80302
Phone: (303) 447-8760
Fax: (303) 443-7776
<http://www.narf.org/nill/index.htm>

The National Indian Law Library is a public law library devoted to federal Indian and tribal law. It serves both the Native American Rights Fund (NARF) and the public. NILL serves the public by developing and making accessible a unique and valuable collection of Indian law resources and assisting people with their Indian law-related information needs. It is designed to serve as a clearinghouse for materials on American Indian law for tribes, private and tribal attorneys, legal service programs, law firms, federal and state governments and agencies, and students. Hours of operation are Monday–Friday, 8:30 a.m.–5:00 p.m.

• *National Native American Law Enforcement Association (NNALEA)*

P.O. Box 171
Washington, DC 20044
Phone: (800) 948-3863
Fax: (202) 204-3066
<http://www.nnalea.org/>
info@nnalea.org

The National Native American Law Enforcement Association is an Indian organization serving to promote and foster cooperation among Native American law enforcement officers and agents, their agencies, private industry, tribal entities, and the public.

• *National Tribal Justice Resource Center (NTJRC)*

4410 Arapahoe Ave., Suite 135
Boulder, CO 80303
Phone: (303) 245-0786
Toll Free: (877) 97N-TJRC
Fax: (303) 245-0785
<http://www.tribalresourcecenter.org/>
mail@tribalresourcecenter.org

The National Tribal Justice Resource Center is the largest and most comprehensive site dedicated to tribal justice systems, personnel, and tribal law. The Resource Center is the central national clearinghouse of information for Native American and Alaska Native tribal courts, providing both technical assistance and resources for the development and enhancement of tribal justice system personnel. Programs and services developed by the Resource Center are offered to all tribal justice system personnel, whether working with formalized tribal courts or with tradition-based tribal dispute resolution forums.

• *Sacred Circle*

Sacred Circle National Resource Center
722 St. Joseph Street
Rapid City, SD 57701
Phone: (605) 341-2050
Toll-free: (877) 733-7623 (RED-ROAD)
Fax: (605) 341-2472
<http://www.sacred-circle.com/>
scircle@sacred-circle.com

Sacred Circle is a project of Cangleska, Inc., working to end violence against Native women by providing training, consultation, and technical assistance to Indian nations, tribal organizations, law enforcement agencies, prosecutors, and courts to address the safety needs of Native women who are battered, raped, or stalked. Sacred Circle provides advocacy to approximately 3,000 women and children each year and approximately 2,400 men who are on domestic violence probation as ordered by the Oglala Sioux Tribal Courts.



- *Southwest Center for Law and Policy (SWCLAP)*

4055 E. 5th Street
Tucson, AZ 85711-1940
Phone: (520) 623-8192
Fax: (520) 623-8246
<http://www.swclap.org>
info@swclap.org

The Southwest Center for Law and Policy provides legal education, training, and technical assistance on domestic violence, sexual assault, elder abuse, child abuse, abuse of persons with disabilities, and stalking to tribal communities and to the agencies and professionals serving them. SWCLAP also hosts the Tribal Trial College.

- *Tribal Law and Policy Institute*

1619 Dayton Avenue, Suite 305
Saint Paul, MN 55104
Phone: (651) 644-1125
Fax: (651) 644-1157

8235 Santa Monica Blvd., Suite 211
West Hollywood, CA 90046
Phone: (323) 650-5467
Fax: (323) 650-8149
<http://www.tribal-institute.org>

The Tribal Law and Policy Institute is a Native American nonprofit corporation organized to design and deliver education, research, training, and technical assistance programs that promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

- *White Bison, Inc.*

6145 Lehman Drive
Colorado Springs, CO 80918
Phone: (719) 548-1000
Fax: (719) 548-9407
<http://www.whitebison.org>
info@whitebison.org

White Bison offers sobriety, recovery, addiction prevention, and wellness learning resources to the Native American community nationwide.

Publications

Karen Artichoker, *Raising Public Awareness on Domestic Violence in Indian Country*, National Resource Center (2003) (visited December 1, 2006) http://www.vawnet.org/NRCDVPublications/TAPE/Papers/NRCDV_Cang%20leska.pdf.

Hallie Bongar White, *Elder Abuse in Tribal Communities*, Southwest Center for Law and Policy (2004) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

Hallie Bongar White, *Keeping Native Women Safe from Gun Violence: Firearms Laws and Tribal Courts*, Southwest Center for Law and Policy (2004) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

Jane Larrington, *Overview for Judges on the Indian Child Welfare Act and Domestic Violence*, Southwest Center for Law and Policy (2005) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

National Advisory Council on Violence Against Women and the Office on Violence Against Women, *The Toolkit to End Violence Against Women* (Nov. 2001) (visited December 1, 2006) <http://toolkit.ncjrs.org/>.

National Sexual Violence Resource Center, *Sexual Assault in Indian Country: Confronting Sexual Violence* (2000) (visited December 1, 2006) http://www.nsvrc.org/publications/booklets/indian_country.pdf.

The Northwest Tribal Court Judges Association, *The Tribal Court Bench Book on Domestic Violence Cases, Tribal Law and Policy Institute* (1999) (visited December 1, 2006) <http://www.tribal-institute.org/download/VAWA+Bench+Book.pdf>.

Southwest Center for Law and Policy, *Stalking in Indian Country* (2004) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.


Southwest Center for Law and Policy, *Testifying About the Effects of Domestic Violence Against Children* (2005) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

Southwest Center for Law and Policy, *Testifying About Lethality Risk Factors* (2005) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

Southwest Center for Law and Policy, *Testifying About the Dynamics of Domestic Violence* (2005) (visited December 1, 2006) <http://www.swclap.org/articles.htm>.

Tribal Law and Policy Institute, *Tribal Domestic Violence Case Law: Annotations for Selected Tribal Cases Related to Domestic Violence* (2005) (visited December 1, 2006) <http://www.tribal-institute.org/download/Tribal%20DV%20Compendium.pdf>.

United States Commission on Civil Rights, *A Quiet Crisis: Federal Funding and Unmet Needs In Indian Country* (July 2003) (visited December 1, 2006) <http://www.usccr.gov/pubs/na0703/na0731.pdf>.



Materials available from Sacred Circle: <http://www.sacred-circle.com/>.

1. Memorandum of Understanding—between tribe and state entities
2. Oglala Sioux Tribe Comprehensive Domestic Violence Code (Chapter 3)
3. Oglala Sioux Tribe Victim Advocate Privilege Act
4. Oglala Sioux Tribe Probation and Parole Act
5. Model Domestic Violence Code—Sacred Circle
6. Other Sacred Circle publications concerning:
 - i. Sovereignty
 - ii. Confidentiality
 - iii. Cultural competency
 - iv. DV probation
 - v. Code development
 - vi. Advocacy
 - vii. Law enforcement response
 - viii. Criminal justice response

Other Resources

- Office on Violence Against Women: <http://www.usdoj.gov/vawo/>.
- National Sexual Violence Resource Center: <http://www.nsvrc.org>.
- Indian Health Service, Violence Against Native Women, American Indian and Alaska Native, U.S. Department of Health and Human Services: <http://www.ncdsv.org>.
- National Online Resource Center on Violence Against Women: <http://www.vawnet.org>.



Violence Against Native Women

A Guide for Practitioner Action

Appendix

Office on
Violence Against Women

National Center on
Full Faith and Credit





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Indian Country Criminal and Civil Jurisdiction

This table provides an overview of the authority of tribes, states, and the federal government to prosecute for offenses occurring on tribal land. Pertinent portions of the statutes cited in the table are provided below.

Offender	Victim	Crime	Jurisdiction	P.L. 280 States
Indian	Indian	Felonies listed in the Major Crimes Act (18 U.S.C. § 1153)	Federal (tribal courts may have concurrent jurisdiction)	State jurisdiction over all criminal offenses; federal jurisdiction over all federal criminal offenses (e.g., federal domestic violence crimes, 18 U.S.C. § 2261–2262). Tribal courts have concurrent jurisdiction with the states. Federal courts do have jurisdiction over Major Crimes Act offenses in the mandatory P.L. 280 states; federal and state courts have concurrent jurisdiction over Major Crimes Act offenses in nonmandatory states.
		All other crimes (misdemeanors and felonies not falling under the Major Crimes Act)	Tribal	
Indian	Non-Indian	Felonies listed in the Major Crimes Act (18 U.S.C. § 1153)	Federal (tribal courts may have concurrent jurisdiction)	
		Other felonies	Tribal; federal courts may exercise jurisdiction, but only if the tribe has not punished the offender. (General Crimes Act/Indian Country Crimes Act (18 U.S.C. § 1152); Assimilative Crimes Act (18 U.S.C. § 13))	
		Misdemeanors	Tribal	
Non-Indian	Indian	Any felony or misdemeanor	Federal jurisdiction for all offenses, including state law offenses incorporated by the Assimilative Crimes Act (18 U.S.C. § 13); no tribal jurisdiction	
Non-Indian	Non-Indian	State law offenses	State	
		Federal law offenses	Federal	

General Crimes Act (sometimes called the Indian Country Crimes Act). 18 U.S.C. § 1152. “Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country. This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.”

Major Crimes Act. 18 U.S.C. § 1153. Offenses committed within Indian country. “(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be

subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States. (b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.”

Assimilative Crimes Act. 18 U.S.C. § 13. Laws of States adopted for areas within Federal jurisdiction. “(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force and at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.”

¹ *This chart applies to offenses for which jurisdiction can be determined based on the “Indian country” location of the offense. In most cases the federal government has jurisdiction to prosecute federal crimes of general application without regard to the status of the perpetrator or the victim.

Project PASSPORT Model First Page

Protection Order

(Protection from Abuse Act)

Amended Order

Case No.

In Circuit or District Court of _____ County

PLAINTIFF

First Middle Last

And any minor(s) or minor child(ren) on whose behalf the Petition for Protection from Abuse was filed. (List Names and Dates(s) of Birth):

PLAINTIFF

Date of Birth of Plaintiff

Other Protected Person(s) (List Name(s) and Date(s) of Birth):

V.

DEFENDANT

First Middle Last

Relationship to Plaintiff: Spouse Ex-Spouse
 Parent Relation within 6th Degree Consanguinity or Affinity
 Common Law Marriage Child in Common
 Present or Former Household Member

Defendant's Home Address & Phone _____

DEFENDANT IDENTIFIERS

SEX	RACE	DOB	HT	WT
EYES	HAIR	DISTINGUISHING FEATURES		
DRIVERS LICENSE #		STATE	EXP DATE	
VEHICLE		TAG #		

CAUTION WEAPONS Involved: Firearm Knife Hands, Feet, Fist Other _____
 Weapon Present on the Property

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant has been or will be provided with reasonable notice and opportunity to be heard. Additional findings of this order follow on succeeding pages.

THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing further acts of abuse or threats of abuse as defined in the Protection from Abuse Act.
 That the above named Defendant be restrained from any contact with the Plaintiff; and/or Minor(s); and/or Minor Child(ren); and/or Any designated household or family member, to wit _____.

Additional terms of this order follow on succeeding pages.

The terms of this order shall be effective until /further order of the Court.

WARNINGS TO DEFENDANT:

This order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in penalties including federal imprisonment (18 U.S.C. Section 2262). Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922(g)(8)). This order is also enforceable on US Department of Defense Installations 10 USC Section 1561a. A willful violation of this Order is a Class A misdemeanor which is punishable by a fine not to exceed two thousand dollars (\$2,000) or imprisonment for up to a year in jail, or both, and is also punishable for civil contempt (Section 30-5-8, Ala. Code 1975). In addition, Sections 30-5-9 and 30-5A-3(c)(2), Ala. Code 1975, further outlines penalties for violations of protection, restraining or injunctive orders.

Only the Court can change this order.

Tribal Protection Orders

Bay Mills Indian Community Tribal Court

- Personal Protection Order Domestic Relationship (can be checked as an ex parte)

**BAY MILLS INDIAN
COMMUNITY
TRIBAL COURT**

**PERSONAL PROTECTION ORDER
DOMESTIC RELATIONSHIP EX PARTE**

Court address & telephone no.

CASE NO.

Plaintiff's name	v.	Defendant's name
Address & telephone no. where court can reach		Address & telephone no. where court can reach
Full name of restrained party (type of print)	social security no. (if known)	driver's license no. (if known)

Defendant's:

Height	Weight	Race	Sex	Date of birth or Age	Hair color	Eye Color	Other identifying information
--------	--------	------	-----	----------------------	------------	-----------	-------------------------------

This order is entered: without a hearing after a hearing

THE COURT FINDS:

1. The plaintiff has requested the other party be prohibited from entry onto the premises. Either the parties are married, the plaintiff has a property interest in the premises, or the plaintiff does not have property interest in the premises.
2. There is reasonable cause to believe that restraints on personal liberty have occurred or have been threatened. A personal protection order will protect a person's liberty.
3. The plaintiff has requested an ex parte personal protection order. An ex parte order should be entered without notice because the plaintiff has been injured and to protect the person's rights and interests which would otherwise be irreparably harmed during the delay required to give notice or form the risk that notice will precipitate adverse action before the order can be issued.

IT IS THEREFORE ORDERED:

The defendant is prohibited in this State/Tribal land and any other State/Tribal land from:

- a. entering onto the property where the plaintiff lives.
- b. entering onto the property at _____.
- c. assaulting, attacking, beating, molesting, wounding, threatening, or engaging in conduct that would place the plaintiff or child in reasonable fear of bodily injury.
- d. removing minor children, _____, from _____, the legal custodian. The custody order, if one, is dated _____.
- e. interfering with efforts to remove his/her children/personal property from the premises solely owned/leased by the other party.
- f. harassment/stalking which includes but is not limited to:
 - Following or appearing in sight of the plaintiff. Appearing at the workplace or residence of the plaintiff.
 - Approaching me or confronting me in a public place or on private property.
 - Contacting the plaintiff by telephone. Sending mail or other communication to the plaintiff.
 - Placing an object on or delivering an object to property owned, leased, or occupied by the plaintiff.
 - Contacting the plaintiff by third party.
- g. interfering with the plaintiff at his/her place of employment or engaging in conduct that impairs his/her employment relationship or environment.
- h. other, _____

The Court finds that the defendant may inflict bodily injury or death on the plaintiff or her child and, therefore, the defendant is prohibited from purchasing or possessing a firearm for the duration of this Order.
18USC921-930

WARNING

Violation of this order subjects the restrained to immediate arrest and to civil and criminal contempt charges which is punishable by not more than 120 days imprisonment and may be fined not more than \$2,500 or both. **This order meets all Full Faith & Credit requirements. This order is effective when signed by the judge and enforceable nationwide by any law enforcement agency.**

18 USC 2265

Date of Expiration: _____

Date and time of issue Judge
White: Court Green: Plaintiff Canary: Defendant Pink: Prosecutor Goldenrod: Law Enforcement

Choctaw Tribal Court

- Personal Protection Order Domestic Relationship (can be checked as an ex parte)
- Ex parte Order Granting Protection from Abuse
- Order Granting Protection from Abuse

**IN THE CHOCTAW TRIBAL COURT
MISSISSIPPI BAND OF CHOCTAW INDIANS**

EX PARTE IN THE INTEREST OF

_____ , INDIVIDUALLY, AND AS

NATURAL MOTHER AND NEXT FRIEND

OF _____

C.V. NO. _____

ORDER GRANTING PROTECTION FROM DOMESTIC ABUSE

THIS CAUSE came on for hearing on Petition to Seek an Order of Protection from Domestic Abuse filed by Petitioner against _____, and as pursuant to Title XXIII of the Choctaw Tribal Code known and cited as the "Mississippi Band of Choctaw Indians' Protection from Domestic Abuse Law" this court, after having considered the matter and heard evidence in support thereof, orders, adjudges and decrees as follows, to-wit:

1. This Court has jurisdiction in that Petitioner is an enrolled member of the Mississippi Band of Choctaw Indians and Petitioner resides in the _____ Community, Choctaw Indian Reservation, _____ County, Mississippi.
2. Petitioner has proven by a showing of good cause that she has suffered abuse at the hands of _____, and that she is in fear of immediate and present danger of abuse.
3. _____ is to refrain from inflicting mental or physical abuse upon Petitioner.
4. _____ is prevented from having any contact whatsoever with Petitioner, including but not limited to personal contact and contact by telephone or mail until further order of this Court.
5. _____ is excluded from the marital residence located at _____, _____, Mississippi _____ and shall not enter upon the premises for any reason whatsoever without prior approval of this Court.
6. _____ may return one time to the marital residence to remove his personal clothing and personal hygiene items to which he claims ownership. Defendant must be

accompanied by a police escort at the time he returns to the marital residence to remove his personal belongings.

7. Petitioner shall be granted temporary custody of the minor children, with Defendant's rights of visitation suspended until further order of this Court.
8. Should _____ violate the provisions set out in this order, Petitioner reserves the right to request that he be held in contempt of this Court and that he be arrested and incarcerated for not more than six months and fined not more than \$500.00, or both.

That Petitioner has shown good cause for this Court to issue a protective order as pursuant to CTC23-1-6(2), and that said order is to be served as notice upon Terry Parkerson, Director of Choctaw Police Department, in the Pearl River Community, Choctaw Indian Reservation, Mississippi 39350, that Choctaw Police shall immediately serve a copy of said order upon _____, as notice of restrictions imposed upon him by said order and so that he may appear and defend against said facts alleged by Petitioner at a hearing as prescribed in CTC 23-1-6(1). At said hearing, Petitioner will seek temporary use and occupancy of the parties' residence, and any other remedy available to her in Title XXIII. This order shall last until this cause may come on for a hearing on _____, 20__, at __:__ p.m. as prescribed in CTC 23-1-6(1).

ORDERED, ADJUDGED and DECREED, this ____ day of _____, 20__, at ____ o'clock __ m.

TRIBAL COURT JUDGE

Prepared by:

Paula Henderson Broome
MS Bar No. 10328
Attorney for Petitioner
Mississippi Band of Choctaw Indians
Family Violence & Victim's Services
Post Office Box 6010
Philadelphia, MS 39350
(601) 650-1775

**IN THE CHOCTAW TRIBAL COURT
MISSISSIPPI BAND OF CHOCTAW INDIANS**

_____, **INDIVIDUALLY, AND
AS NEXT FRIEND AND NATURAL MOTHER
OF** _____

PETITIONER

v.

C.V. NO. _____

DEFENDANT

ORDER GRANTING PROTECTION FROM DOMESTIC ABUSE

THIS CAUSE came on for hearing on Petition to Seek an Order of Protection from Domestic Abuse filed by Petition against _____ and as pursuant to Title XXIII of the Choctaw Tribal Code known and cited as the "Mississippi Band of Choctaw Indians' Protection from Domestic Abuse Law" this court, after having considered the matter and heard evidence in support thereof, orders, adjudges and decrees as follows, to-wit:

1. This Court has jurisdiction in that Petitioner is an enrolled member of the Mississippi Band of Choctaw Indians, and both Petitioner and Defendant reside in the _____ Community, Choctaw Indian Reservation, _____ County, Mississippi.
2. As required by C.T.C. 23-1-6(1), Petitioner has established by a preponderance of the evidence her allegation of abuse against Defendant, _____.
3. The issuance, by this Court, of a Protective Order is necessary to bring about a cessation of abuse of Petitioner, and Defendant is to refrain from harassing, threatening or annoying Petitioner in any manner whatsoever including telephone calls and/or personal visits.
4. Defendant shall not make any contact with Petitioner whatsoever, including but not limited to personal contact and contact by telephone or mail; except during the exchange of the minor child for purposes of visitation and/or medical emergencies involving the minor children;
5. Petitioner shall be awarded temporary custody of the parties' minor children, _____, subject to the following visitation schedule:

- a. Visitation with minor children, _____, on every other weekend beginning Friday, _____, 20____, from 6:00 p.m. on Friday with Defendant returning said children no later than 6:00 p.m. on Sunday.
 - b. Visitation at any other time upon agreement by the parties.
 - c. Visitation shall occur in a location other than Petitioner's residence.
 - d. Exchange of the children for purposes of visitation shall occur at the Choctaw Police Department.
 - e. Defendant shall not consume any alcoholic beverages or illegal substances immediately prior to or during his visitation with said children.
6. Defendant shall pay child support in the amount of _____ per month with the first payment due and payable on or before _____, and all subsequent payments due and payable on or before the first day of every month thereafter.
 7. Defendant shall be excluded from the Petitioner's residence located at _____, _____, Mississippi _____, and shall not enter on the premises for any reason whatsoever without prior Court approval.
 8. Defendant shall be permitted to return one time to Petitioner's residence located at _____, _____, Mississippi _____, on _____, at _____ .m., to remove his personal belongings. Defendant may also remove from Petitioner's residence the following: _____ . Defendant shall be accompanied by a police escort at the time he returns to Petitioner's residence to remove his belongings. Thereafter, Defendant is prevented from entering onto the premises for any reason whatsoever.
 9. Petitioner shall be awarded temporary use and possession of the _____ vehicle.
 10. Defendant shall participate in and complete the 26-week Batterer's Re-education Program as prescribed by the Family Violence and Victim's Services Program. Defendant shall contact

Barbara Bowen at 650-1777 within seven (7) days of the filing of this Agreement for the purpose of enrolling in said program.

11. Defendant shall participate in and complete any alcohol/drug treatment program as deemed appropriate by Choctaw Behavioral Health. Defendant shall contact John Holland at 389-6291 within seven (7) days of the filing of this Agreement for the purpose of scheduling an assessment.
12. Pursuant to CTC 3-10-8, it shall be illegal for Defendant to possess a firearm while subject to this Order Granting Protection from Domestic Abuse.
13. This order shall remain in full force and effect until _____, 20__.
14. Should Defendant violate the provisions set out in this order, he may be arrested and incarcerated for not more than six months and fined not more than \$500.00, or both, as pursuant to C.T.C. 3-10-3, C.T.C. 3-10-6, C.T.C. 23-1-10 and C.T.C. 23-1-13.

IT IS FURTHER ORDERED AND ADJUDGED that the Order Granting Protection from Domestic Abuse entered this day is to be served as notice upon Terry Parkerson, Director of Choctaw Police Department, in the Pearl River Community, Choctaw Indian Reservation, Mississippi 39350. This order shall remain in full force and effect until _____, 20__, as pursuant to C.T.C. 23-1-8(2).

ORDERED, ADJUDGED and DECREED, this ____ day of _____, 20__.

TRIBAL COURT JUDGE

APPROVED AS TO FORM:

ATTORNEY FOR DEFENDANT

PAULA HENDERSON BROOME
ATTORNEY FOR PETITIONER

Prepared by:
Paula Henderson Broome
Mississippi Band of Choctaw Indians
Family Violence & Victim's Services
Post Office Box 6010
Philadelphia, Mississippi 39350
(601) 650-1775
MSBN: 10328

Hopi Tribe

- Petition for Family Abuse Protection Order and Motion for Temporary Protection Order
- Application for Service of Process
- Temporary Protection Order and Order to Show Cause
- Family Abuse Protection Order Petition for Order of Protection

**IN THE HOPI TRIBAL COURT
HOPI JURISDICTION
KEAMS CANYON, AZ**

_____, C# _____) _____) _____) PETITIONER, _____) _____) _____ v.) _____, # _____) _____) _____) RESPONDENT, _____)	NO: _____ PETITION FOR FAMILY ABUSE PROTECTION ORDER AND MOTION FOR TEMPORARY PROTECTION ORDER
---	--

PETITION FOR FAMILY ABUSE PROTECTION ORDER

I, _____, am an enrolled member of the Hopi Tribe residing within the territorial jurisdiction of the Hopi Tribe. I request that the Court grant a Family Abuse Protection Order based on the following:

1. The Respondent is [] my spouse, [] my ex-spouse, [] my boy/girlfriend, [] a family member, [] other (describe):

2. Respondent has committed acts of domestic abuse against me.
 - a. Approximate date most recent abuse occurred _____
 - b. Description of most recent abuse and any destruction of property: _____

 - c. Description of threats that caused me to fear that I was going to be hurt: _____

 - d. Respondent has been abusing me for _____ (write in length of time).
 - e. In the past, Respondent has committed the following acts of physical and mental abuse against me (list approximate dates and describe): _____

f. I have suffered emotional and physical injuries as a result of Respondent's violence (describe injuries): _____

3. Respondent and I have been involved in the following court cases (check all that apply, list date(s), any resulting court orders, and explain):

Criminal Prosecution: _____

Divorce: _____

Other petition(s) for protection from abuse: _____

Custody: _____

Other: _____

4. Respondent and I are the parents of the following children (list names, census numbers, and dates of birth or attach a copy of family card):

The children are currently in my Respondent's physical custody.

5. I am the parent of the following children, who are not Respondent's children:

6. Respondent has has not abused the above children (describe any child abuse):

7. I have suffered emotional and physical injuries as a result of Respondent's abuse. Unless Respondent is restrained, such abuse will continue.

MOTION FOR TEMPORARY PROTECTION ORDER

I also need a Temporary Protection Order to protect me until a hearing can be held on my petition. I fear that if Respondent finds out about this court case, Respondent will get angry and further injure me before the Court can issue a Family Abuse Protection Order.

I do not need a Temporary Protection Order.

REQUESTED RELIEF

I REQUEST THAT THE COURT DO THE FOLLOWING (Check blanks):

1. Order Respondent not to abuse, harass, or threaten me, or commit any other domestic abuse.

2. Order Respondent to immediately leave my residence.

3. Order Respondent to stay at least 100 yards from the following places (DO NOT LIST ANY ADDRESS IF REVEALING IT WOULD FURTHER ENDANGER YOU):

My residence: _____

My place of employment: _____

School attended by me or my children: _____

Other place(s): _____

4. Order Respondent not to contact me in person, in writing, or by telephone.

5. Award me temporary custody of our children and order Respondent not to have contact with them until a court hearing.

6. After a hearing, allow Respondent to visit with the children only on the following day(s) of the week: _____ at the following place(s) _____ and times _____ under the supervision of the following person(s)

7. Order Respondent to pay \$ _____ per month/pay period (circle one) for the support of our minor children.

8. Order Respondent to compensate me for the following expenses, incurred as a result of the abuse:

Lost earnings: \$ _____

Property taken or damaged: \$ _____

Travel expenses: \$ _____

Other: \$ _____

9. Order Respondent to return to me the following items of my property (example: vehicle, clothing, identification documents):

10. Order Respondent not to sell, remove, hide, destroy or damage any property owned by me or by the two of us jointly.

11. Direct a police officer to accompany me to a residence occupied by the Respondent to:

obtain physical custody of the children;

collect my personal belongings;

require Respondent to leave the residence.

[] 12. Order Respondent to attend alcohol/domestic abuse (circle one or both) counseling.

[] 13. Other relief, as follows: _____

Date: _____

PETITIONER, *Pro se*

APPLICATION FOR SERVICE OF PROCESS

PETITIONER

Your name: _____

Mailing address: _____

Residence location _____

Village Membership is _____

Phone: Home _____ Work _____

Any other information needed for the court to reach you: _____

RESPONDENT

Description and address of Respondent (the abuser):

Name: _____

Mailing address: _____

Village Membership is _____

Residence location (draw map below if necessary): _____

Describe the Respondent's appearance: Height _____, Weight _____, Any identifying marks

**IN THE HOPI TRIBAL COURT
HOPI JURISDICTION
KEAMS CANYON, AZ**

_____, C# _____) _____) _____) PETITIONER, _____) _____) v. _____) _____, # _____) _____) _____) RESPONDENT, _____)	NO: _____ TEMPORARY PROTECTION ORDER AND ORDER TO SHOW CAUSE
--	---

THIS COURT has reviewed the Petition for Family Abuse Protection Order and Motion for Temporary Protection Order in this case. The Court finds that there is good cause to believe that Petitioner and/or others are in imminent danger of harm from Respondent. To prevent further harm a Temporary Protection Order should issue without notice to Respondent.

THEREFORE, THIS COURT ORDERS AS FOLLOWS:

1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse.

2. Respondent shall immediately leave Petitioner's residence.

3. Respondent shall stay at least 100 yards away from the following places:

Residence: _____

Place of employment: _____

School attended by Petitioner or Petitioner's children: _____

Other place(s): _____

4. Respondent shall not contact the Petitioner, in person, in writing, or by telephone.

5. Until a hearing is held in this matter, Petitioner shall have temporary custody of the following minor children:

6. Respondent shall return to Petitioner the following items: _____

7. Respondent shall not sell, remove, hide, destroy or damage any property owned by Petitioner or by both parties jointly.

8. A Hopi Law Enforcement officer shall accompany Petitioner to a residence occupied by the Respondent to:

obtain physical custody of the children listed in paragraph 5 above,

collect personal belongings listed in paragraph 6 above;

ensure that Respondent leaves the parties' residence located at: _____

9. Other relief, as follows: _____

JUDGE, Hopi Tribal Court

WARNING

THIS IS AN OFFICIAL COURT ORDER. IF YOU VIOLATE THIS ORDER THE COURT MAY FIND YOU IN CONTEMPT OF COURT. YOU MAY ALSO BE ARRESTED AND PROSECUTED FOR ANY OTHER CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.

IT IS FURTHER ORDERED that Respondent, _____, must appear before this Court on the _____ day of _____, 20____, at ____:____.m., to show cause why this protection order should not continue in full force.

IT IS SO ORDERED this _____ day of _____, 20____, at the hour of ____:____.m.

JUDGE, Hopi Tribal Court

I hereby certify that I personally served a true copy of the foregoing on the Respondent this _____ day of _____, 20____.

NAME

**IN THE HOPI TRIBAL COURT
HOPI JURISDICTION
KEAMS CANYON, AZ**

_____, C# _____) _____) _____) PETITIONER,)) v.) _____, # _____) _____) _____) RESPONDENT,)	NO: _____ FAMILY ABUSE PROTECTION ORDER
--	---

THIS COURT, having read the Petition For Family Abuse Protection order, and having determined that Respondent received proper and timely notice of the hearing, heard this matter on the _____ day of _____, 20____. This Court finds that Petitioner has proven the allegations of domestic abuse by a preponderance of the evidence.

THEREFORE, THIS COURT ORDERS AS FOLLOWS:

1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse;

2. Respondent shall immediately leave Petitioner's residence;

3. Respondent shall stay at least 100 yards away from the following places:

Residence: _____

Place of employment: _____

School attended by Petitioner or Petitioner's children: _____

Other place(s): _____

4. Respondent shall not contact Petitioner, in person, in writing, or by telephone.

5. Petitioner shall have custody of the following minor children:

6. Respondent shall be permitted to visit with the children only on the following day(s) _____ at the following place(s) _____ and time(s) _____ under the supervision of the following person(s): _____

7. Respondent shall pay to Petitioner the following amount for the support of their minor children: \$ _____ per _____; these payments shall be made as follows: _____

8. Respondent shall return to Petitioner the following items: _____

9. Respondent shall not sell, remove, hide, destroy or damage any property owned by Petitioner or by both parties jointly.

10. A Hopi Law Enforcement officer shall accompany Petitioner to a residence occupied by the Respondent to:

obtain physical custody of the children listed in paragraph 5 above;

collect personal belongings listed in paragraph 8 above;

ensure that Respondent leaves the parties residence located at:

11. Respondent shall pay to Petitioner the following amounts, as compensation for expenses incurred as a result of the abuse:

Lost earnings: \$ _____

Property taken or damaged: \$ _____

Travel expenses \$ _____

Other: \$ _____

12. Respondent shall participate in domestic abuse counseling at _____ for _____ weeks/months.

13. Petitioner shall participate in domestic abuse counseling at _____ for _____ weeks/months.

14. Respondent shall participate in alcohol counseling at _____ for _____ weeks/months.

15. Respondent shall pay to this Court the costs of this proceeding, \$ _____, in a money order made out to: _____

16. Other relief, as follows: _____

This order shall be effective for _____ years _____ months from the date of its entry.

IT IS SO ORDERED this _____ day of _____, 20____, at the hour of ____ o'clock ____m.

JUDGE, Hopi Tribal Court

I hereby certify that I personally served a true copy of the foregoing on the Respondent this
_____ day of _____, 20 ____.

NAME

Hualapai Nation

- Application for Order of Protection
- Order of Protection

IN THE HUALAPAI COURT

PEACH SPRINGS, ARIZONA

_____) NO. _____
)
)
 _____ ,)
)
 Plaintiff)
 v.)
)
)
 _____ ,)
)
 Defendant.)
 _____)

APPLICATION FOR ORDER OF PROTECTION

I, _____, on behalf of _____, the real party in interest, request the Court to issue an Order of Protection based on the following:

1. The Defendant's relationship to plaintiff is spouse, ex-spouse, boy/girlfriend, a family member, other (describe who) _____

DESCRIPTION OF DEFENDANT IS AS FOLLOWS;

Sex: _____ **Race:** _____ **D.O.B.** _____ **Weight:** _____
Eyes: _____ **Hair:** _____ **Soc. Sec. #** _____

Defendant's address: _____
 Mailing address, City, State Zip

Defendant is a: tribal member.
 resident, non-tribal member.
 non-resident, non-tribal member.

2. Defendant has committed acts of domestic abuse against the plaintiff.

a. Approximate date of most recent abuse occurred:
 _____.

b. Description of most recent abuse and any destruction of property:
 _____.
 _____.

3. Any pending or prior civil or criminal court proceedings concerning the conduct sought to be restrained by this Application (Give date, court, case number, if any): _____

4. The following persons should be included within the protection of this order (Give name and brief statement of reason): _____

REQUESTED RELIEF

I REQUEST THAT THE COURT DO THE FOLLOWING (check blanks):

1. ORDER Defendant not to abuse, harass, or threaten the plaintiff or against plaintiff's property.

2. ORDER that plaintiff be given exclusive use and possession of the residence of the

parties at: _____

3. ORDER Defendant not to come on or near the premises of the plaintiff's:

residence place of employment school attended by children Other places:

4. Defendant shall not contact the Plaintiff, in person, in writing, or by telephone.

5. Until a hearing is held in this matter, Plaintiff shall have temporary custody of the following minor children: _____

6. After a hearing, award temporary custody to Plaintiff and allow Defendant to visit with the children on the following day and time: _____

under the supervision of the following person(s): _____

7. After a hearing, ORDER Defendant to pay \$_____ per month for the support of our minor children for the duration of the Order of Protection.

8. After a hearing, AWARD Plaintiff exclusive use of the family home.

9. After a hearing, ORDER Defendant, who is a resident non-tribal member, removed from the Hualapai Reservation for the duration of the Order of Protection.

10. ORDER Defendant, who is a non-resident non-tribal member, to be removed from the Hualapai Reservation.

11. Direct a police officer to accompany Plaintiff to a residence occupied by the Defendant to:

obtain physical custody of the children.

require Defendant to leave the residence.

12. ORDER Defendant not to possess, or purchase deadly weapons for the duration of the Order of Protection.

13. ORDER Defendant to attend alcohol/domestic abuse counseling (circle one or both).

14. ORDER that this Protective order remain in effect for a period of _____ month(s).

15. Other Relief: _____

DATED this _____ day of _____, 20____.

Plaintiff/Applicant

VERIFICATION

State of Arizona)
) ss.
County of _____)

_____ (your name), being first duly sworn, deposes and says: That she/he
 works for the following agency: _____; OR she/he is related to the
plaintiff as: _____; and that she/he is petitioning on behalf of the Plaintiff, in
the foregoing action, that she/he has read the foregoing Application herein and knows the contents
thereof to be true of her/his own knowledge except as to those allegations made upon information and
belief, and as to those, she/he believes them to be true.

Plaintiff/Applicant

SUBSCRIBED & SWORN to before me this _____ day of _____, 20____.

Notary Expiration Date

Notary Public/Court Clerk

6. An officer of the Tribal Police or the BIA Law Enforcement **shall** accompany Plaintiff to a residence occupied by the Defendant to:

Obtain physical custody of the children listed in paragraph 5 above;

Ensure that the Defendant leaves the parties' residence located at: _____

7. Defendant shall not possess or purchase deadly weapons for the duration of this Order.

8. Defendant shall participate in alcohol counseling with _____
for _____ weeks/months.

9. Other Relief _____

IT IS FURTHER ORDERED: that both Plaintiff and Defendant appear before this Court on the _____
day of _____, 20___. to determine the following:

a. Temporary Custody of the parties minor children;

b. Temporary child support in the amount of _____ per month;

c. Temporary child-parent visitation as follows: _____

d. Exclusive use of the family home.

e. Remove the Defendant, who is a resident non-tribal member from the Hualapai Reservation for the duration of this Order.

***** WARNING *****

THIS IS AN OFFICIAL COURT ORDER. IF YOU DISOBEY THIS ORDER THE COURT MAY FIND YOU IN CONTEMPT OF COURT. YOU MAY ALSO BE ARRESTED AND PROSECUTED FOR THE CRIME OF DISOBEDIENCE TO A LAWFUL ORDER OF THE COURT AND ANY OTHER CRIME YOU MAY HAVE COMMITTED IN DISOBEYING THIS ORDER.

_____ * _____

THIS ORDER IS EFFECTIVE FOR _____ MONTH(S) FROM THE DATE OF SERVICE ON THE DEFENDANT AND MAY BE RENEWED. IT HAS BEEN REGISTERED WITH THE BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT OFFICE.

_____ * _____

THE DEFENDANT IS ENTITLED TO A HEARING WITHIN TEN (10) DAYS IF A REQUEST IS FILED WITH THIS COURT.

ORDER THIS _____ DAY OF _____, _____.

Judge of the Hualapai Tribal Court

RETURN OF SERVICE

I hereby certify that I personally served / mailed a true copy of the foregoing on the DEFENDANT, this _____ day of _____, _____.

NAME _____

TITLE _____

Lummi Indian Nation

- Order of Protection - Domestic Violence
- Order to Enforce the Protection Order issued by _____ Court
- Certification of Protection Order Compliance with VAWA

- [] 9. Respondent shall immediately cause the transfer or surrender of custody of the below named minor child(ren) to Petitioner (or designee).
- [] 10. [] **Petitioner** [] **Respondent** shall be the custodian of the parties' minor child(ren) solely for the purpose of complying with all other Tribal, State and Federal statutes requiring such a designation.
- [] 11. This order applies to the following children:

Name	Age	Birthday	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

LAW ENFORCEMENT SHALL:

- [] 12. Law enforcement officers shall assist Petitioner in obtaining transfer or surrender of custody of the above named children.
- [] 13. Assist the petitioner in obtaining possession of petitioner's residence and/or personal property.
- [] 14. Confiscate weapons from respondent if he/she is prohibited from possessing or using them, and hold and store those weapons until ordered otherwise by this court.
- [] 15. **Lummi Law & Order** shall personally serve respondent a copy of this order at the address of _____ and shall promptly complete and return to this Court proof of service.

CLERK OF COURT SHALL:

- [] 16. Forward a copy of this order to **Lummi Law & Order**, who shall enter this order into the appropriate law enforcement information system.
- [] 17. Send a copy of this order to:

IT IS FURTHER ORDERED that: _____

If this is a **Temporary Order**, this order shall be valid only until the hearing scheduled on _____, at _____ am/pm, at the Lummi Court, 2616 Kwina Road, Bellingham, WA.

SO ORDERED this _____ day of _____, _____.

 JUDGE

EX PARTE RELIEF REQUIRING HEARING WITHIN 3 DAYS

If this order removes respondent from a shared residence, grants petitioner possession or use of a shared automobile, or other essential shared property, or gives petitioner temporary custody of children, respondent is entitled to a hearing within three (3) days of the issuance of this order.

NOTICE TO THE PETITIONER

Modification or Termination of this Order: If this order is modified or terminated by issuance of another court order, you are responsible for notifying any other state or tribal jurisdiction where you registered this order.

If this order protects you at your place of work or school, you may want to consider providing a copy of this order to your supervisor or school officials so they may take appropriate action if this order is violated at work or school.

NOTICE TO THE RESPONDENT

VIOLATION OF THE PROVISIONS OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE AND WILL SUBJECT YOU TO ARREST AND MAY RESULT IN IMPRISONMENT AND THE REQUIREMENT TO PAY A FINE. A POLICE OFFICER MAY ARREST YOU AND TAKE YOU INTO CUSTODY IF THERE IS PROBABLE CAUSE TO BELIEVE THAT YOU VIOLATED THIS ORDER. VIOLATORS MAY ALSO BE FOUND IN CONTEMPT OF COURT AND SUBJECT TO PENALTIES FOR CONTEMPT.

YOU CAN BE ARRESTED EVEN IF INVITED TO VIOLATE THE PROHIBITIONS OF THIS ORDER BY THE PERSON(S) OBTAINING IT—THEY CANNOT WAIVE OR SUSPEND THE PROHIBITIONS OF THIS ORDER—ONLY THE COURT CAN MODIFY IT UPON WRITTEN APPLICATION.

THIS ORDER IS ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, ALL TRIBAL LANDS AND ALL U.S. TERRITORIES, AND SHALL BE ENFORCED AS IF IT WERE AN ORDER OF THAT JURISDICTION.

VIOLATIONS OF THIS ORDER ARE SUBJECT TO STATE AND FEDERAL CRIMINAL PENALTIES. IF YOU TRAVEL ACROSS STATE OR TRIBAL BOUNDARIES WITH THE INTENT TO VIOLATE THE ORDER (INCLUDING WITH INTENT TO INJURE THE PLAINTIFF) AND THEN COMMIT A VIOLATION OF THE ORDER (INCLUDING COMMITTING A CRIME OF VIOLENCE CAUSING BODILY INJURY), YOU MAY BE CONVICTED OF A FEDERAL OFFENSE UNDER VAWA (sec. 2261[a][1]). YOU MAY ALSO BE CONVICTED OF A FEDERAL OFFENSE IF YOU CAUSE THE PLAINTIFF TO CROSS A STATE OR TRIBAL BOUNDARY FOR THIS PURPOSE (sec. 2262[a][2]).

IF A PERMANENT ORDER IS ENTERED AGAINST YOU AFTER THE HEARING, EVEN IF YOU DID NOT ATTEND, YOU MAY BE PROHIBITED FROM POSSESSING, TRANSPORTING OR ACCEPTING A FIREARM UNDER THE 1994 AMENDMENTS TO THE GUN CONTROL ACT. 18 U.S.C. 922(g)(8). A VIOLATION OF THIS PROHIBITION IS A FEDERAL CRIME.

**LUMMI TRIBAL COURT
LUMMI INDIAN NATION**

)	
	)	Case No. _____
_____)	
Petitioner,)	
)	
v.	)	ORDER TO ENFORCE-
	)	PROTECTION ORDER ISSUED
	)	BY _____ COURT
_____)	
Respondent,)	

TO THE CHIEF AND OFFICERS OF LUMMI LAW & ORDER:

The Petitioner in the above-entitled action has requested the Lummi Tribal Court issue an Order to Enforce Protection Order issued by _____ Court. This Court having reviewed the files and records herein and being fully advised in the premises, and presuming the said order to be valid and enforceable pursuant to the Violence Against Women Act, 18 U.S.C. 2265, now therefore:

It is Hereby Ordered and Adjudged and Decreed that the attached Protection Order shall be and is hereby accorded full faith and credit in this Court and shall be enforced by this Court and the Law Enforcement Agencies within the jurisdiction of this Court.

It is further ordered that the Petitioner shall immediately inform this Court in writing when or if this foreign protection order is terminated, modified or extended.

CLERK’S ACTION. The clerk of the court shall forward a copy of this order to LUMMI LAW & ORDER which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants. A copy of this order shall be given to the Petitioner. **(A law enforcement information sheet must be completed by the Petitioner and provided with this order before this order will be entered into the computer system.)**

Dated this _____ day of _____, _____.

Judge of the Lummi Tribal Court

**LUMMI TRIBAL COURT
LUMMI INDIAN NATION**

_____)
Petitioner,)
v.)
_____)
Respondent,)

Case No. _____

CERTIFICATION OF
PROTECTION ORDER
COMPLIANCE WITH
VAWA

CERTIFICATION OF PROTECTION ORDER COMPLIANCE WITH VAWA

It is hereby certified that the attached is a true and correct copy of the protection order entered in the above captioned action on _____ (date) and that the judge whose signature appears thereon duly executed the original of the attached order. The order expires on _____ (date).

The order is: [] a civil protection/restraining order OR
[] a civil temporary ex parte protection/restraining order.

It is further certified that:

- (a) The issuing Court determined that it had jurisdiction over the parties and the subject matter under the laws of the Lummi Indian Nation.
- (b) The defendant was given reasonable notice and opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued: or if the order was issued ex parte, the time required by the law of this jurisdiction, and in any event within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.
- (c) The order was otherwise issued in accordance with the requirements of the Full Faith and Credit Provisions of the Violence Against Women Act: Title IV, Subtitle B, Chapter 2 of the Violent Crime Control and Law Enforcement Act of 1994. 18 U.S.C. 2263.
The attached order shall be presumed to be valid and enforceable in this and other jurisdictions.

SIGNED this the _____ day of _____, _____.

Judge

CERTIFIED this the _____ day of _____, _____.

Clerk, Lummi Tribal Court
2616 Kwina Road, Bellingham, WA 98226
(360) 384-2305, FAX (360) 384-2353

Menominee Tribal Court

- Petition for Temporary Restraining Order and/or Injunction

**MENOMINEE TRIBAL COURT
MENOMINEE INDIAN NATION**

Please print or type

Petitioner: _____

Address: _____

(Optional) _____

Respondent: _____

Address: _____

Respondent:

**PETITION FOR
TEMPORARY RESTRAINING
ORDER
AND/OR INJUNCTION
(Domestic abuse)**

Case No. _____

_____ date of birth _____ sex _____ race _____ height _____ weight _____ hair color _____ eye color

Under oath, I petition the court for a temporary restraining order and injunction against the respondent under Menominee Tribal Ordinance 93-21, based upon the following:

1. Our residence/premises are as stated above.
2. We are adults and the respondent is (mark one):
 a. A spouse, former spouse, parent, child, or a person related by blood to the petitioner
 b. A person currently or formally residing in a place of abode with the petitioner.
 c. A person with whom I have a child in common.
3. (Mark any of the following that apply.)
 a. We are not married.
 b. Respondent owns the property on which I am living.
 c. I have no legal interest in this property.
4. I am am not in imminent danger of physical harm.
5. Attached as part of this petition is a statement of facts indicating that respondent has engaged in or might engage in domestic abuse to me.

(State when, where, what happened, and who did what to whom on an attached statement of facts.)

I REQUEST THAT THE COURT:

(Mark any of the following that apply)

1. Immediately issue a temporary restraining order and set a time for a hearing on an injunction requiring the respondent to:
 a. Avoid my residence and any premises temporarily occupied by me.
 b. Avoid contacting me and causing any other person to have contact with me in any way.
 c. Refrain from committing acts of domestic abuse against me.
 d. Other:
2. Set a time for a hearing on the petition for an injunction.
3. Grant an award in a reasonable amount for the costs of maintaining this action and attorney fees, if deemed appropriate, and such other relief as may be just and equitable.
4. Direct the sheriff to assist in placing me in physical possession of my residence.

- [] 5. Enter an order reducing the time before the hearing to serve the respondent because: (a) the short time prior to hearing, (b) the difficulties in serving the respondent, and (c) the seriousness of this matter.
- [] 6. Enter an injunction for five years or the following shorter period: _____ .

Subscribed and sworn before me
on _____

Notary public
My commission expires: _____

Signature of Petitioner

Date

Navajo Nation

- Petition For Domestic Abuse Protection and Motion For Temporary Protection Order
- Temporary Order Of Protection (Without Notice)

**IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA**

_____)
_____)
_____)
Petitioner, _____)
_____)
v. _____)
_____)
_____)
Respondent. _____)
_____)

No. WR-FC-_____

***PETITION FOR
DOMESTIC ABUSE PROTECTION
AND MOTION FOR TEMPORARY
PROTECTION ORDER***

PETITION FOR DOMESTIC ABUSE PROTECTION ORDER

I, _____, am an enrolled member of the Navajo Tribe residing within the exterior boundaries of the Navajo Nation. I request that the Court grant a Domestic Abuse Protection Order based on the following allegations:

1. Respondent is related to me as my _____ (husband, ex-husband, boyfriend, ex-boyfriend, etc.).
2. Respondent is alleged to have committed the following acts of domestic abuse against my person:
 - a. Approximate date most recent abuse occurred:
DATE:
TIME:
LOCATION:
 - b. Describe most recent abuse: It is alleged that
 - c. Describe any threats that caused you to fear you were going to be hurt:

Petitioner further alleges that:

- d. Respondent has been abusing me for _____ months/ years.
- e. In the past, Respondent has committed the following acts of physical and mental abuse against me: _____

3. Respondent and I have been involved in the following court cases (Check all that apply, list date(s) and explain):
- Criminal Prosecution:
 - Other petition(s) for protection from abuse:
 - Custody:
 - Other:
4. Respondent and I are the parents of the following child(ren) (list names, census numbers, and dates of birth or attach copy of family card):
5. I am the parent of the following child(ren), who are not Respondent's child(ren):
-
6. I have suffered emotional and physical injuries as a result of Respondent's abuse. Unless Respondent is restrained, such abuse will continue.

MOTION FOR TEMPORARY PROTECTION ORDER

I also need a Temporary Protection Order because I fear that if Respondent is notified of this action, Respondent will retaliate by inflicting further injury on me before an appropriate protection order can be issued by this Court.

I REQUEST THAT THE COURT DO THE FOLLOWING (Check blanks below):

- 1. Order Respondent not to abuse, harass, or threaten me, or commit any other domestic abuse.
- 2. Order Respondent to immediately leave my residence.
- 3. Order Respondent to stay at least 100 yards from the following places (**DO NOT LIST ANY ADDRESS IF REVEALING IT WOULD FURTHER ENDANGER YOU**):
 - my residence: _____
 - my place of employment: _____
 - school attended by me or my children: _____
 - Other place(s): _____
 - ANY OTHER PUBLIC PLACE WHERE PETITIONER CONDUCTS DAILY BUSINESS ACTIVITIES.**
- 4. Order Respondent not to contact me in person, in writing, or by telephone.
- 5. Award me immediate temporary custody of our child(ren) and order Respondent not to have contact with them until a court hearing.

6. At the hearing, determine visitation arrangements for the child(ren) as follows:

7. I request Respondent compensate me for the following expenses incurred as a result of the abuse, to be determined at the hearing:

Lost earnings \$ _____

Property taken or damages: \$ _____

Attorneys' fees: \$ _____

Court costs: \$ _____

Other (Explain): _____ TOTAL: \$ _____

8. At the hearing, order Respondent to return to me the following items of my property (example: vehicle, identification documents, BE SPECIFIC):

9. Order Respondent not to sell, remove, hide, destroy or damage any property owned by me.

10. Direct a police officer to accompany me to a residence occupied by the Respondent to:

obtain physical custody of the child(ren);

collect my personal belongs; or

Require Respondent to vacate the residence.

11. At the hearing, order Respondent to pay the following in support for our minor child(ren): (month/pay period).

12. At the hearing, order Respondent to attend **alcohol/domestic abuse/Anger Management/Parental Classes** (circle one or **both**) counseling.

13. Other relief, as follows:

Respectfully submitted this _____ day of _____, 20__.

PETITIONER

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

_____))
_____))
_____))
Petitioner, _____))
_____))
v. _____))
_____))
_____))
Respondent. _____))
_____)

No. WR-FC-_____

**TEMPORARY ORDER OF PROTECTION
(WITHOUT NOTICE)**

TO: _____ DOB: _____ Height: _____ WT: _____

RESIDES: _____

EMPLOYED AT: _____

This verified Petition for Domestic Abuse and Motion for Temporary Protection Order came before the Court this _____ day of _____, 20___. And _____, hereafter referred to as Petitioner, having appeared and having given written verification concerning the allegations on the petition, the Court finds:

1. That if a temporary restraining order is not issued, it is more likely than not, that the Respondent may cause physical injury to the Petitioner and may damage the Petitioner's property, causing them to fear (her/his) life and limb, and fear the safety of (her/his) family, in the immediate future.
2. The injuries may consist of physical attacks on Petitioner which may result in cuts, bruises, lacerations, including on family members, and such injuries to person and property may result in permanent disfigurement and damage beyond repair thereby constituting them to be irreparable. Petitioner's verified statement indicated there are past acts and pattern of domestic violence which occurred.
3. If notice was provided to respondent, (she/he) would more than likely retaliate and inflict further injury before the Order were to become effective. The Order must therefore be issued without notice to the Respondent.

IT IS THEREFORE ORDERED THAT YOU, ARE HEREBY RESTRAINED, ENJOINED AND BARRED:

- A. From going near or disturbing at the resident of _____, located at: _____ and any other place where Petitioner may be doing business for (herself/himself) and family. You, _____, are also restrained from going to or near the employment site of the Petitioner.
- B. From disturbing, hindering, and interfering with the peaceful enjoyment of life by the Petitioner, including (her/his) association with friends, relatives and children.
- C. From interfering or disturbing the custodial rights of Petitioner.
- D. From communicating in any manner or through any third person/agent with the Petitioner, unless otherwise permitted by this Court during the pendency of this action.
- E. YOU, _____, shall appear before this Court on the _____ day of _____, 20__ at _____ a.m./p.m. to answer the petition; at which time the Court will determine if a final judgment for Permanent Protection Order is necessary. Any request to this Court shall be in written form and filed with this Court by legal counsel or pro se.
- F. This Temporary Restraining Order shall remain in full force and effect pending a full hearing on the Petition, which is set for _____, 20__ at _____ a.m./p.m. This Order has been registered with the local Navajo Department of Law Enforcement.
- G. Further, YOU, _____, are Ordered to pay for the cost of the filing of this action. You shall bring a blank \$25.00 money order with you to the hearing. Failure to comply with this Order may result in your being held in contempt of Court with penalty of incarceration or fine.
- H. FINALLY, IF YOU, _____, fail to appear before this Court as directed on the date set forth above, a warrant shall be issued for your arrest and you shall be apprehended and brought before this Court to answer for your non-appearance and Domestic Violence proceedings.

IF YOU FAIL TO OBEY THIS ORDER, OR ANY FRIEND, RELATIVE ASSOCIATE OR AGENT WHO FAILS TO OBEY THIS ORDER, YOU SHALL BE IMMEDIATELY ARRESTED ALONG WITH YOUR ASSOCIATE AND BROUGHT BEFORE THIS COURT FOR VIOLATION OF THIS ORDER. IF YOU VIOLATE THIS ORDER YOU MAY BE ARRESTED AND PROSECUTED FOR THE CRIME OR INTERFERENCE WITH JUDICIAL PROCEEDING, WHETHER OR NOT THE RESPONDENT'S ACTION OCCURRED IN THE PRESENCE OF THE A PEACE OFFICER.

ORDERED this _____ day of _____, 20__.

JUDGE, Navajo Nation Family Court

RETURN OF SERVICE

I have received the above Order this _____ day of _____, 20__, and have served the same on the Respondent on this _____ day of _____, 20__, at the location of _____.

NAME AND TITLE

Ninilchik Native Village

- Temporary Protection Order
- Final Protection Order
- Certification of Protective Order

NATIVE VILLAGE OF _____
TRIBAL COURT

_____))
Plaintiff))
v.)) Case No. _____))
_____))
Defendant))

TEMPORARY PROTECTIVE ORDER

A hearing was held in this matter on the _____ day of _____, 20____.
The Petitioner, _____ received notice of the hearing and
Participated / did not participate. The Respondent, _____
(circle one) (name)

BEING FULLY INFORMED IN THE MATTER, THE TRIBAL COURT FINDS:

THE TRIBAL COURT ORDERS:

THIS ORDER EXPIRES AT 8:00 AM, _____, _____, 20____.

DONE BY ACTION OF THE TRIBAL COURT THIS _____ DAYS OF
_____, 20____.

STATEMENT OF SERVICE

I _____ mailed return receipt requested restricted delivery or _____ personally gave (Check one)
a copy of this petition to the other people involved on the _____ day of _____,
20____.

Tribal Court Judge

NATIVE VILLAGE OF _____
TRIBAL COURT

_____,)
Plaintiff)
)
v.) Case No. _____
)
_____,)
Defendant)

FINAL PROTECTIVE ORDER

A hearing was held in this manner on the _____ day of _____, 20____. The Petitioner, _____ received notice of the hearing and participated / did not participate.
The Respondent, _____
(circle one) (name)

BEING FULLY INFORMED IN THE MATTER, THE TRIBAL COURT FINDS:

THE TRIBAL COURT ORDERS:

THIS ORDER EXPIRES AT 8:00 AM, _____, _____, 20____.

DONE BY ACTION OF THE TRIBAL COURT THIS _____ DAY OF _____, 20____.

STATEMENT OF SERVICES

I _____ mailed return receipt requested restricted delivery or _____ personally gave (Check one) a copy of this petition to the other people involved on the _____ day of _____, 20____.

Tribal Court Judge

NOTICE TO THE DEFENDANT

IF YOU VIOLATE THIS COURT ORDER, YOU WILL BE SUBJECT TO A BROAD RANGE OF SANCTIONS UNDER TRIBAL LAW, UP TO AN INCLUDING PERMANENT BANSHIMENT FROM THE COMMUNITY.

PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT (“VAWA”) OF 1994, 18 U.S.C. *2265, THIS ORDER IS ENFORCEABLE IN THE COURTS OF ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, AND U.S. TERRITORY, POSSESSION OR COMMONWEALTH AND ANY TRIBAL COURT.

IF A FINAL PROTECTIVE ORDER SHOULD BE ENTERED AGAINST YOU AFTER THE HEARING, WHETHER OR NOT YOU ATTENDED, YOU MAY BE PROHIBITED FROM POSSESSING, TRANSPORTING, OR ACCEPTING A FIREARM UNDER THE 1994 AMENDMENT TO THE GUN CONTROL ACT, 18 U.S.C. *922 (g)(8).

VIOLATION OF THIS ORDER MAY SUBJECT YO TO THE FOLLOWING FEDERAL CHARGES AND PUNISHMENT.

IF YOU TRAVEL ACROSS STATE LINES OR INDIAN COUNTRY WITH THE INTENT TO INJURE THE PLAINTIFF AND THEN INTENTIONALLY COMMIT A CRIME OF VIOLENCE CAUSING BODILY INJURY TO THE PLAINTIFF, YOU MAY BE CONVICTED OF COMMITTING A FEDERAL OFFENSE UNDER “VAWA”, 18 U.S.C. *2261(a)(1). YOU MAY ALSO BE CONVICTED OF COMMITTING A FEDERAL OFFENSE IF YOU CAUSE THE PLAINTIFF TO CROSS STATE LINES OR INDIAN COUNTRY FOR THIS PURPOSE, 18 U.S.C. *2262(a)(2).

1st Rdg. = 2/12/99

2nd Rdg.= 3/11/99

Posted 3/18/99

NATIVE VILLAGE OF _____
TRIBAL COURT

_____))
Plaintiff))
v.)) Case No. _____))
_____))
Defendant))

CERTIFICATION OF PROTECTIVE ORDER

It is hereby certified that the attached is a true and correct copy of the order entered in the above-captioned action on _____ (date) and that the original of the attached order was duly executed by the judicial authority whose signature appears thereon. The order expires on _____ (date)

The order is a civil protection order, requiring restraint of conduct.

It is further certified that:

- (a) the issuing court determined that it had jurisdiction over the parties and the subject matter under the laws of _____ (tribe).
- (b) The defendant was given reasonable notice and opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued ex-parte, the court ordered that the defendant be given reasonable notice and opportunity to be heard within the time required by the law of this jurisdiction, and in any event within a defendant's due process rights.
- (c) The order was otherwise issued in accord with the requirements of the Full Faith and Credit Provisions of the Violence Against Women Act: Title IV, Subtitle B, Chapter 2 of the Violence Crime Control and Law Enforcement Act of 1994. 18 U.S.C. *2265.
- (d) The order was issued in accord with the requirements of the Uniform Child Custody Jurisdiction Act of this state / territory and consistent with the strictures of the federal Parental Kidnapping Prevention Act. Parental Kidnapping Prevention Act Pub. L. No. 96-611, 94 Stat. 3566 (1980).

The attached order shall be presumed to be valid and enforceable in this and other jurisdictions.

Signature of Clerk of Court or other authorized official:

Tribal Court: _____

Address: _____

Phone: _____ Fax: _____

Date: _____

Oneida Nation Court

- Order of Protection

Specify other conditions _____

IT IS FURTHER ORDERED that this order of protection shall remain in effect until _____, unless extended by this Court.

Dated: _____

JUDGE

Defendant advised in Court of Issuance of Order Received by Defendant _____
(signature)

Service Executed Date _____ Time _____

Passamaquoddy Tribal Court

- Order for Protection

PASSAMAQUODDY TRIBAL COURT

Division: Pleasant Point

Docket No:

Plaintiff: _____

[] individually and on behalf:

[] on behalf of:

v.

Defendant: _____

[] on behalf of:

ORDER FOR PROTECTION
(19-A.M.R.S.A sec. 4007)
(5 M.R.S.A. sec. 4655)

After due notice and [] opportunity for full hearing [] full hearing on the merits of the Complaint for Protection from Abuse/Harassment, the following being present: [] Plaintiff [] Defendant,

THE COURT FINDS THAT: (only checked boxes apply)

- [] (1) The parties are family or household members;
[] (2) The plaintiff was abused/harassed by the defendant;
[] (3) The defendant presents a credible threat to the physical safety of the plaintiff/minor child(ren);
[] (4) The parties have agreed to the following Order, which is made without findings of abuse/harassment.

THEREFORE, it is hereby ORDERED that:

- [] (A-1) The defendant is prohibited from threatening, assaulting, molesting, attacking, harassing or otherwise abusing the plaintiff and any minor child(ren) residing in the household.
[] (A-2) The defendant is prohibited from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household.
[] (B) The defendant is prohibited from having any contact, direct or indirect, with plaintiff
[] Except contact permitted in paragraphs I and/or O below.
[] Except .
[] (C) The defendant is prohibited from going upon the premises of plaintiff's residence.
[] (D) The defendant is restrained from, repeatedly and without reasonable cause, following the plaintiff.
[] (E) The defendant is restrained from, repeatedly and without reasonable cause, being at or in the vicinity of the plaintiff's home, school, business, or place of employment.
[] (F) The defendant is prohibited from possession of a firearm and other dangerous weapon.
[] (G) The plaintiff is granted possession of and the defendant is excluded forthwith and prohibited from entering the residence at
[] (H) The parties' personal property and household goods are divided as follows:

and the following order for protection of property is entered:

[] (I) The plaintiff is awarded temporary parental rights and responsibilities (custody) of minor child(ren), whose names and dates of birth are as follows:

The defendant's rights of contact are limited as follows:

VIOLATION OF AN ORDER CONTAINED IN PARAGRAPHS (A) THROUGH (I) IS ALWAYS A CLASS D, AND SOMETIMES A CLASS C CRIME. POSSESSION OF A FIREARM OR AMMUNITION WHILE THIS ORDER IS IN EFFECT MAY BE A FEDERAL OR STATE CRIME, EVEN IF PARAGRAPH (F) OF THIS ORDER DOES NOT PROHIBIT YOU FROM POSSESSING THESE ITEMS.

It is further ORDERED AS FOLLOWS: *(only checked boxes apply)*

- (J) The defendant shall pay child support pursuant to the attached child support order.
- (K) The defendant receive counseling from a social worker, family service agency, mental health center, or psychiatric or other guidance service, as follows: _____
- (L) The defendant pay the sum of \$_____ per (week) (month) toward the support of the plaintiff, first payment due _____.
- (M) The defendant is prohibited from interfering with or destroying plaintiff's property.
- (N) The parties' personal property and household goods are further divided as follows: _____

And the following order for protection of property is entered: _____

(O) The defendant's rights of contact are limited as follows: _____

(P) It is further ORDERED: _____

(Q) See the attached additional sheet(s) which are incorporated herein by reference.

MONEY JUDGEMENT ORDERS

(R) The defendant pay to plaintiff, the sum of \$_____ forthwith, as monetary compensation for losses suffered as a direct result of the abuse/harassment, execution to issue.

(S) The (defendant) (plaintiff) pay to _____ the sum of \$_____ as counsel fees; the sum of \$_____ as court costs. Payment is to be made within _____ days, execution to issue.

(T) No child support order is issued at this time (but will be issued as soon as the parties file a child support affidavit, to be filed no later than _____) (because there is a pre-existing child support order).

WARNING: VIOLATION OF PARAGRAPHS "J" THROUGH "T" MAY BE CONTEMPT OF COURT. THESE PARAGRAPHS ARE ALSO ENFORCEABLE AS A CIVIL JUDGMENT.

WARNING TO THE DEFENDANT: AS LONG AS THIS ORDER IS IN EFFECT, YOU MUST OBEY IT. NO ONE, INCLUDING THE PLAINTIFF, CAN GIVE YOU PERMISSION TO VIOLATE THE PROVISIONS OF THIS ORDER.

This order is effective forthwith and shall remain in full force and effect until _____, unless earlier modified or vacated by order of court. **It is ORDERED** that a copy of this Order be served in hand on the defendant by the following law enforcement agency: _____

Copies of this order shall be furnished by the clerk to the law enforcement agency with jurisdiction in the location of the plaintiff's residence.

This Order is incorporated into the docket by reference pursuant to M.R. Civ. P 79(a).

Date: _____

Judge, Passamaquoddy Tribal Court

A true copy, attest: _____
Clerk

On _____, I made service of the Order for Protection by delivering a copy in hand to the defendant at _____.

Defendant's date of birth _____

Authorized Officer

Poarch Creek Indians Tribal Court

- Temporary PO (w/ Order to Show Cause)
- Domestic Abuse PO

Poarch Creek Indians Tribal Court 5811 Jack Springs Road Atmore, AL 36502 (251) 368-9136, ext. 2652 Page 1 of 2 Revised 09/2004	<h2 style="margin:0;">TEMPORARY PROTECTION FROM ABUSE ORDER</h2> <p style="margin:0;">Tribal Code § 15A-1-1 et seq. Poarch Band of Creek Indians</p>	Case Number _____ <input type="checkbox"/> Amended Order
--	--	--

PETITIONER/PLAINTIFF	PETITIONER/PLAINTIFF IDENTIFIERS
Name _____ First Middle Last	Date of Birth _____ (Petitioner)
And/or on behalf of minor family member(s): _____ _____ _____	Other Protected Persons/DOB: _____ _____ _____
v.	

RESPONDENT/DEFENDANT	RESPONDENT IDENTIFIERS
Name _____ First Middle Last	SEX DOB RACE HT WT
Respondent's Address _____ _____	SOCIAL SECURITY # EYES HAIR
Distinguishing Features _____ _____	DRIVER'S LICENSE # STATE EXP. DATE

Respondent's Relationship to Petitioner: Spouse Former Spouse Parent/Custodian or Guardian Child Family within third degree of consanguinity Child in common cohabitating in dating relationship has cohabitated in dating relationship cohabitating partner of parent

CAUTION: WEAPON INVOLVED Firearm Knife Hands, Feet, Fist Other: _____

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter under the Laws of the Poarch Band of Creek Indians.

The evidence shows that it is more likely than not that an act of domestic abuse occurred or is about to occur.

Additional findings of this Order are set forth below.

THE COURT HEREBY ORDERS:

1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse.

2. Respondent is hereby restrained from any contact with the Petitioner as specified below.

3. Additional terms of this Order are set forth below:

The terms of this Order shall be effective until

WARNINGS TO RESPONDENT:

This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922 (g) (8) while subject to a current qualifying Protection From Abuse Order.

Only the Court can change this Order.

5811 Jack Springs Road Atmore, AL 36502 (251) 368-9136, ext. 2652 Page 2 of 2 Revised 09/2004	TEMPORARY PROTECTION FROM ABUSE ORDER Tribal Code § 15A-1-1 et seq. Poarch Band of Creek Indians	Case Number _____ <input type="checkbox"/> Amended Order
--	---	--

_____ v. _____

Petitioner/Plaintiff **Respondent/Defendant**

THE COURT FURTHER ORDERS that the Respondent is (Check all that apply):

- 4. Ordered to stay away from:
The Petitioner's: residence; place of employment; school; and/or
The Minor child(ren)'s: residence; place of employment; school; and/or
 Any specified place, as designated below, frequented by the Plaintiff, the minor(s), the minor child(ren), and or
 Any designated family/household member, which the Respondent has no legitimate reason to frequent.
Name and location of the other specified place(s): _____.
- 5. Until a hearing is held in this matter temporary custody of the minor child(ren) of the parties is hereby granted to: _____
(List name and DOB of Child(ren)) _____.
- 6. Respondent shall return to the Petitioner the following items: _____.
- 7. Shall be prohibited from transferring, concealing, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties, to-wit: _____.
- 8. An Officer of the Poarch Creek Indians Tribal Police Department shall accompany the Petitioner to a residence occupied by the Respondent to:
 - a. obtain physical custody of the minor child(ren) aforementioned.
 - b. collect personal belongings listed in paragraph 6 above.
 - c. ensure that Respondent vacates the parties residence located at: _____.
- 9. Ordered to pay temporary reasonable support to the Petitioner and/or any minor child(ren) in the Petitioner's custody, or both, when the Respondent has a legal obligation to support such person. The amount of temporary support shall be determined in accordance with Form CS-41, Child Support Obligation Income Statement/Affidavit, and Form CS-42, Child Support Guidelines.
- Other relief as follows: _____.
- Granting Petitioner's request, this Court orders that the Plaintiff's address, the address of any member of the Plaintiff's family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence be omitted or deleted from all documents filed with the court, documents made available to the public, and documents made available to the Respondent.**

To verify the status of this Order, call (251) 368-9136. Done on the Poarch Creek Indian Reservation this the _____ day of _____, 20____.

Tribal Judge

CERTIFICATE OF SERVICE

I certify that I personally served a true copy of the foregoing to the Respondent on this the _____ day of _____, 20____.

Name

Poarch Creek Indians Tribal Court 5811 Jack Springs Road Atmore, AL 36502 (251) 368-9136, ext. 2652 Page 1 of 2 Revised 09/2004	<h2 style="margin: 0;">PROTECTION FROM ABUSE ORDER</h2> <p style="margin: 0;">Tribal Code § 15A-1-1 et seq. Poarch Band of Creek Indians</p>	Case Number _____ <input type="checkbox"/> Amended Order
--	--	---

PETITIONER/PLAINTIFF	PETITIONER/PLAINTIFF IDENTIFIERS
Name _____ First Middle Last	Date of Birth _____ (Petitioner)
And/or on behalf of minor family member(s): _____ _____ _____ <p style="text-align: center;">v.</p>	Other Protected Persons/DOB: _____ _____ _____

RESPONDENT/DEFENDANT	RESPONDENT IDENTIFIERS				
Name _____ First Middle Last	SEX	DOB	RACE	HT	WT
Respondent's Address _____ _____	SOCIAL SECURITY #		EYES	HAIR	
Distinguishing Features _____ _____	DRIVER'S LICENSE #		STATE	EXP. DATE	

Respondent's Relationship to Petitioner: Spouse Former Spouse Parent/Custodian or Guardian Child Family within third degree of consanguinity Child in common cohabitating in dating relationship has cohabitated in dating relationship cohabitating partner of parent

CAUTION: WEAPON INVOLVED Firearm Knife Hands, Feet, Fist Other: _____

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter under the Laws of the Poarch Band of Creek Indians and the Respondent has been provided reasonable notice and opportunity to be heard.

The evidence shows that it is more likely than not that an act of domestic abuse occurred or is about to occur.

Additional findings of this Order are set forth below.

THE COURT HEREBY ORDERS:

1. Respondent shall not abuse, harass, or threaten the Petitioner, or commit any other domestic abuse.

2. Respondent is hereby restrained from any contact with the Petitioner as specified below.

3. Additional terms of this Order are set forth below:

The terms of this Order shall be effective until

WARNINGS TO RESPONDENT:

This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia any U.S. Territory, and may be enforced by Tribal Lands (18 U.S.C. Section 2265). Crossing state, territorial, or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. Section 2262).

Federal law provides penalties for possessing, transporting, shipping, or receiving any firearm or ammunition (18 U.S.C. Section 922 (g) (8) while subject to a current qualifying Protection From Abuse Order. Only the Court can change this Order.

5811 Jack Springs Road
Atmore, AL 36502
(251) 368-9136, ext. 2652

Page **2 of 2**
Revised 09/2004

PROTECTION FROM ABUSE ORDER

Tribal Code § 15A-1-1 et seq. Poarch Band of Creek Indians

Case Number

Amended Order

_____ v. _____
Petitioner/Plaintiff **Respondent/Defendant**

THE COURT FURTHER ORDERS that the Respondent is (Check all that apply):

- 4. Ordered to stay away from:
The Petitioner's: residence; place of employment; school; and/or
The Minor child(ren's): residence; place of employment; school; and/or
 Any specified place, as designated below, frequented by the Plaintiff, the minor(s), the minor child(ren), and or
 Any designated family/household member, which the Respondent has no legitimate reason to frequent.
Name and location of the other specified place(s): _____
- 5. Until a hearing is held in this matter temporary custody of the minor child(ren) of the parties is hereby granted to: _____
- 6. Respondent shall return to the Petitioner the following items: _____
- 7. Shall be prohibited from transferring, concealing, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties, to-wit: _____
- 8. An Officer of the Poarch Creek Indians Tribal Police Department shall accompany the Petitioner to a residence occupied by the Respondent to:
 - a. obtain physical custody of the minor child(ren) aforementioned.
 - b. collect personal belongings listed in paragraph 6 above.
 - c. ensure that Respondent vacates the parties residence located at: _____
- 9. Ordered to pay temporary reasonable support to the Petitioner and/or any minor child(ren) in the Petitioner's custody, or both, when the Respondent has a legal obligation to support such person. The amount of temporary support shall be determined in accordance with Form CS-41, Child Support Obligation Income Statement/Affidavit, and Form CS-42, Child Support Guidelines.
- Other relief as follows: _____
- Granting Petitioner's request, this Court orders that the Plaintiff's address, the address of any member of the Plaintiff's family or household, or an address that would reveal the confidential location of a shelter for victims of domestic violence be omitted or deleted from all documents filed with the court, documents made available to the public, and documents made available to the Respondent.**

To verify the status of this Order, call (251) 368-9136. Done on the Poarch Creek Indian Reservation this the _____ day of _____, 20____.

Tribal Judge

CERTIFICATE OF SERVICE

I certify that I personally served a true copy of the foregoing to the Respondent on this the _____ day of _____, 20____.

Name

Puyallup Tribal Court

- Temporary Order of Protection and Notice of Hearing
- Order of Protection

**IN THE PUYALLUP TRIBAL COURT
PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

_____))
Petitioner,)
v.)
_____))
Respondent,)

NO. CV

ORDER OF PROTECTION

Notice of this hearing was served on the respondent by personal service; service by publication; other: _____

Minors addressed in this order:

Based upon the petition, testimony, and case record, the court finds that the respondent committed domestic violence/harassment as defined in PTC Title 7, 7.04.020, and it is **ORDERED THAT:**

- Respondent is RESTRAINED from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, or threatening, petitioner; the minors named above.
- Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, directly or indirectly with petitioner; the minors named above.
- Respondent is EXCLUDED from entering petitioner's residence. At present petitioner's address is confidential; the following: _____
- Respondent is RESTRAINED from stalking petitioner or making any attempt to keep petitioner under surveillance.
- Respondent is RESTRAINED from entering petitioner's school; place of employment; other: _____
- Respondent shall participate in treatment and counseling as follows: domestic violence counseling; drug/alcohol counseling; anger management; parenting classes; other: _____
- Petitioner is GRANTED the care, and custody of the minors named above; these minors only: _____
- Respondent is RESTRAINED from interfering with petitioner's custody of the minors named above; these minors only: _____
- Respondent is allowed visitation as follows: _____
- OTHER: _____

This order expires: _____

WARNING TO THE RESPONDENT: FAILURE TO COMPLY WITH ANY PROVISION OF THIS ORDER WITH ACTUAL OR CONSTRUCTIVE NOTICE OF ITS TERMS IS CONTEMPT OF COURT SUBJECT TO A FINE AND/OR IMPRISONMENT.

DATED:

JUDGE

**IN THE PUYALLUP TRIBAL COURT
PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

Petitioner,)	
)	
v.	)	NO. CV 00-
)	
	)	TEMPORARY ORDER OF
	)	PROTECTION AND NOTICE
	)	OF HEARING
Respondent,)	

TO THE ABOVE NAMED RESPONDENT:

The Court having reviewed the Petition for Order of Protection, and the ex parte motion herein for an Order of Restraint, finds good cause to grant a Temporary Order of Restraint and THEREFORE IT IS ORDERED that:

- Respondent is RESTRAINED from causing petitioner or anyone living with the petitioner, any physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, stalking, or threatening petitioner or anyone living with the petitioner.

- Respondent is EXCLUDED from the Petitioner's residence at _____, Tacoma, WA. At present petitioner's address is confidential.

- Respondent is RESTRAINED from entering petitioner's school place of employment, other: _____

- Petitioner is Granted the temporary care, custody, and control of: _____

- Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, directly or indirectly with the petitioner.

- Respondent and petitioner are to appear for hearing on _____, 20__ at _____ a.m. and to show cause if any, as to why an order of protection should be granted.

This order expires _____

Dated: _____

JUDGE

To the Respondent: Violation of this order with actual notice of its terms is a criminal offense.

Puyallup Tribal Court
2002 East 28th Street
Tacoma, Washington 98404
PH: (235) 573-7824
FAX: (253) 277-9799

Saginaw Chippewa Tribal Court

- Personal Protection Order

THE SAGINAW CHIPPEWA
 TRIBAL COURT
 6954 East Broadway
 Mt. Pleasant, MI 48858
 Telephone (517) 775-4800

**PERSONAL PROTECTION
 ORDER**

CASE NO: _____

Honorable _____

Honorable _____

CIVIL CRIMINAL

Plaintiff: (List full name, address & telephone number)	Defendant: (List full name, address & telephone number)
--	--

Please complete the following information about the Defendant:

Full Name of Defendant (Print or Type)				
Social Security Number (if known)			Driver's License number (if known)	
Height*	Weight*	Race*	Hair Color*	Eye Color*
Defendant's date of birth*			Other identifying information*	

*These items must be completed for information to be entered into LEIN

The Court finding reasonable cause to believe Defendant may commit one or more of the acts which can be restrained in a PPO,

IT IS ORDERED

1. That the Defendant and those persons in active participation with him/her are prohibited from:
 - Entering onto property where Plaintiff lives.
 - Assaulting, attacking, beating, molesting, or wounding: _____
 - Removing minor child(ren) from _____, physical custodian of the child(ren) without a court order.
 - Interfering with petitioner at his/her job or threatening his/her job relationship or environment.
 - Interfering with petitioner's efforts to remove child(ren) or personal property from respondent's property.
 - Harassment or stalking which includes but is not limited to:
 - Following or appearing within sight of petitioner;
 - Approaching or confronting petitioner in a public place or on private property;

- Entering onto or remaining on property owned, leased, or occupied by petitioner;
- Contacting petitioner by telephone;
- Placing an object on or delivering an object to property owned, leased, or occupied by petitioner;
- Appearing at the workplace or residence of petitioner;
- Sending mail or other communications to petitioner

[] Other: _____

2. This order is enforceable by any Michigan law enforcement agency. This order shall be entered into the **Law Enforcement Information Network (LEIN)** by the Saginaw Chippewa Tribal Police Department.
3. **Notice!** This order does not supersede any existing custody/visitation order(s) unless otherwise specified.
4. Violation of this order subjects the restrained party to immediate arrest. If found guilty of violating a criminal personal protection order, the defendant shall be imprisoned for not more than 90 days and fined up to \$1000.00 plus court costs. If found guilty of violating a civil personal protection order, the defendant is subject to the court's civil contempt powers as defined by Title III of the Tribal Code. In addition to the above the defendant may be charged with a violation of Tribal Code criminal section 1.2016, Disobedience to Lawful Order of Court.
5. The defendant may file a motion to modify or rescind the personal protection order and request a hearing within 14 days after the person has been served with or has received actual notice of the order.
6. This order is immediately effective and immediately enforceable when signed by a judge/magistrate.

This order expires on _____.

Date: _____ **Judge/Magistrate** _____

Full Faith and Credit to orders of protection 18 U.S.C. Sec. 922(s)

Shoshone and Arapahoe Tribal Court

- Ex Parte Order of Protection
- Order of Protection
- Certification of Protection Order

**Shoshone and Arapahoe Tribal Court
 Shoshone and Arapahoe Tribes
 Wind River Indian Reservation
 Fort Washakie, Wyoming**

_____)
)
 Petitioner,)
)
 v.)
)
)
 _____)
 Respondent.)
 _____)

**Domestic Relations Code
 Civil No.**

ORDER OF PROTECTION

THIS MATTER came on for hearing on this _____ day of _____, 20____, before the Honorable _____, Judge of the above entitled Court. The following parties were personally present before the Court:

_____ Petitioner
 _____ Respondent
 _____ Other _____

After hearing the testimony on Petitioner’s Complaint, the Court finds:

- _____ 1) An act of Domestic Abuse has occurred.
- _____ 2) The abuse was stipulated to by the Respondent.
- _____ 3) Respondent stipulates to the Court exercising jurisdiction over him in this case and the subject matter of this action.
- _____ 4) By a preponderance of the evidence, the Court is convinced one or more acts of domestic abuse has occurred.
- _____ 5) This Court has jurisdiction over the parties and the subject matter of this action.
- _____ 6) The temporary legal care, custody, control and tuition of the parties’ minor child(ren) should be awarded to Petitioner / Respondent.
- _____ 7) Respondent shall / shall not have visitation with said child(ren).

IT IS HEREBY ORDERED, that the Respondent, above named:

- _____ A) **SHALL NOT** initiate contact with Petitioner personally, by phone, in writing, face-to-face or in any other manner, nor indirectly through any other person or by any means.
- _____ B) **SHALL NOT** talk with or write to Petitioner, go to Petitioner’s residence or place of employment, go into Petitioner’s residence or place of employment under any circumstances.

- _____ C) **SHALL NOT** physically abuse Petitioner, threaten to physically abuse Petitioner, verbally abuse Petitioner or do any act which unreasonably restrains the person or personal liberty of the Petitioner, directly or indirectly.
- _____ D) **SHALL NOT** be at the Petitioner's residence or place of employment or so near to the same as to upset the life of Petitioner, nor shall you be at any location where Petitioner is. **YOU CANNOT COME WITHIN 500 FEET OF PETITIONER.** You shall not permit any persons known by you to harass, bother, intimidate, threaten or interfere with Petitioner.

Petitioner's Place of Residence: _____

Petitioner's Place of Employment: _____

- _____ E) **SHALL NOT** interfere with the care, custody, control or education of the following child / children. You are prohibited from removing, abducting or concealing the child(ren) from Petitioner. Visitation with said child(ren) shall be in accordance with the terms set forth below:

Child(ren) _____

Visitation: _____

- _____ F) **SHALL NOT** enter or leave the Wind River Indian Reservation with the intent to injure, harass or intimidate that person's spouse or intimate partner.

_____ (Definition of spouse or intimate partner includes spouse, a former spouse, a person who shares a child, a person who cohabits, or who has cohabitated with the abuser as a spouse.)

- _____ G) **SHALL NOT** cause a spouse or intimate partner to enter or leave the Wind River Indian Reservation by force, coercion, duress or fraud.

IT IS FURTHER ORDERED AS FOLLOWS:

- _____ H) **NEITHER PARTY SHALL** conceal, transfer, encumber, damage, destroy or otherwise dispose of any of the other party's property or property of the marriage or relationship.

_____ I) That Petitioner is granted sole possession of the residence located at:

_____ J) That the Respondent immediately vacate himself and his property from
Petitioner's dwelling at the above location (Section G).

_____ K) Respondent is ordered to pay to Petitioner temporary child support in the
amount of \$ _____, per month, payable as follows:

The payments are due and payable through this Court, either cash or a money
order is to be made payable to the Petitioner. If the money is not paid on the
date due, an Order to Show Cause will be issued from this Court, requiring
Respondent to appear to show good cause why he should not be held in
Contempt of Court.

_____ L) Respondent shall pay petitioner temporary support in the amount of
\$ _____ per month, payable as follows:

_____ M) Respondent is ordered to undergo appropriate professional counseling (not to
exceed 90 days) for: _____

_____ N) **The Shoshone and Arapahoe Tribal Court Process Server** is ordered to
cause one copy of this Order to be served upon Respondent and to cause another
together with proof that service was made upon Respondent, to be delivered or
mailed to law enforcement agencies within the county, so that this Order can be
on file within these departments for quick and easy reference.

_____ O) This Order will terminate on the _____ day of
_____, 20____, unless Petitioner asks to have it
extended for an additional 90 days on or before the above date.

**Notice to Respondent is not required before this Order is extended,
however, service of the Order extending this Order will be made by mail to
the last known address of the Respondent.**

_____ P) **A WILLFUL VIOLATION OF THIS ORDER OF PROTECTION IS
PUNISHABLE AS CONTEMPT OF COURT.**

_____ Q) If necessary, an officer from the Wind River Indian Police shall provide standby at the residence located at: _____

By this Order Petitioner / Respondent has been authorized to enter said residence and obtain certain property items. An officer shall insure that no one interferes with Petitioner / Respondent in obtaining said property, to and including the use of said officer's power of arrest, to effect the intent of this Order.

Dated this _____ day of _____, 20__.

BY THE COURT:

(Seal of Court)

Judge, Shoshone and Arapahoe Tribal Court

Recipient's Address:

Copy to:

- _____ Respondent
- _____ Respondent's Attorney
- _____ Petitioner
- _____ Petitioner's Attorney
- _____ Wind River Indian Police
- _____ Fremont County Sheriff's Office
- _____ Other: _____
- _____ Other: _____
- _____ Other: _____

SHOSHONE AND ARAPAHOE TRIBAL COURT
 Shoshone and Arapahoe Tribes
 Wind River Indian Reservation
 Fort Washakie, Wyoming

In the Matter of: _____)
 _____)
 Plaintiff _____)
 v. _____)
 Defendant _____)
 _____)

Civil No. _____

EX PARTE ORDER OF PROTECTION

BASED upon the verified Complaint on the file herein and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

- 1) That the Defendant immediately refrain physically abusing or threaten to physically abuse or committing any action which unreasonable refrains Plaintiff's physical liberty.
- 2) That Defendant immediately vacate and refrain from reentering Plaintiff's dwelling at:

- 3) That Defendant, _____ indicate any contact with Plaintiff
 _____.
- 4) Other as deemed appropriate by the Court: _____

- 5) That a hearing on Plaintiff's complaint will be held before a Judge of the Court on the _____ day of _____ 20____, at the hour of _____ a.m., at the Shoshone and Arapahoe Tribal Court, Fort Washakie, Wyoming.
- 6) That Plaintiff shall have a copy of this Order together with a copy of the verified Complaint personally served upon the Defendant immediately.

- 7) That Plaintiff is further Ordered to cause a copy of this Order, together with a copy of the proof of service, to be delivered to the appropriate law enforcement agency.
- 8) That unless Plaintiff appears on the hearing date to show cause why the Ex Parte Order of Protection should be extended, this Order will automatically dissolved as of such hearing date and time.
- 9) WILLFUL VIOLATION OF THIS TEMPORARY ORDER OF PROTECTION IS PUNISHABLE AS CONTEMPT OF COURT.

Dated this _____ day of _____, 20_____.

Tribal Judge

SHOSHONE AND ARAPAHOE TRIBAL COURT

Shoshone and Arapahoe Tribes
Wind River Indian Reservation
Fort Washakie, Wyoming

Plaintiff (Name),
)
)
)
v. (Name),
)
Defendant. (Name),
)
)
_____)

PROTECTION ORDER

CIVIL CASE NO. _____

CERTIFICATION OF PROTECTION ORDER

It is hereby certified that the attached is a true and correct copy of the order entered in the above-captioned action on _____(date) and that the original of the attached order was duly executed by the Judicial authority whose signature appears thereon. The order expires on _____(date).

This order is: [] A Civil Protection Order

It is further certified that:

- (a) the issuing court determined that it had jurisdiction over the parties and the subject matter under the laws of Shoshone and Arapahoe Tribes
- (b) the defendant was given reasonable notice and opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued ex parte, the court ordered that the defendant be given reasonable notice and opportunity to be heard within the time required by the law of this jurisdiction, and in any event within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.
- (c) The order was otherwise issued in accord with the requirement of the Full Faith and Credit Provisions of the Violence Against Women Act; Title IV, Subtitle B, Chapter 2 of the Violent Crime Control and Law Enforcement Act of 1994. 18 U.S.C 2265.

[] the order was issued in accordance with the requirements of the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act of this state/territory and consistent with the strictures of the federal Paternal Kidnapping Prevention Act, Paternal Kidnapping Prevention Act. Parental Kidnapping Prevention Act, Pub. L. No. 96-611, 94 Stat. 3566 (1980).

The attached order shall be presumed to be valid and enforceable in this and other jurisdictions.

Signature of Clerk of Court or other authorized official: _____

Shoshone and Arapahoe Tribal Court Address: P.O. Box 608, Ft. Washakie, WY 82514

Phone: (307) 332-6702 or 6770 Fax: (307) 332-7587 Date: _____

Sisseton Wahpeton Oyate Tribal Court

- Protection Order

- _____ 5. Respondent shall be required to pay child support in the amount of _____ per _____ by payroll deduction if the Respondent is employed.
- _____ 6. The Respondent shall immediately enroll and complete domestic violence offender classes with _____ and verify attendance with the courts.
- _____ 7. The Petitioner shall be awarded the following personal property: _____

 and the Respondent shall be awarded the following personal property: _____

 Respondent must make arrangements through a third party to obtain said property,
- _____ 8. Other Relief granted:

Violation of this order is a crime under tribal law and shall subject you to immediate arrest. Consent by the petitioner to a violation is not a defense to prosecution.

This order shall be delivered to both tribal and local state and county law enforcement for enforcement. This order is made pursuant to tribal law and is entitled full faith and credit in all other state and tribal jurisdictions under 18 USC 2265.

CERTIFICATE OF COMPLIANCE

This protection order meets all Full Faith and Credit requirements of the Violence Against Women Act. The court has jurisdiction of the parties and the subject matter and the respondent is being given and the right to be heard before a permanent protection order is entered. This order is valid and entitled to enforcement in all jurisdictions.

So ordered this _____ day of _____, 20____.

 Tribal Court Judge

ATTEST: _____
 Clerk of Courts

SEAL:

Sitka Tribal Court

- Domestic Violence Ex Parte (20-Day) Protective Order
- Domestic Violence Long-Term Protective Order

**IN THE SITKA TRIBE OF ALASKA
SITKA TRIBAL COURT**

_____))
Petitioner Date of Birth))
v.))
_____))
Respondent Date of Birth))
_____))

CASE NO. _____

**DOMESTIC VIOLENCE
EX PARTE (20-DAY)
PROTECTIVE ORDER**

A hearing on petitioner's request for an ex parte protective order was held on _____ with petitioner respondent present.

Also present: _____

Based on the petition and testimony presented at the hearing, the court makes the following findings and order:

JURISDICTION

1. Pursuant to the laws of the Sitka Tribe of Alaska, the Sitka Tribal Court may exercise jurisdiction over this matter because:
 - a. Both the petitioner and the respondent are tribal citizens or are eligible to be enrolled with the Sitka Tribe of Alaska.
 - b. The respondent is a tribal citizen.
 - c. The petitioner is a tribal citizen and the respondent has entered into consensual relationships with a tribal citizen.
 - d. The petitioner is a tribal citizen and the respondent's conduct threatens or has a direct effect on the political integrity, the economic security, or the health and welfare of the tribe.
 - e. Both the petitioner and the respondent are not tribal citizens, but domestic violence between the parties threatens or affects children who are tribal citizens or are eligible to be enrolled with the Sitka Tribe of Alaska.

EX PARTE ORDER FINDINGS

1. The relationship between petitioner and respondent is that of:
 - a. Persons who are current or former spouses.
 - b. Persons who live together or who have lived together.
 - c. Persons who are dating or who have dated.
 - d. Persons who are engaged in or who have engaged in a sexual relationship.

- e. Persons who are related to each other by blood (including half-blood) and adoption, up to the fourth degree of consanguinity, including spouses, parents, grandparents, grandchildren, siblings, aunts, uncles, nephews, nieces, and first cousins.
 - f. Persons who are related or formerly related by marriage.
 - g. Persons who have a child of the relationship.
 - h. Minor child and a person in a relationship described in a. through g. above with the minor child's parent, or the minor children of persons in a relationship described in a. through g. above.
2. Probable cause exists that a crime of domestic violence as defined in section 1.03 of the Sitka Tribe of Alaska Domestic Violence Ordinance has occurred.
 3. Immediate action is necessary to protect the petitioner and or the petitioner's child or children from domestic violence.
 4. Notice and opportunity to be heard shall be provided within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.
 5. The petitioner has certified to the court in writing the efforts, if any, taken to provide notice to the respondent.

PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. Petitioner's request for an ex parte protective order is GRANTED, and it is ordered that:
 - a. Respondent will not threaten to commit or commit acts of domestic violence, stalking or harassment.
 - b. Respondent will not be in the physical presence of, telephone, contact or otherwise communicate directly or indirectly with petitioner or other family or household member(s), except: _____

 - c. Respondent will leave and stay away from the petitioner's residence located at the following address:

 - Respondent is not to be within _____ feet/miles of petitioner's residence.
 - d. Respondent will stay away from and not telephone or contact the following additional locations:
 - Petitioner's place of employment
 - Petitioner's school

- STA tribal offices, except to file documents in the Sitka Tribal Court
- Respondent will stay outside the boundaries of the Sitka Indian Village, except for the purposes of filing documents in the Sitka Tribal Court.
- The following places frequented by petitioner or a member of the petitioner's family or household:

Place	Name of Household Member
_____	_____
_____	_____
_____	_____

Exceptions to the above restrictions: _____

- e. Respondent will not enter or follow a propelled vehicle in the possession of or occupied by petitioner.
- f. A peace officer will accompany the petitioner to the petitioner's residence to ensure that the petitioner safely obtains possession of the petitioner's residence, vehicle or personal items, and that the petitioner is able to safely remove a vehicle or personal items from the petitioner's residence.
- g. Petitioner will have possession and use of the following:

The following described vehicle and keys to it:

Description and License Plate Number: _____

Essential personal items, including:

- h. Respondent shall not possess or use controlled substances.
- i. Other relief necessary to protect the safety of the petitioner or any other family or household member; _____
- j. Respondent may return once to the residence located at _____ with a police escort to pick up essential personal belongings, clothing, and the following undisputed items:

3. Child Custody/Visitation/Support

It is further ordered that:

- a. Custody. The petitioner will have temporary custody of the child(ren) listed below (name and date of birth):

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

- b. **Travel.** _____ may not remove the child(ren) named in paragraph 2.a. from the State of Alaska, except: _____

- c. Visitation. The court finds that:

Yes, the safety of the child(ren) and the petitioner can be protected. Visitation will be allows as follows: _____

No, the safety of the child(ren) and the petitioner cannot be protected. The respondent will not be allowed visitation.

- d. Support. The court finds that a minor child is in the care of the petitioner and the respondent has an independent legal obligation to support the minor child and/or the petitioner. The Court orders that:

The matter be referred to the State of Alaska Child Support Enforcement Division for establishment of a child support order, or

The respondent shall pay support to the petitioner in the amount of \$ _____ per month.

NOTICE TO RESPONDENT

PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT OF 1994, 18 U.S.C. § 2265, THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS AND U.S. TERRITORIES.

UNDER ALASKA LAW, VIOLATION OF THIS ORDER MAY BE A MISDEMEANOR, PUNISHABLE BY UP TO ONE YEAR OF INCARCERATION AND UP TO A \$5,000 FINE. IF YOU VIOLATE THIS ORDER, YOU CAN BE ARRESTED BY A PEACE OFFICER WITHOUT A WARRANT.

IF YOU ARE ORDERED TO HAVE NO CONTACT WITH THE PETITIONER OR TO STAY AWAY FROM THE PETITIONER’S RESIDENCE, VEHICLE, OR OTHER PLACE DESIGNATED BY THE COURT, AN INVITATION BY THE PETITIONER TO HAVE THE PROHIBITED CONTACT OR TO BE PRESENT AT OR ENTER THE RESIDENCE, VEHICLE, OR OTHER PLACE DOES NOT IN ANY WAY INVALIDATE OR NULLIFY THIS ORDER.

NOTICE TO BOTH PARTIES

While this protective order is in effect, both petitioner and respondent

1. Must keep the court informed of a means of contacting you (address and phone) so the court can notify you should there be any further action in the case (ask for confidentiality if necessary); and
2. Have a continuing duty to inform the court in writing of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent.

WRIT OF ASSISTANCE

TO: Any Peace Officer, State of Alaska

You are commanded to use every lawful means to enforce the above order. You shall:

- [] Escort and assist the petitioner to obtain possession of the residence at _____ and remove respondent if necessary.
- [] Escort and assist petitioner to safely obtain possession of the items listed in paragraph 1.i of the this order.
- [] Assist respondent once to recover undisputed personal items, clothing or other property listed in paragraph 1.u of this order. You shall notify the petitioner of the time and date you will accompany the respondent to the residence. The petitioner may be present. Any item the petitioner objects to respondent removing, you will restrain the respondent from removing from the residence.

[] Assist _____ to obtain physical custody of the minor child(ren) named in paragraph 2.a of this order from any other person. You may enter any location where you have probable cause to believe the child(ren) may be found.

[] You shall also _____

MODIFCATION

Either party may ask the court to change or end this order. A form for making this request is available at the Sitka Tribe of Alaska main officers.

EFFECTIVE DATES

All other provisions of this order and writ will be in effect for **20 days** unless modified or dissolved earlier by court order.

This order will be served on the respondent as follows:

[] In court on this date:

Effective date and time

[] By first-class mail

[] By police

IT IS SO ORDERED.

Dated at Sitka, Alaska this _____ day of _____, 20____

Tribal Court Judge

**IN THE SITKA TRIBE OF ALASKA
SITKA TRIBAL COURT**

_____)
 Petitioner Date of Birth)
 _____)
 v. _____)
 _____)
 Respondent Date of Birth)
 _____)

CASE NO. _____

**DOMESTIC VIOLENCE
LONG-TERM PROTECTIVE ORDER**

A hearing on petitioner’s request for a protective order was held on _____ with
 petitioner respondent present.

Also present: _____

 _____.

Based on the petition and testimony presented at the hearing, the court makes the following findings and order:

JURISDICTION

1. Pursuant to the laws of the Sitka Tribe of Alaska, the Sitka Tribal Court may exercise jurisdiction over this matter because:
 - a. Both the petitioner and the respondent are tribal citizens or are eligible to be enrolled with the Sitka Tribe of Alaska.
 - b. The respondent is a tribal citizen.
 - c. The petitioner is a tribal citizen and the respondent has entered into consensual relationships with a tribal citizen.
 - d. The petitioner is a tribal citizen and the respondent’s conduct threatens or has a direct effect on the political integrity, the economic security, or the health and welfare of the tribe.
 - e. Both the petitioner and the respondent are not tribal citizens, but domestic violence between the parties threatens or affects children who are tribal citizens or are eligible to be enrolled with the Sitka Tribe of Alaska.

FINDINGS

The Court finds by a preponderance of evidence that:

1. The relationship between petitioner and respondent is that of:
 - a. Persons who are current or former spouses.
 - b. Persons who live together or who have lived together.
 - c. Persons who are dating or who have dated.
 - d. Persons who are engaged in or who have engaged in a sexual relationship.
 - e. Persons who are related to each other by blood (including half-blood) and adoption, up to the fourth degree of consanguinity, including spouses, parents, grandparents, grandchildren, siblings, aunts, uncles, nephews, nieces, and first cousins.
 - f. Persons who are related or formerly related by marriage.
 - g. Persons who have a child of the relationship.
 - h. Minor child and a person in a relationship described in a. through g. above with the minor child's parent, or the minor children of persons in a relationship described in a. through g. above.

2. The respondent has committed domestic violence against the petitioner as defined in section 1.03 of the Sitka Tribe of Alaska Domestic Violence Ordinance. This is a civil finding based on a preponderance of the evidence and is not a criminal conviction.

3. The respondent has received actual notice of the hearing and been given an opportunity to be heard.

4. Respondent does does not represent a credible threat to the physical safety of the Petitioner or a minor child in the care of the petitioner.

5. Other findings:

PROTECTIVE ORDER

IT IS HEREBY ORDERED THAT:

1. Petitioner's request for a protective order is GRANTED, and it is ordered that:
 - a. Respondent will not threaten to commit or commit acts of domestic violence, stalking or harassment.

 - b. Respondent will not be in the physical presence of, telephone, contact or otherwise communicate directly or indirectly with petitioner or other family or household member(s), except: _____
-

- c. Respondent will leave and stay away from the petitioner's residence located at the following address:

- Respondent is not to be within _____ feet/miles of petitioner's residence.

- d. Respondent will stay away from and not telephone or contact the following additional locations:

- Petitioner's place of employment
 Petitioner's school
 STA tribal offices, except to file documents in the Sitka Tribal Court
 Respondent will stay outside the boundaries of the Sitka Indian Village, except for the purposes of filing documents in the Sitka Tribal Court.
 The following places frequented by petitioner or a member of the petitioner's family or household:

Place	Name of Household Member
_____	_____
_____	_____
_____	_____

Exceptions to the above restrictions: _____

- e. Respondent will not enter or follow a propelled vehicle in the possession of or occupied by petitioner.
- f. Respondent will not use or possess a deadly weapon, including firearms, based on the court's finding that the respondent was in the actual possession of or used a weapon during the commission of domestic violence.
- g. Respondent will surrender any firearm owned or possessed by the respondent to _____ no later than _____, based on the court's finding that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence.
- h. Respondent will surrender any firearm owned or possessed by the respondent to _____ no later than _____, based on the court's finding that the respondent received notice of this protective order hearing and an opportunity to be heard.
- i. A peace officer will accompany the petitioner to the petitioner's residence to ensure that the petitioner safely obtains possession of the petitioner's residence, vehicle, or personal items, and that the petitioner is able to safely remove a vehicle or personal items from the petitioner's residence.

j. Petitioner will have possession and use of the following:

The following described vehicle and keys to it:

Description and License Number: _____

Essential personal items, including:

k. Respondent shall not possess or use controlled substances.

l. Respondent will enroll in and complete the listed rehabilitation/treatment program(s) at the respondent's expense:

The following program for the rehabilitation of perpetrators of domestic violence:

The following alcohol abuse treatment program:

The following substance abuse treatment program:

The following personal or family counseling service:

m. Respondent will reimburse petitioner or other specified person for expenses associated with the domestic violence, including medical expenses, counseling, shelter and repair or replacement of damaged property, as described below.

Pay to:	Type of Expense	Amount
_____	_____	_____
_____	_____	_____

n. Respondent to pay the petitioner's costs and fees associated with bringing this action in the amount of \$ _____ to _____.

o. Respondent will not receive the following benefits and/or services available to respondent that are directly related to being a citizen of the Sitka Tribe of Alaska:

a. General assistance

b. Education assistance

c. Traditional foods

d. Other service or benefit: _____

- [] p. The Court will recommend to the Sitka Tribe of Alaska Enrollment Committee that the respondent be disenrolled.
- [] q. Respondent will complete _____ hours of community work service with the following community service organization or Sitka Tribe of Alaska program: _____ . The respondent must provide proof of completion in the form of written letter from the organization. The letter must include documentation of the dates and the amount of time respondent spent performing community work service.
- [] r. Respondent will pay restitution to the victim of domestic violence or associated persons in the form of money, subsistence foods or other appropriate reparations as stated below.

Pay to:	Reparation (Form and/or Amount)
_____	_____
_____	_____

- [] s. Respondent will not destroy or deface regalia or at.oow.
- [] t. Other relief necessary to protect the safety of the petitioner or any other family or household member: _____
- [] u. Respondent may return **once** to the residence located at _____ with a police escort to pick up essential personal belongings, clothing, and the following undisputed items: _____

3. Child Custody/Visitation/Support

It is further ordered that:

- [] a. **Custody.** The petitioner will have temporary custody of the child(ren) listed below (name and date of birth):

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

- [] b. **Travel.** _____ may not remove the child(ren) named in paragraph 2.a. from the State of Alaska, except: _____

[] c. **Visitation.** The court finds that:

[] Yes, the safety of the child(ren) and the petitioner can be protected. Visitation will be allowed as follows: _____

[] No, the safety of the child(ren) and the petitioner cannot be protected. The respondent will not be allowed visitation.

[] d. **Support.** The court finds that a minor child is in the care of the petitioner and the respondent has an independent legal obligation to support the minor child and/or the petitioner. Therefore, the respondent will pay support to the petitioner in the amount of \$ _____.

NOTICE TO RESPONDENT

PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT OF 1994, 18 U.S.C. § 2265, THIS ORDER IS ENFORCEABLE IN ALL FIFTY (50) STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS AND U.S. TERRITORIES.

UNDER ALASKA LAW, VIOLATION OF THIS ORDER MAY BE A MISDEMEANOR, PUNISHABLE BY UP TO ONE YEAR OF INCARCERATION AND UP TO A \$5,000 FINE. IF YOU VIOLATE THIS ORDER, YOU CAN BE ARRESTED BY A PEACE OFFICER WITHOUT A WARRANT.

IF YOU POSSESS A FIREARM OR AMMUNITION WHILE THIS ORDER IS IN EFFECT, YOU MAY BE CHARGED WITH A FEDERAL OFFENSE IF PARAGRAPHS 1.F, 1.G, AND 1.H. DO NOT PROHIBIT YOU FROM POSSESSING THESE ITEMS.

IF YOU ARE ORDERED TO HAVE NO CONTACT WITH THE PETITIONER OR TO STAY AWAY FROM THE PETITIONER'S RESIDENCE, VEHICLE, OR OTHER PLACE DESIGNATED BY THE COURT, AN INVITATION BY THE PETITIONER TO HAVE THE PROHIBITED CONTACT OR TO BE PRESENT AT OR ENTER THE RESIDENCE, VEHICLE, OR OTHER PLACE DOES NOT IN ANY WAY INVALIDATE OR NULLIFY THIS ORDER.

NOTICE TO BOTH PARTIES

While this protective order is in effect, both petitioner and respondent

1. Must keep the court informed of a means of contacting you (address and phone) so the court can notify you should there be any further action in the case (ask for confidentiality if necessary); and
2. Have a continuing duty to inform the court in writing of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent.

WRIT OF ASSISTANCE

TO: Any Peace Officer, State of Alaska

You are commanded to use every lawful means to enforce the above order. You shall:

- [] Escort and assist the petitioner to obtain possession of the residence at _____ and remove respondent if necessary.
- [] Escort and assist petitioner to safely obtain possession of the items listed in paragraph 1.i of the this order.
- [] Assist respondent once to recover undisputed personal items, clothing or other property listed in paragraph 1.u of this order. You shall notify the petitioner of the time and date you will accompany the respondent to the residence. The petitioner may be present. Any item the petitioner objects to respondent removing, you will restrain the respondent from removing from the residence.
- [] Assist _____ to obtain physical custody of the minor child(ren) named in paragraph 2.a of this order from any other person. You may enter any location where you have probable cause to believe the child(ren) may be found.
- [] You shall also _____

MODIFCATION

Either party may ask the court to change or end this order. A form for making this request is available at the Sitka Tribe of Alaska main officers.

EFFECTIVE DATES

All other provisions of this order and writ will be in effect for **six (6) months** unless modified or dissolved earlier by court order.

This order will be served on the respondent as follows:

In court on this date:

_____ Effective date and time

By first-class mail

By police

IT IS SO ORDERED.

Dated at Sitka, Alaska this _____ day of _____, 20____

Tribal Court Judge

Squaxin Island Tribal Court

- Temporary Order of Protection
- Confidential info form
- Order of Protection
- Foreign Protection Order Fax Filing Cover Sheet

SQUAXIN ISLAND TRIBAL COURT
SQUAXIN ISLAND INDIAN RESERVATION
 S.E. 70 Squaxin Lane
 Shelton, WA 98584
 (360) 426-5222
 FAX (360) 426-8753

FOR SQUAXIN ISLAND TRIBAL COURT		NO. SQI-Ci- _____
_____ Petitioner	_____ DOB	TEMPORARY ORDER FOR PROTECTION AND NOTICE OF HEARING
v.		
_____ Respondent	_____ DOB	Next Hearing Date/Time: _____ At: _____ _____

Identification of Minors: No Minors Involved.

Name (First, Middle Initial, Last)	Age	Race	Sex

For good cause shown, the court finds that an emergency exists and that a Temporary Protection Order should be issued without notice to the respondent to avoid irreparable harm. **IT IS THEREFORE ORDERED THAT:**

	1. Respondent is RESTRAINED from causing petitioner physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
	2. Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3rd party or contact by respondent's lawyer(s) with <input type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:

	<p>3. Respondent is RESTRAINED from going onto the grounds of or entering petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: <input type="checkbox"/> other <input type="checkbox"/> Petitioner's address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is:</p>
	<p>4. Petitioner shall have exclusive right to the residence petitioner and respondent share. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and respondent's tools of trade from the residence while a law enforcement officer is present. <input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
	<p>5. Respondent is PROHIBITED from knowingly coming within, or knowingly remaining within _____ (distance) of: petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school; <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: <input type="checkbox"/> other:</p>
	<p>6. Petitioner shall have possession of essential personal belongings, including the following:</p>
	<p>7. Petitioner is granted the use of the following vehicle: Year, Make & Model _____ License No. _____</p>
	<p>8. OTHER:</p>
<p>Complete the following only if protection is granted involving a minor:</p>	
	<p>12. Petitioner is GRANTED the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
	<p>13. Respondent is RESTRAINED from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
	<p>14. Respondent is RESTRAINED from removing from the state <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p>
<p>The respondent is directed to appear and show cause why this temporary order should not be made effective for one year or more and why the court should not order the relief requested by the petitioner or other relief which may include electronic monitoring, payment of costs, and treatment. FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT GRANTING SUCH RELIEF. THE NEXT HEARING DATE AND TIME IS SHOWN BELOW THE CAPTION ON PAGE ONE.</p>	

WARNINGS TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter Squaxin Island Tribal Code 9.12.1080 and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Violation of this order is a misdemeanor. effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C. section 922(g)(8).

A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If the respondent is convicted of an offense of domestic violence the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9).

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

It is further ordered that the clerk of the court shall forward a copy of this order on or before the next judicial day to _____ [] County Sheriff's Office [] Police Department

WHERE PETITIONER LIVES which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

[] The clerk of the court shall also forward a copy of this order on or before the next judicial day to _____ [] County Sheriff's Office [] Police Department **WHERE RESPONDENT LIVES** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

[] Petitioner has made private arrangements for service of this order.

[] The law enforcement agency where [] petitioner [] respondent lives shall assist petitioner in obtaining:
[] Possession of petitioner's [] residence [] personal belongings located at: [] the shared residence [] respondent's residence [] other: _____

[] Custody of the above-named minors, including taking physical custody for delivery to petitioner (if applicable)

[] Other: _____

This temporary Order for Protection is effective until the next hearing date shown below the caption on page one.

DATED _____ at _____ a.m./p.m.

JUDGE

Presented by:

Petitioner

CONFIDENTIAL INFORMATION FORM (INFO)

SQUAXIN ISLAND TRIBE	Cause Number:	Do not file in a public access file.
COURT CLERK: THIS IS A RESTRICTED ACCESS DOCUMENT		

Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications Other
 Domestic Violence Antiharassment Information Change (Check if you are updating information)

A restraining order or protection order is in effect protecting **the petitioner** **the respondent**
 the children.

The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____

The following information about the parties is required in all cases:
 (Use the Addendum To Confidential Information Form to list additional parties or children)

Petitioner Information			Type or Print only	Respondent Information		
Name (Last, First, Middle)			Name (Last, First, Middle)			
Race	Sex	Birthdate	Race	Sex	Birthdate	
Driver's Lic. or Identicard (# and State)			Driver's Lic. or Identicard (# and State), (or, if unavailable, residential address)			
Mailing Address (P.O. Box/Street, City, State, Zip)			Mailing Address (P.O. Box/Street, City, State, Zip)			
Relationship to Child(ren)			Relationship to Child(ren)			

The following information is required if there are children involved in the proceeding.
 (Soc. Sec. No. is not required for petitions in protection order cases (Domestic Violence/Antiharassment.))

1) Child's Name (Last, First, Middle)

Child's Race/Sex/Birthdate

Child's Soc. Sec. No. (if required)

Child's Present Address or Whereabouts

SQUAXIN ISLAND TRIBAL COURT
SQUAXIN ISLAND INDIAN RESERVATION
 S.E. 70 Squaxin Lane
 Shelton, WA 98584
 (360) 426-5222
 FAX (360) 426-8753

FOR SQUAXIN ISLAND TRIBAL COURT		NO. SQI-Ci- _____ ORDER FOR PROTECTION
_____ Petitioner	_____ DOB	
v.		
_____ Respondent	_____ DOB	

The court has jurisdiction over the parties, the minors, and the subject matter. If minors are involved, this state has exclusive continuing jurisdiction is the home state; no other state has exclusive continuing jurisdiction; other: _____

Notice of this hearing was served on the respondent by personal service service by mail pursuant to court order service by publication pursuant to court order other _____

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C./2265.
 Identification of Minors: No Minors Involved.

Name (First, Middle Initial, Last)	Age	Race	Sex

Based upon the petition, testimony, and case record, the court finds that the respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner, and **IT IS THEREFORE ORDERED THAT:**

	1. Respondent is RESTRAINED from causing petition physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <input type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
--	---

	<p>2. Respondent is RESTRAINED from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for a mailing or service of process of court documents by a 3rd party or contact by Respondent's lawyer(s) with <input type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p>If both parties are in the same location, respondent shall leave.</p>
	<p>3. Respondent is EXCLUDED from petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> Other</p> <p><input type="checkbox"/> Petitioner's address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is:</p>
	<p>4. Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately VACATE the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.</p> <p><input type="checkbox"/> This address is confidential. <input type="checkbox"/> Petitioner waives confidentiality of this address which is:</p>
	<p>5. Respondent is PROHIBITED from knowingly coming within, or knowingly remaining within _____ (distance) of: petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> the day care or school of <input type="checkbox"/> the minors named on page one <input type="checkbox"/> these minors only:</p> <p><input type="checkbox"/> other:</p>
	<p>6. Petitioner shall have possession of essential personal belongings, including the following:</p>
	<p>7. Petitioner is granted the use of the following vehicle:</p> <p>Year, Make & Model _____ License No. _____</p>
	<p>8. Other:</p>
	<p>9. Respondent shall participate in treatment and counseling as follows:</p> <p><input type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling at: _____</p> <p><input type="checkbox"/> parenting classes at: _____</p> <p><input type="checkbox"/> drug/alcohol treatment at: _____</p> <p><input type="checkbox"/> other: _____</p>
	<p>10. Petitioner is granted judgment against Respondent for \$ _____ fees and costs.</p>
	<p>11. Parties shall return to court on _____, at _____ .m. for review.</p>
<p>Complete only if the protection ordered involves children</p>	

	12. Petitioner is GRANTED the temporary care, custody, and control of [] the minors named in the table above [] these minors only:
	13. Respondent is RESTRAINED from interfering with petitioner’s physical or legal custody of [] the minors named in the table above [] these minors only:
	14. Respondent is RESTRAINED from removing from the state [] the minors named in the table above [] these minors only:
	<p>15. The respondent will be allowed visitations as follows: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Petitioner may request modification of visitation if respondent fails to comply with treatment or counseling as ordered by the court.</p>

WARNINGS TO THE RESPONDENT: Violation of the provisions of this order with actual notice of its terms is a criminal offense under Squaxin Island Tribal Code 9.12.1080 and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C./ __2261, 2261A, or 2262.

Violation of this order is a misdemeanor. Effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C./ __922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C./ __925(a)(1). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C./ __922(g)(9); RCW 9.41.040.

YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER’S PROHIBITIONS. You have the sole responsibility to avoid or refrain from violating the order’s provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C./ __2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Foreign Protection Order Fax Filing Cover Sheet

Originating Court Name: SQUAXIN ISLAND TRIBAL COURT
Original Court Case Number: _____
Documents transmitted: _____

(check all that apply)

- Petition for Order of Protection
- Temporary Order of Protection and Notice of Hearing
- Order of Protection
- Confidential Information Sheet
- Child Custody Information Sheet
- Law Enforcement Sheet
- Re-issuance of Temporary Order of Protection and Notice of Hearing
- Order/Terminating/Modifying Temporary Order
- Other _____

The following documents are required at the time of transmission of the Temporary Order:

- Law Enforcement Sheet (LEA)
- Confidential Information Sheet (CIF)

Please note that failure to include a CIF will cause the automatic rejection of the Foreign Protection Order. Failure to include an LEA will render Law Enforcement unable to enter the Order(s) into the statewide database known as WACIC.

Contact person at Originating Court: _____
Phone Number: (360) 426-5222
Fax Number: (360) 426-8753

Receiving Court's Acknowledgment

Receiving Court: Mason County Clerk's Office for Superior Court

Receiving Court's Cause Number: _____

Date received indicated with file stamp below:

Mason County Clerk
Fax: 360-427-7266
Phone: 360-427-9670 x346

2) Child's Name (Last, First, Middle)
Child's Race/Sex/Birthdate
Child's Soc. Sec. No. (If required)
Child's Present Address or Whereabouts
List the names and present addresses of the persons with whom the child(ren) lived during the last five years:
List the names and present addresses of any person besides you and the respondent who has physical custody of, or claims rights of custody or visitation with, the child(ren):

<u>Except for petitions in protection order cases (Domestic Violence/Antiharassment), the following information is required:</u>	
Petitioner's Information	Respondent's Information
Soc. Sec. No.:	Soc. Sec. No.:
Residential Address (Street, City, State, Zip)	Residential Address (Street, City, State, Zip)
Telephone No.: ()	Telephone No.: ()
Employer	Employer
Empl. Address:	Empl. Address:
Empl. Phone No.: ()	Empl. Phone No.: ()
For Nonparental Custody Petitions only, list other Adults in Petitioner(s) household (Name/DOB):	

Additional information: _____

Addendum To Confidential Information Form is attached.

I certify under penalty of perjury under the laws of the state of Washington that the above information is true and accurate concerning myself and is accurate to the best of my knowledge as to the other party, or is unavailable. The information is unavailable because _____

Signed on _____ (Date) at _____ (City and State).

 Petitioner/Respondent

Standing Rock Tribal Court

- Permanent Protection Order

**STANDING ROCK TRIBAL COURT
STANDING ROCK INDIAN RESERVATION IN TRIBAL COURT
FORT YATES, NORTH DAKOTA**

_____	,)	
Petitioner)	
	)	CIV # _____
v.)	
	)	PERMANENT PROTECTION ORDER
_____	,)	
Respondent)	

The petitioner having applied to this Court with supporting evidence for a temporary and permanent protection order and the Court having reviewed the petition (and having examined the Petitioner regarding the Petition) and after having conducted a hearing on the _____ day of _____, 20____, after due and legal notice was given to the Respondent who appeared/ failed to appear and after hearing the evidence and being duly advised in the premises, it is ordered as follows:

TO THE RESPONDENT:

You are hereby notified and advised that the petitioner above-named has received a permanent protection order from this Court. You are ordered not to have direct or indirect contact with the Petitioner, either in person or through family members or third parties. You must stop any domestic violence against the Petitioner. This includes: assaults, threats, following in public, sexual activity compelled by force, telephone calls, or inquires made by third parties to the Petitioner at your request.

It is further ordered as follows:

- _____ 1. That the Respondent is restrained from having any contact with the Petitioner at her residence, place of employment or any place in private or public for a period of _____ year. This includes any threats of harm, contact through third parties or family members or written or telephonic communication.

- _____ 2. Respondent shall be excluded from the family residence at _____.

- _____ 3. Petitioner shall have permanent custody of the following minor children: _____, _____, _____, subject to the following visitation by the Respondent: _____.

- _____ 4. Respondent is directed to surrender to law enforcement the following items: _____ . Law Enforcement shall keep these items until the expiration of this protection order.

- _____ 5. Respondent shall be required to pay child support in the amount of _____ per _____ by payroll deduction if the Respondent is employed.

_____ 6. The Respondent shall immediately enroll and complete domestic violence offender classes with _____ and verify attendance with the courts.

_____ 7. The Petitioner shall be awarded the following personal property:

_____ and the Respondent shall be awarded the following personal property:

_____ Respondent must make arrangements through a third party to obtain said property,

_____ 8. Other Relief granted: _____

Violation of this order is a crime under tribal law and shall subject you to immediate arrest. Consent by the petitioner to a violation is not a defense to prosecution.

This order shall be delivered to both tribal and local state and county law enforcement for enforcement. This order is made pursuant to tribal law and is entitled full faith and credit in all other state and tribal jurisdictions under 18 USC 2265.

CERTIFICATE OF COMPLIANCE

This protection order meets all Full Faith and Credit requirements of the Violence Against Women Act. The court has jurisdiction of the parties and the subject matter and the respondent is being given and the right to be heard before a permanent protection order is entered. This order is valid and entitled to enforcement in all jurisdictions.

So ordered this _____ day of _____, 20__.

ATTEST: _____
Clerk of Courts

Tribal Court Judge

SEAL:

Tetlin Tribal Court

- Temporary Protective Order
- Final Protective Order
- Certification of Protective Order

TETLIN TRIBAL COURT

Tetlin, Alaska

_____)	
Plaintiff)	
	)	Case No. _____
v.)	
)	
_____)	
Defendant)	
_____)	

TEMPORARY PROTECTIVE ORDER

A hearing was held in this matter on the _____ day of _____, 20____. The Petitioner, _____ (name), received notice of the hearing and participated/ did not participate (circle one). The Respondent, _____ (name) received notice of the hearing and participated/did not participate (circle one).

BEING FULLY INFORMED IN THE MATTER, THE TRIBAL COURT FINDS: _____

THE TRIBAL COURT ORDERS: _____

THIS ORDER EXPIRES AT: 8:00 AM, _____, _____, 20____.

DONE BY ACTION OF THE TRIBAL COURT THIS _____ DAY OF _____, 20____.

STATEMENT OF SERVICE

I [] mailed return receipt requested restricted delivery or [] personally gave (check one) a copy of this petition to the other people involved on the _____ day of _____, 20____.

Tribal Court Judge

TETLIN TRIBAL COURT
Tetlin, Alaska

Plaintiff	,)	
)	
	)	Case No. _____
v.)	
)	
Defendant	,)	
)	
)	

FINAL PROTECTIVE ORDER

A hearing was held in this matter on the _____ day of _____, 20____. The Petitioner, _____ (name), received notice of the hearing and participated/did not participate (circle one). The Respondent, _____ (name) received notice of the hearing and participated/did not participate (circle one).

BEING FULLY INFORMED IN THE MATTER, THE TRIBAL COURT FINDS: _____

THE TRIBAL COURT ORDERS: _____

THIS ORDER EXPIRES AT: 8:00 AM, _____, _____, 20____.

DONE BY ACTION OF THE TRIBAL COURT THIS _____ DAY OF _____, 20____.

STATEMENT OF SERVICE

I [] mailed return receipt requested restricted delivery or [] personally gave (check one) a copy of this petition to the other people involved on the _____ day of _____, 20____.

Tribal Court Judge

NOTICE TO THE DEFENDANT

If you violate this court order, you will be subject to a broad range of sanctions under Tribal Law, up to and including permanent banishment from the community.

Pursuant to the Violence Against Women Act of 1994, 18 U.S.C. § 2265, this order is enforceable in all fifty (50) states, the District of Columbia, tribal lands and U.S. territories.

If a final order should be entered against you after the hearing, whether or not you attended, you may be prohibited from possessing, transporting, or accepting a firearm under the 1994 amendment to the Gun Control Act, 18 U.S.C. § 922(g)(8).

Violation of this order may subject you to the following federal charges and punishment:

If you travel across state or tribal land lines with the intent to injure the plaintiff and then intentionally commit a crime of violence causing bodily injury to the plaintiff, you may be convicted or committing a federal offense under the VAWA, 18 U.S.C. § 2261(a)(1). You may also be convicted of committing a federal offense if you cause the plaintiff to cross state or tribal land lines for this purpose. 18 U.S.C. § 2262(a)(2).

TETLIN TRIBAL COURT

Tetlin, Alaska

_____)	
Plaintiff)	
	)	Case No. _____
v.)	
)	
_____)	
Defendant)	
_____)	

CERTIFICATION OF PROTECTIVE ORDER

It is hereby certified that the attached is a true and correct copy of the order entered in the above-captioned action on _____ (date) and that the original of the attached order was duly executed by the judicial authority whose signature appears thereon. The order expires on _____ (date).

The order is a civil protection order, requiring restraint of conduct.

It is further certified that:

(a) the issuing court determined that it had jurisdiction over the parties and the subject matter under the laws of _____ Tribe.

(b) the defendant was given reasonable notice and opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued ex-parte, the court ordered that the defendant be given reasonable notice and opportunity to be heard within the time required by the law of this jurisdiction, and in any event within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.

(c) the order was otherwise issued in accord with the requirements of the Full Faith and Credit Provisions of the Violence Against Women Act, Title IV, Subtitle B, Chapter 2 of the Violent Crime Control and Law Enforcement Act of 1994. 18 U.S.C. § 2265.

(d) the order was issued in accord with the requirements of the Uniform Child Custody Jurisdiction Act of this state/territory and consistent with the strictures of the federal Parental Kidnapping Prevention Act. Parental Kidnapping Prevention Act, Pub. L. No. 96-611, 94 Stat. 3566 (1980).

The attached order shall be presumed to be valid and enforceable in this and other jurisdictions..

Signature of Clerk of Court or other authorized official: _____

Tribal Court: _____ Address: _____

Phone: _____ Fax: _____ Date: _____

SEAL:

Turtle Mountain Tribal Court

- Temporary Protection Order and Notice of Hearing

**TURTLE MOUNTAIN TRIBAL COURT
TURTLE MOUNTAIN INDIAN RESERVATION IN TRIBAL COURT
BELCOURT, NORTH DAKOTA**

_____	,)	
Petitioner)	
	)	CIV # _____
v.)	
	)	TEMPORARY PROTECTION ORDER
	)	AND NOTICE OF HEARING
_____	,)	
Respondent)	

The petitioner having applied to this Court with supporting evidence for a temporary and permanent protection order and the Court having reviewed the petition (and having examined the Petitioner regarding the Petition) and there appearing to be good cause for the issuance of a temporary order pending hearing and the Court being duly advised in the premises:

TO THE RESPONDENT:

You are hereby notified and advised that the petitioner above-named has filed an application with this Court for a protection order. By order of this Court and until the hearing scheduled in this order, you are ordered not to have any direct or indirect contact with the Petitioner, either in person or through family members or third parties. You must stop any domestic violence against the Petitioner. This includes: assaults, threats, following in public, sexual activity compelled by force, telephone calls, or inquires made by third parties to the Petitioner at your request.

A hearing will be held on the _____ day of _____, 20____, ____ m at the Tribal Court at which time you may appear and explain why the Petitioner’s request for a permanent protection order should not be granted. This order is in effect upon the signature of the Judge and you are subject to arrest should you violate this order. If you don’t appear at the hearing please be aware that the Court may enter a permanent protection order without your input and you shall be bound to comply with that order even if you do not appear for up to _____ year(s).

It is further ordered as follows:

- _____ 1. That the Respondent is restrained from having any contact with the Petitioner at her residence, place of employment or any place in private or public.
- _____ 2. Respondent shall be temporarily excluded from the family residence at _____ until the hearing date set herein.

_____ 3. Petitioner shall have temporary custody of the following minor children: _____, _____, _____, subject to the following visitation by the Respondent: _____.

_____ 4. Respondent is directed to surrender to law enforcement the following items: _____.
Law Enforcement shall keep these items until the hearing scheduled herein.

_____ 5. Respondent shall be required to pay child support in the amount of _____ pending hearing.

_____ 6. Other Relief granted: _____.

Violation of this order is a crime under tribal law and shall subject you to immediate arrest. Consent by the petitioner to a violation is not a defense to prosecution.

This order shall be delivered to both tribal and local state and county law enforcement for enforcement. This order is made pursuant to tribal law and is entitled full faith and credit in all other state and tribal jurisdictions under 18 USC 2265.

CERTIFICATE OF COMPLIANCE

This temporary protection order meets all Full Faith and Credit requirements of the Violence Against Women Act. The court has jurisdiction of the parties and the subject matter and the respondent is being given and the right to be heard before a permanent protection order is entered. This order is valid and entitled to enforcement in all jurisdictions.

So ordered this _____ day of _____, 20____.

ATTEST: _____
Clerk of Courts

Tribal Court Judge

SEAL:

Tribal Court Self-Help Materials

Navajo Nation Pro Se Forms

- Petition For Domestic Abuse Protection Order
- Temporary Order of Protection

PETITIONER, PRO SE

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

DOE _____)
)
 Petitioner,)
)
 v.)
)
 DOE _____)
)
 Respondent.)
)
 _____)

No. WR-FC- _____

**PETITION FOR
DOMESTIC ABUSE PROTECTION
AND MOTION FOR TEMPORARY
PROTECTION ORDER**

PETITION FOR DOMESTIC ABUSE PROTECTION ORDER

I, _____, am an enrolled member of the Navajo Tribe residing within the exterior boundaries of the Navajo Nation. I request that the Court grant a Domestic Abuse Protection Order based on the following allegations:

1. Respondent is related to me as my _____ (husband, ex-husband, boyfriend, ex-boyfriend, etc.).
2. Respondent is alleged to have committed the following acts of domestic abuse against my person:
 - a. Approximate date most recent abuse occurred:

DATE:

TIME:

LOCATION:

- b. Describe most recent abuse: It is alleged that
- c. Describe any threats that caused you to fear you were going to be hurt:
Petitioner further alleges that:
- d. Respondent has been abusing me for _____ months/years.
- e. In the past, Respondent has committed the following acts of physical and mental abuse against me: _____

3. Respondent and I have been involved in the following court cases (Check all that apply, list date(s) and explain):
- Criminal Prosecution:
 - Other petition(s) for protection from abuse:
 - Custody:
 - Other:
4. Respondent and I are the parents of the following child(ren) (list names, census numbers, and dates of birth or attach copy of family card):
5. I am the parent of the following child(ren), who are not Respondent's child(ren):

6. I have suffered emotional and physical injuries as a result of Respondent's abuse. Unless Respondent is restrained, such abuse will continue.

MOTION FOR TEMPORARY PROTECTION ORDER

I also need a Temporary Protection Order because I fear that if Respondent is notified of this action Respondent will retaliate by inflicting further injury on me before an appropriate protection order can be issued by this Court.

I REQUEST THAT THE COURT DO THE FOLLOWING (Check blanks below):

- 1. Order Respondent not to abuse, harass, or threaten me, or commit any other domestic abuse.
- 2. Order Respondent to immediately leave my residence.
- 3. Order Respondent to stay at least 100 yards from the following places (**DO NOT LIST ANY ADDRESS IF REVEALING IT WOULD FURTHER ENDANGER YOU**):
 - my residence:
 - my place of employment:
 - school attended by me or my children:
 - Other place(s):
 - ANY OTHER PUBLIC PLACE WHERE PETITIONER CONDUCTS DAILY BUSINESS ACTIVITIES.**

- 4. Order Respondent not to contact me in person, in writing, or by telephone.
- 5. Award me immediate temporary custody of our child(ren) and order Respondent not to have contact with them until a court hearing.
- 6. At the hearing, determine visitation arrangements for the child(ren) as follows:
- 7. I request Respondent compensate me for the following expenses incurred as a result of the abuse, to be determined at the hearing:

Lost earnings	\$ _____
Property taken or damages:	\$ _____
Attorneys' fees:	\$ _____
Court costs:	\$ _____
Other (Explain): _____	TOTAL: \$ _____
- 8. At the hearing, order Respondent to return to me the following items of my property (example: vehicle, identification documents, BE SPECIFIC):
- 9. Order Respondent not to sell, remove, hide, destroy or damage any property owned by me.
- 10. Direct a police officer to accompany me to a residence occupied by the Respondent to:
 - obtain physical custody of the child(ren);
 - collect my personal belongs; or
 - Require Respondent to vacate the residence.
- 11. At the hearing, order Respondent to pay the following in support for our minor child(ren): (month/pay period).
- 12. At the hearing, order Respondent to attend alcohol/domestic abuse/ Anger Management/Parental Classes (circle one or **both**) counseling.
- 13. Other relief, as follows: _____

Respectfully submitted this _____ day of _____, 20____.

 PETITIONER, PRO-SE

Verification

TO BE SIGNED IN FRONT OF A NOTARY PUBLIC

STATE OF _____)

_____) ss:

COUNTY OF _____)

Petitioner was sworn and states: I am the Petitioner in the above-captioned action. I have read the Petition for Protection Order and Motion for Temporary Protection Order. Its contents are true to the best of my knowledge and belief.

Petitioner, Pro-se

SUBSCRIBED and SWORN to before me this _____ day of _____, 20__.

Notary Public

IN THE FAMILY COURT OF THE NAVAJO NATION
JUDICIAL DISTRICT OF WINDOW ROCK, ARIZONA

DOE)
)
) Petitioner,)
)
) v.)
)
DOE)
)
) Respondent.)
)
)
)
)

No. WR-FC-_____

**TEMPORARY ORDER OF PROTECTION
(WITHOUT NOTICE)**

TO: DOE DOB: Height: WT:

RESIDES:

EMPLOYED AT:

This verified Petition for Domestic Abuse and Motion for Temporary Protection Order came before the Court this _____ day of _____, 20____. And _____, hereafter referred to as Petitioner, having appeared and having given written verification concerning the allegations on the petition, the Court finds:

1. That if a temporary restraining order is not issued, it is more likely than not, that the Respondent may cause physical injury to the Petitioner and may damage the Petitioner's property, causing them to fear (her/his) life and limb, and fear the safety of (her/his) family, in the immediate future.
2. The injuries may consist of physical attacks on Petitioner which may result in cuts, bruises, lacerations, including on family members, and such injuries to person and property may result in permanent disfigurement and damage beyond repair thereby constituting them to be irreparable. Petitioner's verified statement indicated there are past acts and pattern of domestic violence which occurred.
3. If notice was provided to respondent, (she/he) would more than likely retaliate and inflict further injury before the Order were to become effective. The Order must therefore be issued without notice to the Respondent.

IT IS THEREFORE ORDERED THAT YOU, ARE HEREBY RESTRAINED, ENJOINED AND BARRED:

A. From going near or disturbing at the resident of DOE _____, located at: _____ and any other place where Petitioner may be doing business for (herself/himself) and family.

You, DOE, are also restrained from going to or near the employment site of the Petitioner.

B. From disturbing, hindering, and interfering with the peaceful enjoyment of life by the Petitioner, including (her/his) association with friends, relatives and children.

C. From interfering or disturbing the custodial rights of Petitioner.

D. From communicating in any manner or through any third person/agent with the Petitioner, unless otherwise permitted by this Court during the pendency of this action.

E. YOU, DOE, shall appear before this Court on the _____ day of _____, 20__ at _____ a.m./p.m. to answer the petition; at which time the Court will determine if a final judgment for Permanent Protection Order is necessary. Any request to this Court shall be in written form and filed with this Court by legal counsel or pro se.

F. This Temporary Restraining Order shall remain in full force and effect pending a full hearing on the Petition, which is set for _____, 20__ at _____ a.m./p.m. This Order has been registered with the local Navajo Department of Law Enforcement.

G. Further, YOU, DOE are Ordered to pay for the cost of the filing of this action. You shall bring a blank \$25.00 money order with you to the hearing. Failure to comply with this Order may result in your being held in contempt of Court with penalty of incarceration or fine.

H. FINALLY, IF YOU, DOE, fail to appear before this Court as directed on the date set forth above, a warrant shall be issued for your arrest and you shall be apprehended and brought before this Court to answer for your non-appearance and Domestic Violence proceedings.

IF YOU FAIL TO OBEY THIS ORDER, OR ANY FRIEND, RELATIVE ASSOCIATE OR AGENT WHO FAILS TO OBEY THIS ORDER, YOU SHALL BE IMMEDIATELY ARRESTED ALONG WITH YOUR ASSOCIATE AND BROUGHT BEFORE THIS COURT FOR VIOLATION OF THIS ORDER. IF YOU VIOLATE THIS ORDER YOU MAY BE ARRESTED AND PROSECUTED FOR THE CRIME OF INTERFERENCE WITH JUDICIAL PROCEEDING, WHETHER OR NOT THE RESPONDENT'S ACTION OCCURRED IN THE PRESENCE OF THE A PEACE OFFICER.

ORDERED this _____ day of _____, 20____.

JUDGE, Navajo Nation Family Court

RETURN OF SERVICE

I have received the above Order this _____ day of _____, 20____, and have served the same on the Respondent on this _____ day of _____, 20____, at the location of _____.

NAME AND TITLE

Hope Card - Crow Tribe/Bureau of Indian Affairs

THE HOPE CARD PROJECT



A Joint Project between the
Bureau of Indian Affairs, Office
of Law Enforcement & Security

and

The Great Crow Tribe



WHAT IS THE HOPE CARD PROJECT?

The Hope Card Project is an attempt to couple law enforcement's need for information during incidents involving violations of protection orders and the victim's need for streamlined services during times of crisis. The project has been and continues to be reviewed by a variety of professionals directly involved in the prevention of domestic violence, as well as, a large number of victims.



Essentially the Hope Card is an alternative to a paper copy of a qualified protection order. While not a substitute for a valid order, the Hope Card contains vital information derived directly from a protection order. The information contained on the card is information that is critical to first responders for the enforcement of protection order violations. The Hope



Card is an invaluable tool for law enforcement in the field and will simplify decision making in critical incidents of domestic violence.

For the victim the card represents a lifeline to law enforcement assistance and other services. Made of durable, weather resistant plastic, the Hope Card can be carried easily in the pockets, wallets, or purses of victims. When a law enforcement officer responds to a scene of a potential protection order violation the victim can merely present the Hope Card to the officer as a reference to the original order.



KEY FEATURES OF THE CARD

The key features of the card include:

1. A photograph and description of the victim and the offender
2. A description of the offender's vehicle.
3. The Protection Order number.
4. The issued and expiration dates.
5. A notice to officers indicating the court of origin and a reference to Title 18 USC § 2265 Full Faith and Credit.
6. A toll free verification contact number for law enforcement in the field.
7. The terms of the protection order.
8. Color coded based on threat levels.
9. Barcode containing the protection order information.
10. Durable and weather resistant.

A GREAT PARTNERSHIP

In furtherance of the District's commitment and consistent with the Department of Interior's Strategic Plan, to partner with tribal governments in providing the best quality of service to tribal communities, the District V Office has joined with the Great Crow Nation in developing the Purple Feathers Campaign, Code Purple and the Hope Card Project. The tribe's dedication to serving the Indian people cannot go unrecognized. In cooperation with the Crow Tribe, the District will pilot the Hope Card Project in the region surrounding the Crow Reservation. The Crow Tribe has devoted resources and compassion to the success of the project. The tribe will administer the program under the operational guidance of the BIA, Office of Law Enforcement & Security, District V Office.



There is no doubt the Hope Card will benefit both law enforcement and victims of domestic abuse. Upon implementation of the program it is the hope of law enforcement that victims will be more apt to leave an abusive relationship knowing the burden and barriers associated with escaping their situation have been lifted.

ADDITIONAL INFORMATION

For additional information please contact the Crow Police Department at:


(406) 638-2957

Or


Bureau of Indian Affairs
Office of Law Enforcement and Security
District V Headquarters

490 N. 31st St.
Billings, MT 59101
Phone (406) 657-5936
Fax (406) 657-5982

Agnes Snell

 Birthdate: 11-07-68
Eyes: black
Hair: black

Issued: 06-14-05
Expires: 06-14-08



PROTECTION ORDER

This identification certifies that the above named individual has a Protection Order on file with the Crow Tribal Court against the individual listed on the backside of this card. Pursuant to Title 18 USC § 2265(a), Protection Orders issued by outside jurisdictions shall be provided full faith and credit.

Law Enforcement must verify this order by calling the Crow Police at: 1-800-555-5555

 Billy Snell / Ht. 5'5/Wt. 130/Tatoo/Snake on arm
Birthdate: 06-24-73
Eyes: hazel
Hair: no hair
Vehicle: White ford f-150 2 door 2001 LP/ 22-5590

Terms of Protection Order:

1. To remain a distance of 1,000 ft.
2. No communication with victim by phone, fax, mail or any other forms of communication.
3. Not to possess any firearms.

