

Domestic Violence

Please find included in the packet:

- ❖ Petition for Protective Order
- ❖ Confidential Information Form
- ❖ Chapter 12 Family Safety

Domestic Violence hearings will be private and closed. Only persons the CCTHITA Court and the family finds to have a legitimate interest in the proceedings may attend.

Submitting your Petition:

1. The CCTHITA Tribal Court will set a hearing date once the Petition for Protective Order is submitted.
2. A 20 Day Ex Parte Protective Order will be done by the Judge of the Tribal Court. The Tribal Court will then submit to the State of Alaska Court where a State Court number will be assigned.
3. The State of Alaska Court will then submit to the State Troopers for service on the respondent.

Please contact the Court Clerk at the number provided below for any questions or concerns.

Central Council Tlingit & Haida Indian Tribes of Alaska
Tribal Court
320 W. Willoughby Avenue, Suite 300
Juneau, Alaska 99801
Telephone: 907-463-7165 Toll Free: 1-800-344-1432 x7165
Fax: 1-866-532-3558



**In the Central Council Tlingit and Haida
Indian Tribes of Alaska Tribal Court
Juneau, Alaska**

PETITION FOR PROTECTIVE ORDER

_____,
Petitioner

V.

_____,
Respondent

Court Docket Number: _____

State Case Number: _____

PROTECTIVE ORDER PETITION

I, _____, swear or affirm under penalty of perjury that all the information I provide in this Petition is true to the best of my knowledge and belief.

I am requesting (check all that apply):

20-day Protective Order. (This order, called an “ex parte” order, it can take effect immediately without prior notice to the respondent.)

I understand that I can get a 20-day order without prior notice to the respondent.

However, the law requires that I tell the court about any efforts I have made to notify the respondent.

I certify that:

I have not tried to notify the Respondent that I am filing this Petition.

I have notified or tried to notify the Respondent as follows (please explain):

Long-term protective order: one (1) year. (This order can only be issued after notice to the Respondent and a Court hearing. Most provisions of this Order will last for one (1) year. However, the provision that prohibits the respondent from committing domestic violence will last indefinitely (until the court terminates it).

NOTE: If there is any chance you might need protection for more than 20 days, you should request both a long-term order and a 20-day order. To do this, check both boxes.

Central Council Tlingit and Haida Indian Tribes of Alaska
Juneau, AK
907-463-7165

1 **I have been the victim of Domestic Violence by the Respondent as described below.**

2 Include **date of incident**, place **where incident occurred** and **injuries** suffered, if any.

3 List the most recent incident first and specify whether weapons or children were involved.

4 _____

5 _____

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8 _____

9 Has the Respondent been involved in other instances of Domestic Violence?

10 _____

11 _____

12 The Respondent is (check all that applies):

- 13 My Spouse My Former Spouse My Parent
- 14 My Grandparent My Child My Grandchild
- 15 My Brother My Sister My First Cousin
- 16 My Aunt My Uncle My Nephew
- 17 My Niece
- 18 A person with whom I presently have or previously had a dating or sexual relationship.
- 19 Someone who lives or has lived with me.
- 20 A person related, or formerly related, to me by marriage (for example, a stepparent or stepchild)
- 21 Other (specify relationship): _____

22 I request an Order from the Court directing (check all that apply):

- 23 Respondent will not threaten or commit acts of Domestic Violence, stalking or harassment.
- 24 Respondent will not telephone, contact or otherwise communicate directly or indirectly with me.

25 ***Exception:***

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Respondent is to leave and/or stay away from my residence.

Exception:

I request an Order directing a Peace Officer to accompany the Respondent to my residence to remove Respondent’s essential personal belongings including:

Is Respondent residing with you?

Yes No

Is this residence is also used for business purposes:

Yes No

If yes, please describe the business: _____

The Title or Lease or Rental Contract for the residence is in whose name(s)?

(Note: The temporary possession of the residence may be given to the petitioner regardless of ownership of the residence). CCTHITA Family Safety Code, Section 04.12.009 (A) (3)

Respondent is to stay away from, and not telephone, or go to the following locations:

My School or Child’s School (Name of School and Address):

My Place of Employment (Name of Employer and Address):

Other (please list below):

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The following places frequented by me or by the member of my household listed below:

Place & Address: **Household Members:**

Exception:

Respondent not to enter or follow a vehicle in my possession or occupied by me.

I am given temporary possession and use of the following, regardless of ownership:

The vehicle and all keys to it. Vehicle license number: _____

Vehicle description: _____

I request that a Peace Officer to accompany me to my residence to ensure that I safely obtain possession of the residence and any vehicle or personal items which the court gives temporary possession of to me.

List of Items:

Respondent not to possess or use controlled substances.

Respondent is prohibited from destroying or defacing regalia or at.oow (cultural objects).

I am a Tribal Citizen:

Yes No

Tribe: _____

The Respondent is a Tribal Citizen:

Yes No

Tribe: _____

There are children in my household:

Yes No

1 Are any of these children enrolled or eligible to be enrolled with the Central Council Tlingit and
2 Haida Indian Tribes of Alaska?

3 Yes No

4 **Children:**

5 I request the court to award me temporary physical custody of the minor child(ren)
6 named below:

7 Child's Name: _____

8 Date of Birth: _____

9 Relationship to Petitioner: _____

10 Relationship to Respondent: _____

11 Child's Name: _____

12 Date of Birth: _____

13 Relationship to Petitioner: _____

14 Relationship to Respondent: _____

15 Child's Name: _____

16 Date of Birth: _____

17 Relationship to Petitioner: _____

18 Relationship to Respondent: _____

19 I currently have the child(ren):

20 Yes No

21 The child (ren) and I have lived in Alaska for the past six (6) months.

22 Yes No

23 There is a current Custody Order over one or more of the children.

24 Yes No Do Not Know

25 If yes, please provide information about each order below:

26 Child's Name: _____

27 State Issued: _____

28 Date of Order: _____

29 The Order granted Custody to: _____

30 Child's Name: _____

31 State Issued: _____

32 Date of Order: _____

33 The Order granted Custody to: _____

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Child's Name: _____
State Issued: _____
Date of Order: _____
The Order granted Custody to: _____

I request an Order directing a Peace Officer to assist me in obtaining the child(ren) from: _____ who now has them.

Visitation:

I understand the Court may only grant visitation to the Respondent if my safety and the safety of the child(ren) can be protected. If the Court considers visitation, these are my safety concerns:

Child 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

I request that the Court order the Respondent to pay Child Support to me for the child (ren) named during the period I have temporary physical custody of them.

Amount of Child Support granted: _____
Payable to: _____
Beginning: _____
Other: _____

Financial Information for the Respondent:

Main Employer: _____
Occupation: _____
Income: _____
How many years at present job: _____
2nd Employer: _____
Income: _____

1 **Other cases pending in Tribal Court or State Court:**

2 Please list any other court cases in either the Tribal Court or State Court involving you or
3 the Respondent.

4 Include information concerning the type of case (for example, divorce or child custody,
5 or domestic violence criminal cases) and the approximate date the case was filed or
6 resolved.

7 _____
8 _____
9 _____
10 _____

11 I request that the following be included in a **Long-Term Protective Order**.

12 I understand that these requirements cannot be included in the 20-day order.

13 I request that the Court direct:

14 Respondent not to use or possess a deadly weapon (including a firearm).

15 Respondent to surrender any firearms owned or possessed by the Respondent.

16 Respondent to reimburse the person named below for expenses associated
17 with the Domestic Violence (such as medical expenses, counseling, shelter, and
18 repair or replacement of damaged property) as described below. Reimbursement
19 may be in the form of money, subsistence foods or other appropriate reparations.

20 Pay to: _____

21 Type of Expense: _____

22 Reparations: _____

23 Pay to: _____

24 Type of Expense: _____

25 Reparations: _____

26 Respondent is to pay _____ for the costs
27 and fees associated with bringing this action, in the amount of \$ _____ payable to:

Respondent to enroll in and complete, at Respondent's expense:

A program for the rehabilitation of perpetrators of domestic violence.

A treatment program for the abuse of alcohol.

A treatment program for the abuse of controlled substances.

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Withhold a portion of the benefits and services available to Respondent that are directly related to being a citizen of the Central Council Tlingit and Haida Indian Tribes of Alaska, including but not limited to educational scholarships, vocational training, and/or general assistance.

Recommend to the Central Council Tlingit and Haida Indian Tribes of Alaska that the Respondent be disenrolled.

Respondent to complete community work service with any community service organization, including the Central Council Tlingit and Haida Indian Tribes of Alaska's Traditional Foods program.

The agency where Respondent will perform community service is: _____

Other relief necessary to protect the safety of petitioner or any other family or household member.

Please explain: _____

Personal Information about Respondent and Petitioner:

Please complete the **Confidential Law Enforcement Information Sheet** (attached).

If this Protective Order is granted, I request that the Order be placed on the Alaska Statewide Protection Order Registry:

Yes No

Date

Petitioner's Signature

Print Name

Central Council Tlingit and Haida Indian Tribes of Alaska
Juneau, AK
907-463-7165

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Subscribed and sworn to or affirmed before me at _____, Alaska
on _____.
Date

Clerk of Court, Notary Public or Other Person
Authorized to Administer Oaths

(SEAL)

My commission expires: _____

CONFIDENTIAL LAW ENFORCEMENT INFORMATION SHEET

Notice to Petitioner: You must supply the respondent's name and birth date, if known. Give as much information as possible. This information will NOT be given to the respondent.

Notice to Law Enforcement: This information is confidential and supplied to assist you in serving the protective order. After serving (or failing to serve) the order, notify petitioner and complete the return of service section on the DV-125.

A. PETITIONER INFORMATION

Full name: _____ Date of birth: _____ Petitioner is a child.
 Petitioner's residence address: _____
 Is this the address respondent is to stay away from? Yes No
 Do you want to be notified when respondent is served? Yes No
 Contact phone(s): home _____ work _____ cell _____ msg _____

B. RESPONDENT INFORMATION

Full name: _____ Nicknames: _____ Respondent is a child.
 Residence Address: _____
 Is this the address respondent is to stay away from? Yes No Last four digits of SSN _____
 Other Addresses: _____
 Contact phone(s): home _____ work _____ cell _____ msg _____

Where is respondent now (what street address)?

Other information about respondent:

Friends / relatives / phone numbers / hangouts:

Sex	Race	*Date of Birth*	HT	WT
Hair	Eyes	State ID / Driver's Lic. #	ST	
Other Identifiers (facial hair, piercings, scars, tattoos, marks, etc.)				

Hazards at respondent's home (dogs, traps, guns):

Describe respondent's house: log frame apartment single family duplex
 1 story 2 story 3+ story main color _____ trim color _____
 Garage: separate attached none 4x4 needed to access address? Y N

Respondent's employer

Respondent's vehicle information

Employer address

Make _____ Model _____
 Plate No. _____ State _____
 Year _____

Work phone _____

van pickup canopy camper
 toolbox car 2 door 4 door
 SUV other _____

Work hours _____

Respondent's position _____

Supervisor _____

Other vehicles respondent is known to drive:

C. OFFICER SAFETY INFORMATION

Previous contact with police by respondent? No Yes Explain: _____

Any threats by respondent toward petitioner, family, police? Describe: _____

Weapons accessible to respondent (pistol, rifle, knife, other): _____

Expected mental state or history of respondent (include alcohol or drug use): _____

Is a divorce or other legal action pending that involves the respondent (child custody, eviction, bankruptcy, repossession of property)? _____

Draw a map on the back of this form if it will help law enforcement.

Chapter 12. Family Safety

Sec. 04.12.001	Findings and Purpose
Sec. 04.12.002	Rules of Construction
Sec. 04.12.003	Definitions
Sec. 04.12.004	Full Faith and Credit
Sec. 04.12.005	Authority of the Tribal Court
Sec. 04.12.006	General Provisions for Civil Protective Orders and Process
Sec. 04.12.007	Procedures for Ex Parte Protective Orders
Sec. 04.12.008	Procedures for Long Term Protective Orders
Sec. 04.12.009	Terms of Protective Order
Sec. 04.12.010	Modifications or Dissolution of Protective Orders
Sec. 04.12.011	Violation of Civil Protective Orders
Sec. 04.12.012	Petitions for Custody Orders
Sec. 04.12.013	Appeal of Long Term and Custody Orders Under This Section

Sec. 04.12.001 Findings and Purpose

The purpose of this statute is to honor the values and traditions of our ancestors to promote family safety and justice to our children, grandchildren, and future generations of Tlingit and Haida people. The CCTHITA Tribe finds that family violence goes against our most important values that keep children and families safe: discipline, respect for others, patience, strength of spirit, holding each other up, and living in peace and harmony. The Tribe finds that family violence tears at the fabric of the entire tribal community by making families unhealthy, unsafe, fearful, and economically insecure. The successful future of our Tribe depends on families being able to lead safe and healthy lives, free from emotional, spiritual, psychological, and physical abuse.

This section outlines the procedures for the tribal court to issue civil protective orders to protect individuals and families from Family violence, and enhance the overall health, safety and economic well-being of the tribal community. The larger purpose of this chapter is to begin to repair the historical trauma inflicted on our people and to heal our families.

Sec. 04.12.002 Rules of Construction

- A.** Provisions of this Code shall be construed consistently with Title 04, Child and Family, and Title 06, Tribal Courts, and the CCTHITA Constitution. Where provisions of this Code conflict with other Tribal Codes, the provisions of this Code shall govern.
- B.** The court, in interpreting this chapter, may consider unwritten tribal law and precedent from other jurisdictions, including tribal, federal, and state law.
- C.** This chapter should be liberally construed in favor of protecting individuals from violence and abuse.

Sec. 04.12.003 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A.** “communicate” means direct or indirect contact (personally or through a 3rd Person), including but not limited to in-person contact, telephonic contact, text messaging, or other written and electronic contact
- B.** “Family violence” or “domestic violence” means when someone
 - 1.** physically harms or attempts to physically harm a person in a special relationship;
 - 2.** makes threats of physical harm against a person in a special relationship, which places that person in fear of harm;
 - 3.** controls or intimidates another person in a special relationship through an ongoing pattern of emotional, financial, or verbal abuse;
or
 - 4.** commits or attempts to commit one or more of the following crimes (as defined by Alaska law or federal law), against another person in a special relationship:
 - a.** Arson or criminally negligent burning;
 - b.** A crime against a person, including homicide, assault, reckless endangerment, kidnapping, custodial interference, sexual offenses, robbery, extortion and interference;
 - c.** Burglary;
 - d.** Criminal trespass;
 - e.** Criminal mischief;
 - f.** Destruction, Damage, or Vandalism of Property;
 - g.** Disorderly Conduct;

- E. “Long term protective order” means an order issued after the respondent is given notice of a request for a protective order and an opportunity to contest it at a court hearing. Unless otherwise stated, provisions in a long term order will last for a minimum of one (1) year.
- F. “Modification Request” means a request by either the petitioner or the respondent to modify the terms of a protective order or dissolve a protective order.
- G. “Program of intervention for perpetrators” means a specialized program offered to people who have committed Family violence, which has been approved via tribal, state or federal law, to address the causes of Family violence;
- H. “Petitioner” means the person for whom protection is sought.
- I. “Respondent” means the person who is accused of committing Family violence.
- J. “Preponderance of the Evidence” means the evidence provided that the respondent committed a crime of Family violence against the petitioner is of greater weight or more convincing than the evidence offered in opposition to it. Preponderance of the evidence is the burden of proof applied to Long Term Protective Orders.
- K. “Probable Cause” means that facts or circumstances exist that would lead a reasonable person to believe that the respondent committed a crime involving Family violence against the petitioner. Mere suspicion or belief, unsupported by facts or circumstances, is insufficient. Probable Cause is the burden of proof applied to Ex Parte Protective Orders.
- L. “Vulnerable People” means people who cannot protect or care for themselves due to physical or mental disabilities or age.

Sec. 04.12.004 Full Faith and Credit

In accordance with the full faith and credit provision of the Violence Against Women Act, 18 U.S.C. Section 2265 *et. seq.* the validity of protective orders issued by the Tribal Court shall not be affected if it is not registered with the statewide protection order registry. If directed by the court, the court clerk may register the order with the State of Alaska Court System and forward a copy of the protective order to the statewide protection order registry. Any valid protective order issued by the federal government, State of Alaska, another state, or another Tribe shall be accorded full faith and credit by the Tribe.

Sec. 04.12.005 Authority of the Tribal Court

The jurisdiction of the Tribal Court shall extend to all matters of family violence upon proper petition for a protective order, where the family violence impacts an individual eligible for membership in the Tribe or has a direct effect on the Tribe’s inherent sovereign right to protect the health, safety, welfare, or economic security of its people, and thus the Tribe itself.

Sec. 04.12.006 General Provisions for Civil Protective Orders and Process

A. Court Fees

No filing fee shall be required for the filing of a petition for a protective order.

B. Confidential Information Form

Persons requesting a protective order shall fill out a confidential information form which includes the petitioner's address, telephone number, current residence, and current employment;

THIS INFORMATION IS CONFIDENTIAL, AND SHALL BE KEPT PRIVATE FROM THE RESPONDENT AND THE GENERAL PUBLIC.

C. Required Information for Protective Order Petitions

A petition for a protective order shall be signed under oath, under penalty of perjury, and shall include, to the best of the petitioner's knowledge:

The name, tribal affiliation (if known), address, telephone number, current residence, current employment, and enrollment status (if known) of the respondent;

The facts that make it necessary for the petitioner to be protected. The fact statement should explain:

Whether the person requesting the protective order is the person to be protected, or whether it is another person or persons.

If the person to be protected is another person, what relationship that person has with the person requesting the protective order;

A written factual account of the Family violence, with enough detail for the court to understand what happened and when it happened.

A statement of all current cases involving the petitioner or respondent going on in other courts.

The relief requested by the petitioner, including any child custody and property orders.

A statement as to whether the petitioner wants a long term protective order.

D. Availability and Assistance with Forms

The tribal court clerk will provide forms to any person seeking a protective order. The tribal court clerk may provide the petitioner with a list of advocates from Tribal Family and Youth Services, AWARE (Aiding Women and Rape Emergencies), another tribal agency, or the Tribal Court Bar Membership roster containing a list of persons who may provide assistance in completing and filing the forms

E. Notice and Opportunity to be Heard

Reasonable notice and opportunity to be heard shall be given to the respondent sufficient to protect that person's right to due process. This

subsection does not prevent the court from issuing ex parte protection orders when necessary.

F. Explanation of Order to Parties

The Judge shall make reasonable efforts to ensure that the order is understood by the petitioner and by the respondent, if present at the hearing.

G. Service of Process

1. The tribal court clerk shall deliver protective orders to the Alaska State Court for filing and then to the Alaska State Troopers, municipal police, Village Public Safety Office, Village Police Officer, or other appropriate law enforcement for service.

2. Service of process under (1) of this subsection does not preclude the court from using any other available means to serve process issued under this chapter.

3. Any services fees shall be paid by the tribal court. Respondents subject to a long term order under this chapter shall reimburse the tribal court for service fees paid in his or her case. The court may in its discretion order reimbursement of services fees against any person whom the court finds, after a hearing, has knowingly submitted a petition containing false information and abused the court process.

H. Entry of Protective Orders to Statewide Protection Order Registry

If petitioner requests that the protective order be placed on the statewide protection order registry, the Tribal Court Clerk shall forward the order to the Alaska State Court System for registration.

I. Lapse of Time between Act of Family violence and Filing of Petition

The court may **not** deny a petition for a protective order because of a lapse of time between an act of Family violence and the filing of the petition.

J. Dual Protective Orders

The court may not issue protective orders against the petitioner and the respondent in the same action. However, the court may hear separate petitions brought by either party.

K. Conduct of ex parte hearing

1. The court shall arrange for a hearing in a manner that protects the safety of all parties and all court personnel.

2. The hearing shall be recorded and all testimony will be given under oath.

3. The petitioner will have the right to call witnesses and present evidence. However, a petition may be granted based solely on the testimony of the petitioner.

4. If respondent is present, respondent also has the right to call witnesses and present evidence.

Sec. 04.12.007 Procedures for Ex Parte Protective Orders

- A. Upon receipt of a petition alleging Family violence which requests an ex parte protective order, the Tribal Court Clerk shall immediately notify a Tribal Judge.
- B. The tribal court clerk will schedule a hearing to consider the request for an ex parte protective order at the earliest possible time.
- C. The tribal court clerk will provide notice of the hearing to petitioner. The tribal court clerk may attempt to provide notice of the hearing to respondent; however an ex parte hearing may go forward without notice to the respondent given the emergency nature of the proceedings.
- D. **Ex Parte Protective Orders: Findings and Burden of Proof**
After a hearing, the Tribal Judge shall issue an ex parte protective order if the Tribal Judge finds that the petitioner has established that:
 1. jurisdiction exists in the tribal court;
 2. there is probable cause that the respondent committed Family violence against the petitioner; and
 3. a protective order is necessary to ensure the petitioner's safety.
- E. The Tribal Judge shall set the terms of an ex parte protective order. Such terms are limited to the relief listed in Section 04.12.011 (a)-(e), (i)-(k), or (v) of this chapter.
- F. The order shall identify whether or not respondent was notified of the ex parte petition. The order shall also include the date of the long-term hearing.
- G. Ex Parte Protective Orders will be effective for twenty (20) days from the date of issuance by the court, unless the court dissolves or modifies it sooner as defined in Section 04.12.012.

Sec. 04.12.008 Procedures for Long Term Protective Orders

- A. Upon receipt of a petition alleging Family violence which requests a long term protective order the Tribal Court Clerk shall notify a Tribal Judge as soon as practicable. The Tribal Judge shall consider the petition and set a hearing that affords the respondent at least ten (10) days notice from the date of service.
- B. **Long Term Protective Orders: Findings and Burden of Proof**
The Tribal Judge shall issue a long term protective order if the Tribal Judge finds that the petitioner has established by a preponderance of the evidence that:
 1. jurisdiction exists in the tribal court;

2. the respondent committed Family violence against the petitioner;
 3. the respondent received at least ten (10) days notice of the hearing and had an opportunity to be heard, regardless of whether the respondent appeared at the long term hearing; and
 4. the respondent represents a credible threat to the safety of the petitioner or a minor child in the care of the petitioner.
- C. The Tribal Judge shall set the terms of a long term protective order. Any of the terms listed in Section 4.12.009 may be issued in a long term protective order.
- D. A Long Term Protective Order will be effective for up to one (1) year from the date of issuance by the court, unless the court dissolves or modifies it sooner as defined in Section 04.12.010, or as provided in Sec. 04.12.008 E.
- E. Petition to renew. A petitioner who has been granted a long term protective order may file a request to renew the protective order. The request may be made within two (2) months of the expiration of the long term protective order. The trial court clerk shall set a hearing no sooner than ten (10) days in advance. The trial court shall arrange for the respondent to be served by process server or certified mail with the request for renewal and notice of hearing. At the court hearing, the Tribal Judge will consider whether the grounds for a long term protective order still exist, and warrant continuation of the protective order for an additional year. However, in cases where there is evidence that the respondent poses a significant threat of severe physical or mental injury to the petitioner, the Court can renew a protective order for up to five (5) years.

Sec. 04.12.009 Terms of Protective Order

- A. The Tribal Judge may, when appropriate, attach reasonable terms and provisions to any civil protective order restricting the respondent including, but not limited to:
1. prohibiting the respondent from threatening to commit or committing Family violence, stalking, or harassment;
 2. prohibiting the respondent from communicating directly or indirectly with the petitioner or other family or household member;
 3. removing and excluding the respondent from the residence of the petitioner, regardless of ownership of the residence;
 4. directing the respondent to stay away from the residence, school, or place of employment of the petitioner, CCTHITA offices, or any specified place frequented by the petitioner or any family or household member;
 5. prohibiting the respondent from entering a motor vehicle, airplane, ferry, or other propelled vehicle in the possession of or occupied

by the petitioner;

6. prohibiting the respondent from possessing a firearm or other deadly weapon;
7. directing the respondent to surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the Family violence and the respondent was given notice of the hearing regarding the protective order and given an opportunity to respond;
8. requesting a law enforcement or peace officer to accompany the petitioner to the petitioner's residence to ensure that the petitioner
 - a. safely obtains possession of the petitioner's residence, vehicle, or personal items; and
 - b. is able to safely remove a vehicle or personal items from the petitioner's residence;
9. awarding temporary custody of a minor child to the petitioner and arranging for visitation with a minor child if the safety of the child and the petitioner can be protected;
10. giving the petitioner possession and use of a vehicle and other essential personal items, regardless of ownership of the items

B. Whenever the Tribal Judge issues a long-term Family violence protective order, the Tribal Judge may also, when appropriate, issue a separate order for Family violence prevention services. This order shall not be a part of the Family violence protection order filed with the state court system, and violation of this portion of the order will not result in criminal prosecution but may result in all civil sanctions available to the court through contempt of court proceedings.

An order for Family violence prevention services may:

1. refer the respondent to a batterer's re-education program;
2. refer the respondent to individual mental health counseling with a counselor who has been trained in the dynamics of Family violence;
3. prohibit the respondent from consuming controlled substances;
4. require the respondent to pay support for the petitioner of a minor child in the care of the petitioner or another caregiver if there is an independent legal obligation of the respondent to support the petitioner or child;
5. require the respondent to reimburse the petitioner or other person for expenses associated with the Family violence, including medical expenses, counseling, shelter, and repair or replacement of damaged property;

6. require the respondent to pay costs and fees incurred by the petitioner in bringing the action;
 7. withhold a portion of or all of the respondent's benefits and services which are directly related to being a citizen of CCTHITA;
 8. order the respondent to complete community work service;
 9. require the respondent to pay restitution to the petitioner and associated persons in the form of money, subsistence foods, or other appropriate reparations;
 10. require the respondent's attendance at dance practices, art classes, or language classes for Tlingit or Haida; or
 11. recommend to the Enrollment Committee disenrollment of the respondent from the CCTHITA; or
 12. order other relief the court determines necessary to protect the safety of the petitioner or any other family or household member.
- C. If the Tribal Judge has determined domestic violence has not occurred, the Tribal Judge may refer the parties, if willing, to Tribal Family and Youth Services for family group conferencing.

Sec. 04.12.010 Modifications or Dissolution of Protective Orders

- A. Upon the request for a modification or the dissolution of:
1. An ex parte protective order, the Court shall schedule a hearing on three (3) days notice, or shorter if deemed necessary; or
 2. A long term protective order, the court shall schedule a hearing on twenty (20) days notice;
 3. The court need not schedule a hearing if the court finds that a request to modify or dissolve is meritless on its face; in that instance, the court may deny the request through a written order.
- B. If a request for a modification is made under this section and the respondent raises an issue not raised by the petitioner, the court may allow the petitioner additional time to respond.
- C. If the court modifies or dissolves a protective order under this section, it shall issue a modified or dissolved order and shall
1. ensure that the order is understood by the petitioner and by the respondent, if present at the hearing; and
 2. ensure that the order is served on all the parties and registered with the state court clerk.

Sec. 04.12.011 Violation of Civil Protective Orders

- A.** The Tribal Court Clerk will immediately refer a civil protection order that has been violated in any manner to appropriate law enforcement personnel.
- B.** If a respondent in a protective order issued under this Code is prohibited from communicating with the petitioner, excluded from the residence of the petitioner, or ordered to stay away from the petitioner, an invitation by the petitioner to communicate, enter the vehicle or residence, or have other prohibited contact with the petitioner does not waive or nullify any provision in a protective order.

Sec. 04.12.012 Petitions for Custody Orders

- A.** Procedure for a Custody Order
Upon receipt of a petition alleging Family violence which requests a custody order because of children affected by the Family violence, the Tribal Court Clerk shall set a custody hearing that affords the respondent at least thirty (30) days notice.
- B.** Custody Orders: Findings and Burden of Proof
The Tribal Judge shall issue a custody order according to Family Code Section 04.11, unless a custody order has been previously issued by another jurisdiction.
- C.** A Custody Order will be effective unless the court dissolves or modifies it sooner as defined in Family Code Section 04.11.
- D.** If there is a custody order from another jurisdiction, the tribal court will not modify that order. However, the tribal court may issue a protective order on behalf of minor children that may affect custody orders from other jurisdictions.

Sec. 04.12.013 Appeal of Long Term and Custody Orders Under This Section

Appeals of any ex parte or long term protective order or custody order under this section shall be conducted in conformity with Section 06.01.130(K) regarding appeals to the Supreme Court.