

Chapter 8.05

PROTECTIVE ORDERS

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Article I. General Provisions

8.05.010 Purpose.

The purpose of this Code is to protect the health and welfare of the Karuk Tribe by protecting those harmed by domestic violence, violence, threats of violence, and harassment. In enacting this Code, the Karuk Tribe recognizes that domestic violence, violence, harassment, stalking, or bullying harms our community as a whole and is not consistent with traditional Karuk values. This Code shall be liberally construed and interpreted to fulfill the following purposes whenever possible:

- (A) To protect all community members from violence, threats of violence, domestic violence, threats of domestic violence, harassment, stalking or bullying;
- (B) To protect family members from domestic violence;

- (C) To set standards of behavior within the family and the community that are consistent with traditional Karuk values;
- (D) To provide for restitution and other relief necessary to restore the harmed individual(s) back to wholeness; and
- (E) To provide the rehabilitative services to bring a person back into harmony with traditional Karuk values when that person has committed acts of violence, threats of violence, domestic violence, threats of domestic violence, harassment, stalking or bullying. [Res. 20-R-091 Art. I(A), 7/2/2020.]

8.05.020 Definitions.

(A) *Rules of Construction Related to Definitions.* The following rules apply when interpreting the meaning of terms under this chapter:

- (1) Where a term is not defined, it must be given its ordinary meaning; and
- (2) Any reference to the singular includes the plural.

(B) *Defined Terms.*

“Bullying” means unwanted aggressive behavior among school aged children that involves a real or perceived power imbalance. For purposes of bullying “school aged children” means any person who is under the age of eighteen (18) or is in their senior year of high school. Bullying includes:

- (a) “Cyberbullying” which is bullying by the willful and repeated use of technology including cell phones, computers, and other electronic communication devices to harass, humiliate and/or threaten others. Cyberbullying occurs where the communication originates or where the harm occurs.

“Court” means the Karuk Tribal Court, unless otherwise stated.

“Domestic violence” includes any of the following but does not include acts of self-defense or acts taken to defend a minor child or persons unable to defend themselves by virtue of age or incapacitation:

- (a) *Physical Abuse.* Any intentional infliction of physical harm on a family or household member, including the denial of needed medical care or forcing a family member to use alcohol or controlled substances; or improperly restricting or interfering with a family or household member’s freedom of movement, e.g., confinement;
- (b) *Psychological and/or Emotional Abuse.* Any intentional use of force; coercion; threats; intimidation; humiliation; or confinement of a family or household member. The abuse can occur through acts, words, or gestures. Examples of psychological or emotional abuse include, but are not limited to, constant criticism; name calling, diminishing one’s abilities (e.g., taking away walking aids, etc.); threatening physical harm to a family or household member; threatening physical harm to one’s self; threatening physical

harm to a family or household member's children, family or friends; destruction of property; harming or threatening to harm pets; or forcing isolation from family, friends, pets, school, or work;

(c) *Sexual Abuse*. Attempting or causing a family or household member to engage involuntarily in sexual activity without their knowledge and legal consent and/or by force, coercion, threat, intimidation, humiliation, confinement, or administering drugs or alcohol to the family or household member;

(d) *Nonconsensual Pornography*. The nonconsensual distribution or publication of photos or video of the intimate body parts of a family or household member or videos of a family or household member engaged in any sexual activity;

(e) *Economic Abuse*. Making or attempting to make an individual financially dependent by maintaining control over joint financial resources, maintaining exclusive control over property and vehicles that are jointly owned with a spouse under the law; withholding access to money, and/or misusing/wasting a family or household member's separate financial resources.

"Emergency protective order" means an order issued based on an immediate and present danger of domestic violence or violence. An emergency protection order is requested by a law enforcement officer and is valid for five (5) Karuk business days after it is granted.

"Ex parte" means before notice can be given to other party; i.e., before the respondent is served with the petition, or has had a chance to respond to the allegations in the petition.

"Family or household members" include:

- (a) Persons who are current or former spouses;
- (b) Persons who are dating or who have dated;
- (c) Persons who are engaged in or who have engaged in a sexual relationship;
- (d) Persons who are related (parent, child, brother, sister, grandmother, or grandfather) or currently related by marriage (in-laws);
- (e) Persons who are living together as more than just roommates;
- (f) Persons who have a child in common; and
- (g) Minor children of a person in a relationship that is described in subsections (a) through (f) of this definition.

"Harassment" means a series of acts over any period of time directed at a specific person that would cause, or has caused, a reasonable person to be seriously alarmed or annoyed and that serves no legitimate purpose. This includes theft of another's property, vandalism of another's property, threats to harm another person and "cyber harassment" which is any harassing activity conducted over cell phones, computers, or other electronic communication and includes, but is not limited to, making public false allegations, impersonating

the victim, posting the victim's personal information online, and encouraging others to harass the victim. Cyber harassment occurs where the communication originates or where the harm occurs.

"Petitioner" means the person asking for a protective order because they are the alleged victim of domestic violence or violence, harassment, bullying, or stalking.

"Protected person" means any person who is protected by a protective order, whether that person personally filed or joined in the petition.

"Protective order" includes an injunction, restraining order, or other order issued for the purpose of preventing violent, abusive, or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including emergency, temporary, and orders after hearing issued by the Court.

"Respondent" means the person who has allegedly committed acts of domestic violence or violence, harassment, bullying, or stalking.

"Restraining order after hearing" is issued after the Court holds a hearing on the petition and finds that the petitioner has proven by preponderance of the evidence that a long-term restraining order is needed for protection. An order after hearing is valid for up to five (5) years after it is issued by the Court.

"Safety plan" means a written or oral outline of actions to be taken by a victim of domestic violence to secure protection and support after making an assessment of the dangerousness of the situation.

"Stalking" means a series of acts directed at a specific person that involves two (2) or more occurrences of visual or physical proximity; nonconsensual communication; verbal, written, or implied threats; or a combination thereof, that would cause a reasonable person fear. This includes any stalking activity conducted over cell phones, computers, or other electronic communication and includes, but is not limited to, gathering information about the victim and monitoring the victim's activity.

"Temporary restraining order" means an ex parte order issued based on the contents of a petition. A temporary restraining order is valid against the respondent from the time it is personally served on the respondent until the end of the hearing on the petition.

"Tribal Court" or "Court" means the Karuk Tribal Court, unless otherwise stated.

"Tribe" means the Karuk Tribe, unless otherwise stated.

"Violence" means any intentional infliction of physical harm, including but not limited to unwanted sexual acts, on another person where the individuals are not family or household members. [Res. 20-R-091 Art. I(B), 7/2/2020.]

8.05.030 Sovereign immunity.

Nothing in this chapter shall be construed as a waiver of the sovereign immunity of the Karuk Tribe or any of its officers, employees, or entities. [Res. 20-R-091 Art. XI, 7/2/2020.]

Article II. Jurisdiction

8.05.040 Generally.

The Karuk Tribal Court shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Karuk Tribal land and historical districts, and to use other appropriate mechanisms, in matters arising anywhere in the Karuk Tribal land, or otherwise within the authority of the Karuk Tribe. See Karuk Tribe Constitution Articles [I](#) and [II](#) (“Karuk Tribal Lands consist of its Aboriginal Territory, services areas, and all lands subsequently and hereafter acquired by and for the Tribe, whether within or outside of the Tribe’s Aboriginal Territory.”); [18](#) U.S.C. Section [2265\(e\)](#). [Res. 20-R-091 Art. II, 7/2/2020.]

8.05.050 Karuk Tribal Trust land.

If any alleged incident in a petition occurs on Karuk Tribal Trust land, the Karuk Tribal Court shall have jurisdiction over the matter because individuals, both Indian and non-Indian, entering Karuk Tribal Trust land consent to the jurisdiction of the Tribe. The regulation of non-Indians authorized by this Code is necessary to prevent violence, domestic violence, harassment, bullying, and stalking on Karuk Tribal land because these matters have a direct effect on the political integrity, the economic security, or the health or welfare of the Tribe. [Res. 20-R-091 Art. II(A), 7/2/2020.]

8.05.060 Karuk Tribal members and enrolled descendants.

The Karuk Tribe exercises jurisdiction over all cases that occur on Karuk Tribal land, including historical districts, where the respondent is a member of the Tribe or persons who are eligible for membership in the Tribe or an enrolled descendant, based on the unique political status of the individual. See Karuk Tribe Constitution Article [II](#). [Res. 20-R-091 Art. II(B), 7/2/2020.]

8.05.070 Domestic violence protective orders.

The Karuk Tribe exercises jurisdiction over all cases involving domestic violence that occur on Karuk Tribal land, including Aboriginal Territory and historical districts, where the petitioner is a member of the Tribe or persons who

are eligible for membership in the Tribe or an enrolled descendant, based on the unique political status of the individual. See Karuk Tribe Constitution Article [II](#); [18](#) U.S.C. Section [2265\(e\)](#). [Res. 20-R-091 Art. II(C), 7/2/2020.]

Article III. Emergency Protective Orders

8.05.080 Circumstances in which an emergency protective order will be granted.

A judge will issue an emergency protective order ex parte when requested by a law enforcement officer who informs the judge of facts showing the following:

- (A) Reasonable grounds exist to believe there is an immediate and present danger of domestic violence or violence; and
- (B) An emergency protective order is necessary to prevent occurrence or recurrence of domestic violence or violence; and
- (C) If the emergency protective order is requested based on allegations of domestic violence, that the parties are family or household members as defined in this Code. [Res. 20-R-091 Art. III(A), 7/2/2020.]

8.05.090 Duration of emergency protection order.

The emergency protective order will be effective until the close of business on the fifth Karuk business day after issuance, or 5:00 p.m. on the seventh calendar day after the date and time of issuance, whichever occurs first. [Res. 20-R-091 Art. III(B), 7/2/2020.]

8.05.100 Relief available in an emergency protective order.

The following relief is available in an emergency protective order:

- (A) The respondent may be prohibited from harassing, attacking, striking, threatening, assaulting, hitting, following, stalking, molesting, destroying the personal property of, disturbing the peace of, keeping under surveillance, or blocking the movements of any protected person named in the order;
- (B) The respondent may be prohibited from taking any action, directly or through others, to obtain the address or location of any protected persons named in the order;
- (C) The respondent may be ordered to remain a stated distance away from any protected person named in the order;
- (D) The respondent may be ordered to move out of the home of any protected party;

- (E) The order may grant a protected party the temporary custody of any child of the protected party and the respondent;
- (F) The respondent may be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or ammunition; and/or
- (G) The respondent may be required to turn any firearms in to a law enforcement agency, or sell them to, or store them with, a licensed gun dealer. [Res. 20-R-091 Art. III(C), 7/2/2020.]

Article IV. Petition

8.05.110 Who may file a petition for a protective order.

- (A) Any person residing on Karuk Tribal Trust land or any person who is seeking protection from conduct occurring on Karuk Tribal Trust land may file a petition for a protective order or domestic violence protective order; or
- (B) Any Karuk Tribal member or enrolled descendant residing on Karuk Tribal land, including Aboriginal Territory and historical districts, may file a petition for a domestic violence protective order regardless of whether the respondent is an Indian or non-Indian; or
- (C) Any person who is seeking protection from the alleged conduct of a Karuk Tribal member or enrolled descendant occurring on Karuk Tribal land, including Aboriginal Territory and historical districts, may file a petition for a protective order or domestic violence protective order; or
- (D) A parent, guardian, or legal representative may file a petition for a protective order on behalf of a minor child or any person, regardless of age, prevented by mental or physical incapacity to consent based upon the declaration of the requesting party or medical doctor. [Res. 20-R-091 Art. IV(A), 7/2/2020.]

8.05.120 Forms.

Upon request, the Karuk Tribal Court Clerk will provide the forms needed to file a petition for a protective order. If the petitioner is seeking a domestic violence restraining order, which is used when the conduct alleged qualifies as domestic violence, the petitioner must inform the Court Clerk when requesting protective order forms because the domestic violence restraining order forms are different. The domestic violence restraining order forms will also be available online. [Res. 20-R-091 Art. IV(B), 7/2/2020.]

8.05.130 Contents of petition.

The petition shall contain the following information; however, the inability to provide all information shall not render the issued order unenforceable in and of itself:

- (A) The name, race, Tribal status, date of birth of the petitioner. Adult family or household members may jointly file a single petition;
- (B) The names of all family and household members to be protected by the order;
- (C) The name(s), race, Tribal status, date of birth of the respondent(s). Multiple respondents may be listed in the same petition so long as they acted together to commit the domestic violence, violence, bullying, harassment or stalking;
- (D) The physical and mailing addresses of all the parties; however, the petitioner may request his or her physical address remain confidential and not be released by the Court except with the petitioner's written consent;
- (E) A physical description of all respondents including sex, height, weight, hair color, and eye color;
- (F) A description of the domestic violence, violence, bullying, harassment, or stalking;
- (G) Any current court cases in which the petitioner and respondent are both parties;
- (H) Any past protective orders or restraining orders in Tribal or state court that the petitioner and respondent were both parties to; and
- (I) The specific protection requested from the Court. [Res. 20-R-091 Art. IV(C), 7/2/2020.]

8.05.140 Affidavit providing Tribal membership information.

In addition to the petition, a declaration must be completed by the petitioner, listing the Tribal status of all of the parties. The Court Clerk will verify Karuk enrollment with the Enrollment Office. [Res. 20-R-091 Art. IV(D), 7/2/2020.]

8.05.150 Filing fee – Domestic violence restraining order.

There is no filing fee for a petition requesting a protective order when domestic violence is alleged to have occurred. [Res. 20-R-091 Art. IV(E), 7/2/2020.]

8.05.160 Limitations on parent or grandparent filing against a child.

A parent or grandparent may not obtain a protective order against a child or grandchild under the age of sixteen (16) unless it is proven by clear and convincing evidence that the child has committed the acts complained of and no lesser remedy is available. [Res. 20-R-091 Art. IV(F), 7/2/2020.]

8.05.170 Service of petition.

The service of the petition must comply with Rule 7 of the Rules of Court and Civil Procedure for the Karuk Tribal Court (KTC [3.10.080](#)).

(A) *Timing of Service.* The petitioner must have the respondent personally served with a copy of the petition, the summons, any temporary restraining order, a blank response to the petition at least five (5) days prior to hearing. If the respondent is served less than five (5) days before the hearing, he or she may request a continuance in order to have time to prepare his or her case. The respondent must explain to the Court why he or she needs additional time. The Court will grant a continuance if it finds that fairness requires additional time is needed for the respondent to prepare their case.

(B) *No Service Fee for Domestic Violence Petitions.* No one, including law enforcement or private process servers, shall charge a fee for serving any paperwork in a case where the petition alleges acts of domestic violence. [Res. 20-R-091 Art. IV(G), 7/2/2020.]

Article V. Temporary Protective Orders

8.05.180 Circumstances in which a temporary restraining order will be granted.

A judge will review the petition and issue a temporary restraining order when, based on the contents of the petition, there is probable cause to believe the petitioner is in immediate danger of domestic violence, violence, or some other significant physical, emotional, or financial harm occurring prior to a hearing on the petition. If the judge finds, based on the contents of the petition, that a temporary restraining order should be issued, the order is issued ex parte. [Res. 20-R-091 Art. V(A), 7/2/2020.]

8.05.190 When order will not include all persons requested to be included in petition.

(A) *Petitioners or Protected Parties.* If multiple petitioners, or additional protected parties, are named in a request for a restraining order, but the contents of the petition show probable cause that only some, but not all of petitioners or protected persons are in immediate danger of domestic violence, violence, or some other significant physical, emotional, or financial harm occurring prior to a hearing, the Court may issue a temporary restraining order naming only those petitioners or protected persons it finds to be in immediate danger.

(B) *Respondents.* If multiple respondents are named in the petition, but the contents of the petition only show probable cause that some, but not all, of the respondents are an immediate threat of domestic violence, violence, or some other significant physical, emotional, or financial harm occurring prior to a hearing, the Court may issue a

temporary order against only the respondents who it finds represent an immediate threat to the petitioner(s).
[Res. 20-R-091 Art. V(B), 7/2/2020.]

8.05.200 Relief available in a temporary restraining order.

(A) *Relief Available in All Temporary Restraining Orders.* The following relief is available in any temporary restraining order until the hearing:

- (1) The respondent may be prohibited from harassing, attacking, striking, threatening, assaulting, hitting, following, stalking, bullying, molesting, destroying the personal property or, disturbing the peace of, keeping under surveillance, or blocking the movements of any protected person named in the order;
- (2) The respondent may be prohibited from contacting any protected person either directly or indirectly, by any means, including but not limited to, by telephone, mail, email, or other electronic means;
- (3) The respondent may be prohibited from taking any action, directly or through others, to obtain the address or location of any protected persons named in the order;
- (4) The respondent may be ordered to remain a stated distance away from any protected person named in the order;
- (5) The respondent may be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or ammunition;
- (6) The respondent may be required to turn any firearms in to a law enforcement agency, or sell them to, or store them with, a licensed gun dealer;
- (7) A protected person may be given the exclusive care, custody and control of animals named or described in the order; and/or
- (8) Any other temporary relief the Court deems necessary to protect and provide for the safety of the respondent(s) and other protected persons named in the order.

(B) *Relief Available in Temporary Restraining Orders Issued Because of Allegations of Domestic Violence.* In addition to the relief listed in subsection (A) of this section, the following relief is available until the hearing when the Court finds that the petitioner or other protected persons are at immediate risk of domestic violence:

- (1) The respondent may be ordered to move out of the home of any protected party;
- (2) The protected person may be granted the right to record any communications from the respondent which violate the order;
- (3) The order may grant a protected party the temporary custody of any child of the protected party and the respondent with or without allowing visitation between the respondent and the child;

- (4) A protected person may be granted exclusive use, control, and possession of property described in the order;
- (5) The respondent may be ordered to pay debts specified in the order;
- (6) If the parties are married, the respondent may be prohibited from transferring, borrowing against, selling, hiding, getting rid of or destroying any property, including animals, except in the course of business or for necessities of life and, unless a no contact order is in place, each person may be required to notify the other of any new or big expenses and explain them to the Court;
- (7) Unless a no contact order is in place, each person may be ordered to contact the other;
- (8) The Court may order control of a mobile device and wireless phone account;
- (9) The Court may prohibit any person from cashing, borrowing against, cancelling, transferring, disposing of, or changing the beneficiaries of any insurance or coverage held for the benefit of the parties or their child.
[Res. 20-R-091 Art. V(C), 7/2/2020.]

8.05.210 Duration of a temporary restraining order.

Unless otherwise stated in the order, any temporary restraining order is valid against the respondent from the time it is personally served on the respondent until the end of the scheduled hearing on the petition. [Res. 20-R-091 Art. V(D), 7/2/2020.]

Article VI. Hearing on Petition

8.05.220 Timing of hearing.

A hearing will be automatic on any petition filed under this Code. The hearing will be scheduled within twenty-one (21) days from the date of the filing of the petition, or as soon thereafter as available on the Court's calendar, unless good cause exists to extend the hearing date. [Res. 20-R-091 Art. VI(A), 7/2/2020.]

8.05.230 Continuances.

Continuances are disfavored and will only be granted when a party shows that fairness requires the continuance. When a continuance is granted, the Court must reassess whether there is probable cause to believe the petitioner is in immediate danger of domestic violence, violence, or some other significant physical, emotional, or financial harm occurring prior to a hearing on the petition, and based on its assessment extend a temporary order to the new hearing date, allow a temporary order to expire, or issue a temporary order in a case where one was not previously issued. [Res. 20-R-091 Art. VI(B), 7/2/2020.]

8.05.240 Purpose of hearing.

The hearing provides an opportunity for the parties to present their evidence to the Court in support of, or opposition to, the request for a protective order. [Res. 20-R-091 Art. VI(C), 7/2/2020.]

8.05.250 Burden of proof.

The petitioner must prove at hearing that a protective order is needed to protect them from acts of domestic violence, violence, harassment, bullying, or stalking by the respondent. [Res. 20-R-091 Art. VI(D), 7/2/2020.]

8.05.260 Failure to appear.

(A) *Petitioner.* If the petitioner does not attend the hearing, the case will be dismissed without prejudice.

(B) *Respondent.* If the respondent fails to attend the hearing, the judge will make a decision in the case based on the petition and the testimony of the petitioner and the petitioner's witnesses. [Res. 20-R-091 Art. VI(E), 7/2/2020.]

8.05.270 Remote appearances.

If either party has concerns about his or her safety during the hearing, or transportation is a barrier to attending the hearing, the Court may allow a party to appear by telephone or through video conferencing. Requests to appear remotely do not need to be served on the other party but must be received by the Court no less than five (5) business days before the scheduled hearing. If the Court approves a remote appearance, location and logistics of the remote appearance shall be coordinated with the Karuk Tribal Court Clerk. [Res. 20-R-091 Art. VI(F), 7/2/2020.]

8.05.280 Victim advocates.

A victim advocate may come to any hearing with the petitioner or respondent in any case filed under this Code. The victim advocate is a support role, and shall not represent any party at the hearing. [Res. 20-R-091 Art. VI(G), 7/2/2020.]

Article VII. Restraining Order After Hearing

8.05.290 Circumstances in which a restraining order after hearing will be granted.

A judge issues a restraining order after hearing if the petitioner has proven by a preponderance of the evidence that a restraining order for up to five (5) years is necessary to protect the petitioner or other protected persons from acts of domestic violence, violence, harassment, bullying, or stalking by the respondent. [Res. 20-R-091 Art. VII(A), 7/2/2020.]

8.05.300 When order will not include all persons requested to be included.

(A) *Petitioners or Protected Parties.* If multiple petitioners, or additional protected parties, are named in a request for a restraining order, but at hearing the petitioners fail to prove by a preponderance of the evidence that each of them, or all of the requested additional protected persons, need a restraining order after hearing to be protected from acts of domestic violence, violence, harassment, bullying, or stalking by the respondent, the Court may issue a restraining order after hearing naming only those petitioners or protected persons it finds to be in imminent and lasting danger.

(B) *Respondents.* If multiple respondents are named in the petition, but at hearing the petitioner only proves by preponderance of the evidence that some but not all of the respondents represent a threat of domestic violence, violence, harassment, bullying, or stalking, the Court may issue a restraining order after hearing against only the respondents who it finds the petitioner needs protection from. [Res. 20-R-091 Art. VII(B), 7/2/2020.]

8.05.310 Duration of a restraining order after hearing.

The restraining order after hearing will remain in effect for up to five (5) years. The order after hearing will state when the order expires; however, if it is not stated in the order, the restraining order after hearing will expire five (5) years after the date on which it was issued. [Res. 20-R-091 Art. VII(C), 7/2/2020.]

8.05.320 Relief available in a restraining order after hearing.

Whenever possible, a restraining order issued after hearing should do all of the following: (1) protect the petitioner(s) from future harm; (2) refer the respondent to rehabilitative services that will address the needed issues to bring the person back into harmony with traditional Karuk values; and (3) require the respondent to make the petitioner whole through payment of restitution or other means.

(A) *Relief Available in All Restraining Orders After Hearing.* The following relief is available in any restraining order after hearing:

- (1) The respondent may be prohibited from harassing, attacking, striking, threatening, assaulting, hitting, following, stalking, molesting, bullying, destroying the personal property or, disturbing the peace of, keeping under surveillance, or blocking the movements of any protected person named in the order;
- (2) The respondent may be prohibited from contacting any protected person either directly or indirectly, by any means, including but not limited to, by telephone, mail, email, or other electronic means;
- (3) The respondent may be prohibited from taking any action, directly or through others, to obtain the address or location of any protected persons named in the order;
- (4) The respondent may be ordered to remain a stated distance away from any protected person named in the order;
- (5) The respondent may be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive any firearms or ammunition;
- (6) The respondent may be required to turn any firearms in to a law enforcement agency, or sell them to, or store them with, a licensed gun dealer;
- (7) A protected person may be given the exclusive care, custody and control of animals named or described in the order; and/or
- (8) The respondent may be ordered to pay any of the petitioner's case costs (including filing fee and/or service fees) and/or fees for representation in the case;
- (9) Any other relief the Court deems necessary to protect and provide for the safety of the petitioner and other protected persons named in the order. This includes, but is not limited to:
 - (a) Requiring the respondent to pay restitution for damaged or stolen property;
 - (b) Requiring the respondent to pay the petitioner the cost of any medical bills which were the result of the respondent's actions;
 - (c) Requiring the respondent to pay the petitioner any lost wages which were the result of the respondent's actions;
 - (d) Requiring the respondent to complete anger management classes;
 - (e) Requiring the respondent to complete a substance abuse assessment, and any recommended treatment;
 - (f) Requiring the respondent to complete community service hours; or
 - (g) Any other relief the Court sees fit.

(B) *Relief Available in Restraining Orders After Hearing Issued Because of Allegations of Domestic Violence.* In addition to the relief listed in subsection [\(A\)](#) of this section, the following relief is available after hearing when the Court

finds that a restraining order after hearing is needed to protect the petitioner or other protected person from future domestic violence, violence, bullying, harassment or stalking:

- (1) The respondent may be ordered to move out of the home of any protected party; however, if the respondent owns or leases the residence and the petitioner has no legal interest in the residence the Court may order the respondent to stay away from the residence for a reasonable length of time until the petitioner relocates;
- (2) The protected person may be granted the right to record any communications from the respondent which violate the order;
- (3) The order may grant a protected party the temporary custody of any child of the protected party and the respondent with or without allowing visitation between the respondent and the child;
- (4) The respondent may be ordered to pay the petitioner child support;
- (5) A protected person may be granted exclusive use, control, and possession of property described in the order;
- (6) The respondent may be ordered to pay debts specified in the order;
- (7) If the parties are married, the respondent may be prohibited from transferring, borrowing against, selling, hiding, getting rid of or destroying any property, including animals, except with approval from the Court or for necessities of life and, unless a no contact order is in place, each person may be required to notify the other of any new or big expenses and explain them to the Court;
- (8) The respondent may be ordered to pay the petitioner spousal support;
- (9) The Court may order control of a mobile device and wireless phone account;
- (10) The respondent may be ordered to transfer a wireless phone account into the petitioner's name;
- (11) The Court may prohibit any person from cashing, borrowing against, cancelling, transferring, disposing of, or changing the beneficiaries of any insurance or coverage held for the benefit of the parties or their child(ren);
- (12) The respondent may be ordered to complete a fifty-two (52) week batterer's intervention program; and/or
- (13) Any other relief the Court deems necessary to protect and provide for the safety of the respondent(s) and other protected persons named in the order. This includes, but is not limited to:
 - (a) Requiring the respondent to pay the petitioner for any lodging costs incurred by the petitioner when fleeing from domestic violence; and/or
 - (b) Requiring the respondent to complete parenting classes. [Res. 20-R-091 Art. VII(D), 7/2/2020.]

8.05.330 Requirement of review hearing.

When the Court orders a respondent to complete any services, or pay any restitution to the victim, a review hearing must be set at the time the protective order is issued, and the date and time of the review hearing must be included in the order. The judge may waive the petitioner's need to appear and require the respondent bring proof of completion of the services or payment of the restitution. [Res. 20-R-091 Art. VII(E), 7/2/2020.]

8.05.340 Mutual restraining orders in domestic violence cases.

Mutual restraining orders are orders resulting from a cross or counter petition. The Court shall not issue mutual restraining orders in domestic violence cases unless the Court determines, in its fact finding, who the primary aggressor was. If a primary aggressor can be determined, a restraining order will be issued against that person only. In determining whether a person was the primary aggressor, the Court must consider:

- (A) Prior complaints of domestic violence;
- (B) The relative severity of the injuries inflicted on each person;
- (C) The likelihood of future injury to each person;
- (D) Whether one (1) of the persons acted in self-defense. [Res. 20-R-091 Art. VII(F), 7/2/2020.]

8.05.350 Modification or dismissal of protective orders.

(A) *All Protective Orders.* A protective order may be modified or dismissed following notice and a hearing, upon the Court's own motion or at the request of a party, if any of the following occur:

- (1) Assessments and treatments ordered by the Court have been completed; and/or
- (2) The respondent demonstrates behavioral changes which eliminate the risk of a recurrence of domestic violence, violence, harassment, bullying or stalking; and/or
- (3) The Court determines that a less restrictive alternative is appropriate because the order is an unreasonable hardship on the respondent. The safety of the petitioner and other protected persons must still be the primary consideration in the Court's analysis.
- (4) The Court determines the petitioner's request for modification or dismissal is voluntary and informed.

(B) *Domestic Violence Protective Orders.*

- (1) *Requirement That Request Be Voluntary and Informed.* The Court may not modify or dismiss a domestic violence protection order on the petitioner's request without first holding a hearing and asking the petitioner sufficient questions to determine whether or not the request is voluntary and knowing. The order may only be modified or dismissed if the Court believes, after the petitioner's testimony, that the request is voluntary and

made with full knowledge of the potential danger that may result from the modification or dismissal of the order.

(2) *Petitioner's Invitation to Respondent Does Not Modify or Cancel the Restraining Order.* If the respondent is excluded from the petitioner's residence or ordered to stay away from the petitioner, an invitation from the petitioner to come to the home or spend time with the petitioner does not automatically modify or cancel the restraining order.

If the petitioner continues to invite the respondent over, or has allowed the respondent to move back into the home, the respondent may file a motion asking that the Court modify the order by removing the no contact or move out order. [Res. 20-R-091 Art. VII(G), 7/2/2020.]

Article VIII. Enforcement and Penalties for Violation

8.05.360 Enforcement.

A copy of any protective order issued under this chapter shall be issued to each party. [Res. 20-R-091 Art. VIII(A), 7/2/2020.]

8.05.370 Full faith and credit.

Any protective order issued under this chapter must be enforced by any tribal, state, federal, or local law enforcement officer under the Violence Against Women Act, [18](#) U.S.C. Section [2265](#). The Tribal Court shall ensure that Tribal Court protective orders issued under this chapter are submitted to applicable registries. [Res. 20-R-091 Art. VIII(B), 7/2/2020.]

8.05.380 Consequences for violation of a protective order.

(A) *Civil Remedies.* If a petitioner proves a violation of a protective order, the Court may impose a civil penalty of up to five hundred dollars (\$500) for each violation, and modify the protective order to include any additional terms necessary to protect the petitioner.

(B) *Nothing in This Code Prevents Criminal Prosecution.* Nothing in this Code prevents a criminal prosecution in this, or any other jurisdiction, for any actions that resulted in the issuance of a protection order under this Code, or which constituted a violation of a protection order under this Code. [Res. 20-R-091 Art. VIII(C), 7/2/2020.]

The Karuk Tribal Code is current through Resolution 21-R-171, passed December 9, 2021.

Disclaimer: The Office of the Tribal Attorney has the official version of the Karuk Tribal Code. Users should contact the Office of the Tribal Attorney for ordinances passed subsequent to the ordinance cited above.

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