Midwest Native Coalition for Justice & Peace

# STATUTORY SUPPLEMENT

## FOR DOMESTIC VIOLENCE AND PROTECTION ORDERS

*CHOCTAW NATION OF OKLAHOMA*

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# Statutory Supplement for Domestic Violence and Protection Orders – Choctaw Nation of Oklahoma

## Protection from Domestic Abuse Act

### 75 Choc. Stat. 60.2. Definitions

As used in the Protection from Domestic Abuse Act:

A. "Domestic abuse" means the infliction of any of the following acts upon a victim by an abuser:

1. "Assault"—an attempt to cause bodily harm to another through the use of force, or the creation in another of a reasonable fear of imminent bodily harm;

2. "Battery"—application of force to the person of another resulting in bodily harm or an offensive touching;

3. "Threatening"—words or conduct which place another in fear of bodily harm or property damage;

4. "Coercion"—compelling an unwilling person, through force or threat of force, to:

a. Engage in conduct which the person has a right to abstain from; or

b. Abstain from conduct which the person has a right to engage in;

5. "Confinement"—compelling a person to go where the person does not wish to go or to remain where the person does not wish to remain;

6. "Damage to property"—damaging the property of another;

7. "Emotional abuse"—using threats, intimidation, or extreme ridicule to inflict humiliation and emotional suffering upon another;

8. "Harassment"—conduct which causes emotional alarm and distress to another by shaming, degrading, humiliating, placing in fear, or otherwise abusing personal dignity. Examples of harassing conduct include, but are not limited to the following:

a. Unwelcome visiting or following of a person;

b. Unwelcome sexual propositioning, reference to body functions or attributes, or other comments of a sexual nature;

c. Unwelcome communications, made by phone or by other methods, containing intimidating, taunting, insulting, berating, humiliating, offensive, threatening, or violent language; or

d. Unwelcome lingering around the home, school, or workplace of a person.

9. “Sexual abuse”—any physical contact of a sexual nature, or attempted physical contact of a sexual nature, with a person, made without that person’s consent. Consent cannot be obtained through means such as force, intimidation, duress, fraud, or from a minor under any circumstance;

10. “Stalking” means the willful, malicious, and repeated following or harassment of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested and actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed or molested. Stalking also means a course of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose or unconsented contact with a person that is initiated or continued without the consent of the individual or in disregard of the expressed desire of the individual that the contact be avoided or discontinued. Unconsented contact or course of conduct includes, but is not limited to:

a. following or appearing within the sight of that individual,

b. approaching or confronting that individual in a public place or on private property,

c. appearing at the workplace or residence of that individual,

d. entering onto or remaining on property owned, leased, or occupied by that individual,

e. contacting that individual by telephone,

f. sending mail or electronic communications to that individual, or

g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual;

11. “Other conduct”—any other conduct that constitutes an offense or a tort under the law of the Choctaw Nation.

B. Domestic abuse does not mean a victim’s act of self-defense made in reasonable response to an abuser’s act of domestic abuse.

C. “Victim” means any of the following persons who have been directly affected by domestic abuse as defined in paragraph A of this Section:

1. Any member or former member of the abuser’s household or immediate residence areas;

2. Any person involved in, or formerly involved in, a dating relationship with the abuser;

3. Any person who interacts with the abuser in an employment, academic, recreational, religious, social, or other setting;

4. Any child of the abuser;

5. Any relative of the abuser;

6. Any elderly person; or

7. Any vulnerable person. Examples of vulnerability which give rise to the protection of this Act include, but are not limited to, emotional and physical disabilities and impairments.

D. “Abuser” means any person who engages in conduct defined as domestic abuse under paragraph A of this Section against any of the persons defined as victims under paragraph C of this Section.

1. “Any person” includes any non-Indian who:

a. resides in the Indian country of the Choctaw Nation of Oklahoma;

b. is employed in the Indian country of the Choctaw Nation of Oklahoma; or

c. is a spouse, intimate partner, or dating partner of—

i. a member of the Choctaw Nation of Oklahoma; or

ii. an Indian who resides in the Indian country of the Choctaw Nation of Oklahoma.

E. “Protective order” means a court order that restrains the abuser from doing certain acts upon threat of penalty or sanction. Such an order may contain requirements to adjust the relationship of the parties and prevent further abuse. The term includes any emergency, temporary or domestic abuse protective orders issued by the Court.

F. “Dating relationship” means a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship;

G. “Foreign protective order” means any valid order of protection issued by a court of another tribal or state court;

H. “Victim support person” means a person affiliated with a domestic violence or sexual assault program who provides support and assistance for a person who files a petition under the Protection from Domestic Violence Act;1 and

I. “Mutual protective order” means a final protective order or orders issued to both a plaintiff who has filed a petition for a protective order and a defendant included as the defendant in the plaintiff’s petition restraining the parties from committing domestic abuse against each other. If both parties allege domestic abuse against each other the parties shall do so by separate petition.

**70 Choc. Stat. 60.8. Violation of Ex Parte or Final Protective Order or Foreign Protective Order— Penalties**

A. Except as otherwise provided by this section, any person who:

1. Has been served with an ex parte or final protective order or foreign protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by a term of imprisonment of not more than one (1) year, or by both such fine and imprisonment; and

2. After a previous conviction of a violation of a protective order, is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be guilty of a felony and shall be punished by a term of imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

B. 1. Any person who has been served with an ex parte or final protective order or foreign protective order who violates the protective order and causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars ($5,000.00).

2. Any person who is convicted of a second or subsequent violation of a protective order which causes physical injury or physical impairment to a plaintiff or to any other person named in the protective order shall be guilty of a felony and shall be punished by a term of imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of not less than Three Thousand Dollars ($3,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

3. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.

4. The provisions of this subsection shall not affect the applicability of Sections 644, 645, 647 and 652 of the Choctaw Nation Criminal Code.1

C. The minimum sentence of imprisonment issued pursuant to the provisions of paragraph 2 of subsection A and paragraph 1 of subsection B of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.

D. In addition to any other penalty specified by this section, the court shall specifically order and require as a condition of a suspended sentence, deferred sentence, or probation that a defendant undergo treatment or participate in counseling services necessary to bring about the cessation of domestic abuse against the victim or to bring about the cessation of stalking or harassment of the victim. For every conviction of violation of a protective order:

1. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor.

2. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

E. When a minor child violates the provisions of any protective order, the violation shall be heard in a juvenile proceeding and the court may order the child and the parent or parents of the child to participate in family counseling services necessary to bring about the cessation of domestic abuse against the victim and may order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.

F. At no time, under any proceeding, may a person protected by a protective order be held to be in violation of that protective order. Only a defendant against whom a protective order has been issued may be held to have violated the order.

G. In addition to any other penalty specified by this section, the court may order a defendant to use an active, real-time, twenty-four-hour Global Positioning System (GPS) monitoring device as a condition of a sentence.

The court may further order the defendant to pay costs and expenses related to the GPS device and monitoring.

**75 Choc. Stat. 60.9. Nationwide Validity of Orders**

All orders issued pursuant to the provisions of the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall have validity in all parts of the United States, unless specifically modified or terminated by the court.

**75 Choc. Stat. 60.10. Seizure and Forfeiture of Weapons Used to Commit Act of Domestic Abuse**

A. Each peace officer in the Choctaw Nation of Oklahoma shall seize any weapon or instrument when such officer has probable cause to believe such weapon or instrument has been used to commit an act of domestic abuse as defined by Section 60.1 of this title, provided an arrest is made, if possible, at the same time.

B. After any such seizure, the prosecuting attorney may file a notice of seizure and forfeiture as provided in this section within ten (10) days of such seizure, or any weapon or instrument seized pursuant to this section shall be returned to the owner.

C. No weapon or instrument seized pursuant to this section or monies from the sale of any such seized weapon or instrument shall be turned over to the person from whom such property was seized if a forfeiture action has been filed within the time required by subsection B of this section, unless authorized by this section. Provided further, the owner may prove at the forfeiture hearing that the conduct giving rise to the seizure was justified, and if the owner proves justification, the seized property shall be returned to the owner. Any proceeds gained from this seizure shall be placed in the Crime Victims Compensation Revolving Fund.

**75 Choc. Stat. 60.11. Warrantless Arrest**

A. A peace officer, without a warrant, may arrest and take into custody a person if the peace officer has reasonable cause to believe that:

1. An emergency ex parte or final protective order has been issued and served upon the person, pursuant to the Protection from Domestic Abuse Act;1

2. A true copy and proof of service of the order has been filed with the law enforcement agency having jurisdiction of the area in which the plaintiff or any family or household member named in the order resides or a certified copy of the order and proof of service is presented to the peace officer as provided in subsection D of this section;

3. The person named in the order has received notice of the order and has had a reasonable time to comply with such order; and

4. The person named in the order has violated the order or is then acting in violation of the order.

B. A peace officer, without a warrant, shall arrest and take into custody a person if the following conditions have been met:

1. The peace officer has reasonable cause to believe that a foreign protective order has been issued, pursuant to the law of the state or tribal court where the foreign protective order was issued;

2. A certified copy of the foreign protective order has been presented to the peace officer that appears valid on its face; and

3. The peace officer has reasonable cause to believe the person named in the order has violated the order or is then acting in violation of the order.

C. The court shall set a reasonable bail within forty-eight (48) hours after arrest to answer to a charge for violation of the protective order pursuant to Section 60.8 of this title and shall set a time certain for a hearing on the alleged violation of the order.

D. A copy of a protective order shall be prima facie evidence that such order is valid in the Choctaw Nation of Oklahoma when such documentation is presented to a law enforcement officer by the plaintiff, defendant, or another person on behalf of a person named in the order. Any law enforcement officer may rely on such evidence to make an arrest for a violation of such order, if there is reason to believe the defendant has violated or is then acting in violation of the order without justifiable excuse. When a law enforcement officer relies upon the evidence specified in this subsection, such officer and the employing agency shall be immune from liability for the arrest of the defendant if it is later proved that the evidence was false.

E. Any person who knowingly and willfully presents any false or materially altered protective order to any law enforcement officer to effect an arrest of any person shall, upon conviction, be guilty of a felony punishable by imprisonment for a period not to exceed two (2) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00) and shall, in addition, be liable for any civil damages to the defendant.

**75 Choc. Stat. 60.12. Protective Order—Statement required—Validity**

In addition to any other provisions required by the Protection from Domestic Abuse Act1, or otherwise required by law, each ex parte or final protective order issued pursuant to the Protection from Domestic Abuse Act2 shall have a statement printed in bold-faced type or in capital letters containing the following information:

1. The filing or non-filing of criminal charges and the prosecution of the case shall not be determined by a person who is protected by the protective order, but shall be determined by the prosecutor;

2. No person, including a person who is protected by the order, may give permission to anyone to ignore or violate any provision of the order. During the time in which the order is valid, every provision of the order shall be in full force and effect unless a court changes the order;

3. The order shall be in effect for a fixed period of five (5) years unless extended, modified, vacated or rescinded by the court or shall be continuous upon a specific finding by the court as provided in subparagraph b of paragraph 1 of subsection G of Section 60.6 of this title unless modified, vacated or rescinded by the court;

4. A violation of the order is punishable by a fine of up to One Thousand Dollars ($1,000.00) or imprisonment for up to one (1) year, or by both such fine and imprisonment. A violation of the order which causes injury is punishable by imprisonment for twenty (20) days to one (1) year or a fine of up to Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment; and

5. Possession of a firearm or ammunition by a defendant while an order is in effect may subject the defendant to prosecution for a violation of federal law even if the order does not specifically prohibit the defendant from possession of a firearm or ammunition.

**75 Choc. Stat. 60.13. Foreign Protective Orders—Presumption of Validity—Peace Officers Immune from Liability**

A. It is the intent of the Tribal Council that all foreign protective orders shall have the rebuttable presumption of validity, even if the foreign protective order contains provisions which could not be contained in a protective order issued by a court of the Choctaw Nation of Oklahoma. The validity of a foreign protective order shall only be determined by a court of competent jurisdiction. Until a foreign protective order is declared invalid by a court of competent jurisdiction it shall be given full faith and credit by all peace officers and courts in the Choctaw Nation of Oklahoma.

B. A peace officer of the Choctaw Nation of Oklahoma shall be immune from liability for enforcing provisions of a foreign protective order.

## Uniform Interstate Enforcement of Domestic Violence Protection Orders Act

**75 Choc. Stat. 60.22. Definitions**

As used in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act:

1. “Foreign protection order” means a protection order issued by a tribunal of another state;

2. “Issuing state” means the state whose tribunal issues a protection order;

3. “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;

4. “Protected individual” means an individual protected by a protection order;

5. “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual;

6. “Respondent” means the individual against whom enforcement of a protection order is sought;

7. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders; and

8. “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

**Section 60.23. Judicial Enforcement of Foreign Protection Order**

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

tribunal shall follow the procedures of the Choctaw Nation of Oklahoma for the enforcement of protection orders.

B. A tribunal of the Choctaw Nation of Oklahoma may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

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

D. A foreign protection order is valid if it:

1. Identifies the protected individual and the respondent;

2. Is currently in effect;

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

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

E. A foreign protection order valid on its face is prima facie evidence of its validity.

F. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

G. A tribunal of the Choctaw Nation of Oklahoma may enforce provisions of a mutual foreign protection order which favor a respondent only if:

1. The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

2. The tribunal of the issuing state made specific findings in favor of the respondent.

**Section 60.24. Non-Judicial Enforcement of Foreign Protection Order**

A. A law enforcement officer of the Choctaw Nation of Oklahoma, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the Choctaw Nation of Oklahoma. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

B. If a foreign protection order is not presented, a law enforcement officer of the Choctaw Nation of Oklahoma may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

C. If a law enforcement officer of the Choctaw Nation of Oklahoma determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

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

**Choc. Stat. 60.25. Registration of Foreign Orders—Certified Copy—Inaccurate Orders—Affidavits—Fee**

A. Any individual may register a foreign protection order in the Choctaw Nation of Oklahoma. To register a foreign protection order, an individual shall:

1. Present a certified copy of the order to the district court clerk; or

2. Present a certified copy of the order to a law enforcement officer and request that the order be registered with the district court clerk.

B. Upon receipt of a foreign protection order, the district court clerk shall register the order in accordance with this section. After the order is registered, the district court clerk shall furnish to the individual registering the order a certified copy of the registered order.

C. The district court clerk shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign

protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of the Choctaw Nation of Oklahoma.

D. An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

E. A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

F. A fee may not be charged for the registration of a foreign protection order.

**75 Choc. Stat. 60.26. Immunity from Liability**

The Choctaw Nation of Oklahoma, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this act.

**75 Choc. Stat. 60.29. Application to Orders Issued Before Effective Date of this Act**

This act applies to protection orders issued before the effective date of this act and to continuing actions for enforcement of foreign protection orders commenced before the effective date of this act. A request for enforcement of a foreign protection order made on or after the effective date of this act, for violations of a foreign protection order occurring before the effective date of this act is governed by this act.

# Federal Laws and Definitions

## Violence Against Women Act

### Protection Order Definition

**18 U.S.C. § 2266**

(5) Protection order.—The term "protection order" includes—

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

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

### Relationship Guidance

**18 U.S.C. § 2266**

(7) Spouse or intimate partner.—The term "spouse or intimate partner" includes—

(A) for purposes of—

(i) sections other than 2261A—

(I) a spouse or former spouse of the abuser, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited as a spouse with the abuser; or

(II) a person who is or has been in a social relationship of a romantic or intimate nature with the abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; and

(ii) section 2261A—

(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.[1]

(B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.

**Full Faith and Credit**

**18 U.S.C. § 2265**

**(a) FULL FAITH AND CREDIT.—**

Any protection order issued that is consistent with subsection (b) of this section by the court of oneState, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory [1] as if it were the order of the enforcing State or tribe.

**(b) PROTECTION ORDER.—**A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

**(1)** such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

**(2)** reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

**(c) CROSS OR COUNTER PETITION.—**A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

**(1)** no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

**(2)** a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

**(d) NOTIFICATION AND REGISTRATION.—**

**(1) NOTIFICATION.—**

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

**(2) NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.—**

Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

**(3) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—**

A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes. The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or Tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.

**(e) TRIBAL COURT JURISDICTION.—**

For purposes of this section, a court of an Indian tribe 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 Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.

## Oklahoma Laws and Definitions

**Uniform Interstate Enforcement of Domestic Violence Protection Orders Act**

**22 OK Stat § 60.22 (2025)**

As used in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act:

1. “Foreign protection order” means a protection order issued by a tribunal of another state;

2. “Issuing state” means the state whose tribunal issues a protection order;

3. “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;

4. “Protected individual” means an individual protected by a protection order;

5. “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual;

6. “Respondent” means the individual against whom enforcement of a protection order is sought;

7. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders; and

8. “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

**22 OK Stat § 60.23 (2025)**

Judicial Enforcement of Foreign Protection Order.

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

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

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

D. A foreign protection order is valid if it:

1. Identifies the protected individual and the respondent;

2. Is currently in effect;

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

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

E. A foreign protection order valid on its face is prima facie evidence of its validity.

F. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

G. A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

1. The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

2. The tribunal of the issuing state made specific findings in favor of the respondent.

**22 OK Stat § 60.24 (2025)**

**Nonjudicial enforcement of foreign protection order.**

A. A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

B. If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

C. If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

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

**22 OK Stat § 60.25 (2025)**

**Registration of foreign orders - Certified copy - Inaccurate orders - Affidavits - Fee.**

A. Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

1. Present a certified copy of the order to the Secretary of State; or

2. Present a certified copy of the order to a law enforcement officer and request that the order be registered with the Secretary of State.

B. Upon receipt of a foreign protection order, the Secretary of State shall register the order in accordance with this section. After the order is registered, the Secretary of State shall furnish to the individual registering the order a certified copy of the registered order.

C. The Secretary of State shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

D. An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

E. A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

F. A fee may not be charged for the registration of a foreign protection order.

**22 OK Stat § 60.26 (2025)**

## Immunity from Liability

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this act.

## Oklahoma Court Rules

Ok. Stat. Ann. T. 12, Ch. 2, App., Rule 30
Rule 30. Standards for Recognition of Judicial Proceedings in Tribal Courts--Full Faith and Credit

**A. Standards**

(1) "Tribal Court" means any court or constitutionally established tribunal of any federally recognized Indian nation, tribe, pueblo, band, or Alaska Native village, duly established under federal law or tribal law, including Courts of Indian Offenses organized pursuant to Title 25, Part 11 of the Code of Federal Regulations.

(2) "Judicial Officer" means any judge, justice, magistrate or other officer duly seated and authorized under federal or tribal law to resolve disputes and enter tribal judgments in a tribal court.

(3) "Tribal Judgment" means any final written judgment, decree or order of a tribal court duly signed by a judicial officer and filed in a Tribal Court.

**B. Recognition of Tribal Judgments--Full Faith and Credit.** The district courts of the State of Oklahoma shall grant full faith and credit and cause to be enforced any tribal judgment where the tribal court that issued the judgment grants reciprocity to judgments of the courts of the State of Oklahoma, provided, a tribal court judgment shall receive no greater effect or full faith and credit under this rule than would a similar or comparable judgment of a sister state.

**C. Listing of Tribal Courts Granting Reciprocity.** A list of the tribal courts that grant full faith and credit to the courts of the State of Oklahoma shall be maintained by the Administrative Office of the Courts. Any tribal court may provide the Administrative Office of the Courts a copy of the tribal ordinance, statute, court rule or other evidence that demonstrates that the tribal court grants reciprocity to the courts of the State of Oklahoma.

**D. Filing of Tribal Judgments.** A copy of any tribal judgment authenticated in accordance with the applicable act of Congress or of the statutes of this state or the law

of the tribe may be filed in the office of the district court clerk of any county of this state. The district court clerk shall treat the tribal judgment in the same manner as a judgment of the district court of any county of this state which may be enforced or satisfied in like manner.

**E. Notice of Filing**

(1) At the time of the filing of the tribal judgment with the district court clerk, the party filing the judgment or that party's attorney shall make and file with the district court clerk an affidavit setting forth the name and last-known address of all parties in the action, including the name and last-known address of any party's attorney.

(2) Promptly upon the filing of the tribal judgment and the affidavit, the district court clerk shall mail notice of the filing of the tribal court judgment to the party against whom the judgment was rendered at the address given and shall make a note of the mailing in the docket. The notice shall include the name and address of the party filing the judgment, and that party's attorney, if any. In addition, the party filing the judgment shall mail a notice of the filing of the judgment to the party against whom judgment was rendered and shall file an affidavit proving the mailing of the notice with the district court clerk within ten (10) days of the date that the tribal judgment was filed with the district court clerk. Failure of the district court clerk to mail the notice of filing of the judgment shall not affect the enforcement proceedings if an affidavit proving the mailing of the notice has been filed by the party filing the judgment.

(3) No execution or other process for enforcement of a tribal court judgment filed hereunder shall issue until the affidavit proving the mailing of the notice has been filed with the district court clerk, and twenty (20) days have expired from the date the judgment was filed in the district court.