



PROTECTION ORDERS

NATIONAL CENTER ON PROTECTION
ORDERS AND FULL FAITH & CREDIT

Enforcement of Tribal Protection Orders by State and Local Law Enforcement Agencies Pursuant to the Full Faith and Credit Provision of the Violence Against Women Act (VAWA)

Technical Assistance Bulletin

To: All State and Local Law Enforcement Agencies

From: National Center on Protection Orders and Full Faith & Credit

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Law Enforcement's Obligation to Enforce Tribal Protection Orders

This bulletin is designed to ensure that state and local law enforcement officials across the country have the necessary information to enforce and prosecute violations of tribal protection orders. Enforcement of protection orders across jurisdictional lines is a critical component of protecting victims of violence. Victims depend on law enforcement to honor and enforce their protection orders as they travel across states, tribal lands, and U.S. territories. Failing to enforce a protection order because it was issued in another state, tribe, or U.S. territory can leave victims vulnerable and may expose officers and their departments to legal liability.

Legal Authority of Tribal Court Jurisdiction

Tribal courts have full civil jurisdiction under the full faith and credit provision of the Violence Against Women Act (VAWA), to issue and enforce protection orders involving any person (Indian or non-Indian) in matters arising anywhere in the tribe's Indian Country or otherwise within the tribe's authority.¹

VAWA Mandate to Law Enforcement

State and federal law mandate that all state and local law enforcement officers enforce tribal protection orders.² A responding officer must enforce the terms and conditions of a valid order as written. If a respondent (the individual against whom enforcement is sought) violates any provision of the protection order covered by 18 U.S.C. § 2265, the violation must be enforced according to the enforcing jurisdiction's laws. This means that law enforcement should treat the violation as a criminal offense if that type of violation is criminalized in their jurisdiction.

VAWA's Definition of a Protection Order

There is no standard format for protection orders. Law enforcement may encounter hundreds of different formats of tribal protection orders. Orders may differ in name, verbiage, content, layout, and duration. Law enforcement should enforce all valid protection orders.

VAWA defines a "protection order" as "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[.]"³ This includes interim, emergency, ex parte, temporary, and final orders. VAWA also encompasses protections contained in support, child custody, and visitation orders and other order or remedies issued as part of the order.

Facial Validity Assessment

Law enforcement officers must enforce tribal protection orders from other jurisdictions if they appear valid on their face. Moreover, law enforcement is not required to determine anything other than the facial validity of the protection order.

A facially valid tribal protection order is one that: (1) identifies both the protected individual and the individual against whom the enforcement is sought, (2) is issued by a court, and (3) has not expired.

Note: Many states have enacted statutes that provide officers with immunity when enforcing protection orders from other jurisdictions so long as they act in good faith.⁴

Prohibited Acts by Law Enforcement

Law enforcement officers *shall not* require any of the following conditions to enforce a tribal protection order:

- Presentation of a certified copy of the tribal protection order;
- Registration or filing of the protection order with local law enforcement, courts or other state agency, or entry into the National Crime Information Center Protection Order File (NCIC POF);⁵
- Domestication of the order in the enforcing jurisdiction; or
- Verification in any local or statewide database or NCIC POF.

Procedures to Verify an Order When a Paper Copy Is Not Available

If a paper copy of the order is not available, verification of the tribal protection order can be accomplished through the following methods:

- Confirming the order through the issuing or enforcing jurisdiction's protection order registry or the NCIC POF;
- Contacting the issuing jurisdiction's court or law enforcement agency for verification of the order's validity;
- Viewing the order by other means, such as a PDF copy on a phone of the protected party; or
- Drawing upon personal knowledge or information obtained from interviewing the parties.

Procedures When the Order Has Not Been Served

If a law enforcement officer determines that an otherwise valid tribal 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, and allow them a reasonable opportunity to comply with the order before enforcing it. The officer should document service of the order and cooperate with the issuing jurisdiction to fill out proof of service using the issuing jurisdiction's form.

Technical Assistance

NCPOFFC published the [Protecting Victims of Domestic Violence: Law Enforcement Guide to Full Faith and Credit](#) to assist law enforcement officers with inter-jurisdictional enforcement of protection orders. NCPOFFC also created the [Law Enforcement Pocket Guide](#) which was designed so that law enforcement officers can carry essential information on responding officer's procedures, ways to verify a protection order, immediate actions that can be taken, and contact information for further assistance from our office. Free training and technical assistance are available by contacting NCPOFFC at (800) 903-0111, prompt 2, emailing ncffc@bwjp.org, or visiting our website: www.fullfaithandcredit.org.

Endnotes

- 1 “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.” 18 U.S.C. § 2265(e).
- 2 “Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were the order of the enforcing State or tribe.” 18 U.S.C. § 2265(a); [NAT’L CTR. ON PROTECTION ORDERS AND FULL FAITH & CREDIT, BATTERED WOMEN’S JUSTICE PROJECT, STATE AND TERRITORIAL FULL FAITH AND CREDIT STATUTES \(2024\)](#).
- 3 (5) 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. 18 U.S.C. § 2266(5).
- 4 Many jurisdictions have included limited liability provisions in their full faith and credit enabling legislation. To review your enabling legislation, please see, [NAT’L CTR. ON PROTECTION ORDERS AND FULL FAITH & CREDIT, BATTERED WOMEN’S JUSTICE PROJECT, STATE AND TERRITORIAL FULL FAITH AND CREDIT STATUTES \(2024\)](#).
- 5 “No prior registration or filing as prerequisite for enforcement.—
Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.” 18 U.S.C. § 2265(d)(2).



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