

SAN PASQUAL BAND OF MISSION INDIANS

DOMESTIC VIOLENCE ORDINANCE



Table of Contents

SECTION I. PURPOSE.....	3
SECTION II. AUTHORITY.....	3
SECTION III. JURISDICTION	3
SECTION IV. DEFINITIONS	3
A. Petitioner – The person filing the petition.	3
B. Respondent – The alleged abuser.	3
C. Domestic Violence/Abuse	4
D. Intimate Partner.....	5
E. Family or Household Member of a Victim.....	5
F. Type of Orders	5
G. Tribal Court.....	6
H. Law Enforcement Officer	6
SECTION V. DUTIES OF TRIBAL LAW ENFORCEMENT	6
A. Protecting Victims of Domestic Violence and Notice:.....	6
B. Victim Rights:.....	7
SECTION VI. PROSECUTING ACTS OF DOMESTIC VIOLENCE.....	9
A. Mandatory Citation for an Act Involving Domestic Violence.....	9
B. Determination of Predominate Aggressor.	9
C. Domestic Violence Citation, Service, and Hearing	10
SECTION VII. PROTECTIVE ORDERS.....	10
A. Emergency Orders	10
B. Petition for Family Abuse Protection Order (Petition) and Temporary Restraining Order (TRO).....	10

C.	Hearing on Petition	12
D.	Protection Order after Hearing.....	12
SECTION VIII.	VIOLATION OF PROTECTION ORDER	16
A.	Detention and Arrest for Violations of a Protection Order.....	16
B.	Contempt of Court	16
SECTION IX.	FULL FAITH AND CREDIT OF FOREIGN PROTECTION ORDERS .	16
A.	Enforcement of Foreign Protection Orders.....	16
B.	Immunity for Good Faith Enforcement of Foreign Protection Order.....	16
C.	Tribal Court’s Full Faith and Credit of Foreign Orders.....	17
SECTION X.	AMENDMENTS	17
SECTION XI.	PROCEDURES FOR IMPLEMENTATION OF ORDINANCE	17
SECTION XII.	EFFECTIVE DATE	17

San Pasqual Band of Mission Indians DOMESTIC VIOLENCE ORDINANCE

SECTION I. PURPOSE

The purpose of this Domestic Violence Ordinance is to recognize that domestic violence and abuse, including physical, mental, emotional, stalking, sexual assault, and dating violence, are serious offenses against society, the San Pasqual Band of Mission Indians, herein "Tribe" and families. Every member of the San Pasqual tribal community has the absolute right to be respected and treated with dignity, to be free of violence and to live in peace at all times. Further, this ordinance will provide the victim of domestic violence the maximum protection from further abuse which the law can provide. The strength of the Tribe is founded on healthy families. Families damaged by abuse must be healed by the immediate intervention of law enforcement, prosecution, education, counseling, and other appropriate services. Violent behavior will not be excused or tolerated, whether or not an abuser is intoxicated, stressed, or for any other reason within the territory of the San Pasqual Band of Mission Indians.

SECTION II. AUTHORITY

This Ordinance is hereby adopted pursuant to Article VIII, Section 1 of the San Pasqual Band of Mission Indians Constitution.

SECTION III. JURISDICTION

The San Pasqual Band of Mission Indian's Intertribal Court of Southern California shall have jurisdiction under this ordinance:

- A. When the petitioner or respondent is domiciled, resides, or is found on the San Pasqual Reservation and when the act of domestic violence occurs within the boundaries of the San Pasqual Reservation; or
- B. When the court is being asked to recognize and enforce a valid Protection Order of another court of competent jurisdiction.

SECTION IV. DEFINITIONS

- A. **Petitioner** – The person filing the petition.
- B. **Respondent** – The alleged abuser.

C. Domestic Violence/Abuse - The occurrence of one or more of the following acts by a person against a family or household member, but does not include acts of self-defense:

1. Attempting to cause or causing physical harm or bodily injury to another family or household member which shall include, but is not limited to, attempting to cause or causing physical pain, serious illness, or an impairment of a physical condition.
2. Placing a family or household member in fear of the infliction of physical harm, bodily injury, or assault which shall include but is not limited to harassment, psychological abuse, or the utterance of verbal threats which causes a person to reasonably fear, physical harm, bodily injury or death.
3. Attempting to cause or causing “emotional distress” to family or household member. Causing “emotional distress” means engaging in conduct that Respondent knows, or has reason to know, would cause the Petitioner or the person on whose behalf the petition is filed emotional distress and does in fact cause emotional distress to the person. Examples of conduct which may cause emotional distress include but are not limited to:
 - a) Creating a disturbance at a person’s place of employment, residence, school, or other place occupied by the person;
 - b) Repeatedly telephoning, e-mailing, or faxing to a person’s place of employment or residence or seeking to communicate with the person, either directly or indirectly through a third party;
 - c) Repeatedly keeping a person under surveillance/stalking by remaining present outside his or her residence, school, place of employment, vehicle or other place occupied by the person;
 - d) Improperly concealing a minor child from a person with sole or joint custody of the minor, repeatedly threatening to improperly remove the person’s minor child from the jurisdiction or from his or her physical care, repeatedly threatening to conceal the person’s minor child or making a threat following an actual attempted improper removal or concealment, unless the removal was made or attempted removal was made while fleeing from an incident or pattern of domestic violence.
 - e) Threatening physical force, confinement, or restraint.
4. Causing a family or household member to engage in involuntarily sexual activity by force, threat of force or duress;
5. Willfully violating a court order intended to protect a family or household member.

D. Intimate Partner: An intimate relationship is an interpersonal relationship that involves physical or emotional intimacy. Physical intimacy is characterized by friendship, platonic love, romantic love or sexual activity. The following are considered intimate partners:

1. Persons who are current or former spouses;
2. Persons who are dating or who have dated. For purposes of this section, dating means a dating relationship wherein the parties are romantically involved in a relationship generally over time and on a continuous basis;
3. Persons who live together or who have lived together;
4. Persons who are engaged in or who have engaged in a sexual relationship;
5. Persons who have a child in common;
6. Persons who have a biological, legal, or step parent relationship;

E. Family or Household Member of a Victim

1. A biological or adopted relative of the victim;
2. Victim's biological or adopted children, any child that the victim has legal custody of, or is the legal guardian of any child that the victim receives into his/her home and openly holds out as his or her child;
3. Persons who are part of an extended family of the victim or abuser and who commonly interacts with the victim or the abuser;
4. Persons who are related or formerly related by marriage as recognized by the state law or tribal tradition;
5. Indian Custodian who is an Indian person who has been granted permission by the parent or parents of an Indian child to take temporary physical custody and control of the child.
6. Any person living in the victim's home at the time of the abuse.

F. Type of Orders

Emergency Protective Order, (EPO)

1. An Emergency Protective Order is a short-term order (five to seven days) issued by the Tribal Court at the request of a victim through a law enforcement officer or by the officer herself/himself and is effective immediately upon signature from the law

enforcement officer. The Order restrains a perpetrator of domestic violence from engaging in any or all of the behaviors defined as domestic violence.

2. **Temporary Restraining Order (TRO)**

A Temporary Restraining Order is a temporary order for protection for anyone who is victim of domestic violence. This order will prevent further domestic violence until a hearing can be conducted and both parties can be heard. A request for a TRO is filed on the same form and with a Petition for Family Abuse Protection Order.

3. **Protection Order after Hearing**

A Protection Order after Hearing is an order for protection issued by the Tribal Court after a hearing on the Petition for Family Abuse Protection Order and is effective for at least two (2) years and may be issued for longer at the discretion of the Court but must specify an expiration date.

The Court will issue a Protection Order when it has determined that the Respondent has engaged in acts of domestic violence against the Petitioner. The may include child custody, division of property, child and spousal support, and other matters.

G. Tribal Court-----means the San Pasqual Intertribal Court.

H. Law Enforcement Officer---unless otherwise stated means an officer with the San Pasqual Department of Public Safety.

SECTION V. DUTIES OF TRIBAL LAW ENFORCEMENT

A. Protecting Victims of Domestic Violence and Notice:

1. Any law enforcement officer who enforces this section in good faith shall be immune from suit by any person alleging a violation of this Section or any other Section of tribal, state or federal law.
2. A tribal law enforcement officer who responds to an allegation of domestic violence shall use all “reasonable means” to protect the victim and others that are present from further violence and has a duty to detain the aggressor pursuant to tribal authority until the San Diego County Sheriff’s Officer can take custody of the aggressor or transport the aggressor to an appropriate jail facility. If so authorized under federal and/or state law the law enforcement officer may arrest the aggressor and transport him/her to the appropriate jail facility or transfer custody to a federal or state law enforcement officer.
3. Upon finding probable cause to believe that domestic violence has occurred, the tribal law enforcement officer need not obtain a search warrant in order to enter a residence where he or she has probable cause to believe a crime of domestic

violence is occurring or has just occurred, nor to seize property under this subsection.

4. "Reasonable Means" is using good judgement, and therefore fair and practical as used in this section includes but are not limited to:
 - a) Taking any lawful action necessary to provide for the safety of the victim;
 - b) Confiscating any weapon involved in the alleged domestic violence;
 - c) Transporting or obtaining transportation for the victim and any child(ren) to a shelter or any other place of safety;
 - d) Assisting the victim in removing essential personal effects;
 - e) Assisting the victim and any child(ren) in obtaining emergency medical treatment, including obtaining transportation to a medical facility;
 - f) Giving the victim immediate and adequate notice of the rights of victims and or the remedies and services available to victims of domestic violence;
 - g) Enforcing a valid order for protection issued by a State or Tribal Court.

B. Victim Rights:

The law enforcement officer shall give, in addition to verbal notification, written notice to the adult victim. Written notice shall not include the addresses or locations of shelters and must be provided in the native language of the victim, if practicable, when the native language of the victim is not English.

The written notice shall substantially include the following:

1. If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency order for protection that will provide for your immediate protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a safe place, including but not limited to a shelter, a family member's or friend's residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. You may request a copy of the report at no cost from the law enforcement department.
2. "The forms you need to obtain an order for protection are available from Tribal Court and State Court. The San Pasqual Band of Mission Indians Native Women's Resource Center is available to assist you in obtaining information relating to domestic violence, treatment of injuries, community resources, community services,

and places of safety and shelter. You also have the right to seek reimbursement from various agencies for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done through Tribal or State court."

3. Please be advised that the Tribe may choose to issue a tribal citation. A state prosecutor and/or the United States Attorney General may, if appropriate, file a criminal complaint against your assailant. You also have the right to file a petition requesting a permanent protection order from domestic violence which could include any of the following orders:
 - a) An order prohibiting your abuser from threatening to commit or committing further acts of domestic violence;
 - b) An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly through family members, relations by marriage, friends, and co-workers;
 - c) An order removing your abuser from the residence for the duration of 30 days from the time of incident regardless of ownership, lease on the land, or tribal membership of the victim or abuser. Notwithstanding the foregoing if you are either a non-tribal member or do not own or lease the property, after 30 days you shall have to vacate. You, the victim, shall have the right to request an extension of the 30 days. The number of days of the extension will be determined on a case by case basis by the Tribal Court.
 - d) An order directing your abuser to stay away from your or any other designated household/family member's place of residence, school, place of employment, or any other specified place frequented by you;
 - e) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;
 - f) An order granting you possession and use of an automobile and other essential personal effects, regardless of ownership;
 - g) An order granting you custody of your child or children;
 - h) An order denying your abuser visitation;
 - i) An order specifying arrangements for visitation, including requiring supervised visitation;

j) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs and attorney's fees.

k) If you have obtain an Emergency Protective Order you should as soon as possible but no later than seven (7) days from the date the Order was issued petition either the Tribal Court or if a Superior Court to obtain a Temporary Restraining Order.

SECTION VI. PROSECUTING ACTS OF DOMESTIC VIOLENCE

A. Mandatory Citation for an Act Involving Domestic Violence.

1. A law enforcement officer shall cite any person into the Tribal Court, whom he or she has probable cause to believe committed any act involving Domestic Violence/Abuse as defined in Section IV either in the presence of the officer or within 24 hours of a report to law enforcement of the commission of such an act.
2. Regardless of the elements of any other crime committed in conjunction with an act of domestic violence, a tribal citation for Domestic Violence/Abuse shall be considered a separate and distinct offense and shall be cited in addition to any other tribal infraction or crime the aggressor may be charged with under federal or state law.

B. Determination of Predominate Aggressor.

1. If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the predominate aggressor. If the officer determines that one person was the predominate aggressor, the officer need not cite the other person alleged to have committed domestic violence.
2. In determining whether a person is the predominate aggressor, the officer shall consider:
 - a) The history of domestic violence, both documented prior complaints and convictions and the law enforcement officer's own prior knowledge of the family;
 - b) The relative severity of the injuries inflicted on each person, i.e., who in this relationship poses the most danger to the other;
 - c) The likelihood of future injury to each person, i.e., who is at the most risk of future harm;
 - d) Whether one of the persons acted in self-defense and/or in defense of others;
and

- e) The degree to which one of the persons has acted with more deliberate intent to control, isolate, intimidate, emotionally demean, cause injury or pain or fear of harm to the other person or to a third party.

C. Domestic Violence Citation, Service, and Hearing

- 1. Citations form, service and hearing procedures for a citation under this Section shall be governed by Chapter 4. Sections 405-4.08 and Chapters 5-6 of the San Pasqual Peace and Security Ordinance.

SECTION VII. PROTECTIVE ORDERS

A. Emergency Orders

- 1. Request for an Emergency Protection Order
 - a) If a law enforcement officer while responding to a domestic violence incident determines that an Emergency Protection Order is needed or if the victim requests such an Order, the officer may request an Emergency Order by contacting the Tribal Court judge or his or her designee.
 - b) The Tribal Court shall issue an Emergency Protection Order if the specific facts clearly show that the victim, or a family or household member, has reasonable cause to believe that there is an immediate danger of domestic violence which could result in the physical or emotional injury to the person on whose behalf the request is being made.
 - c) All Emergency Protection Orders shall expire within seven (7) days from the date the Order is issued.

B. Petition for Family Abuse Protection Order (Petition) and Temporary Restraining Order (TRO)

- 1. Who May File a Petition: Any person may seek relief under this Ordinance on behalf of:
 - a) Herself or himself;
 - b) On behalf of a minor child, a family or household member;
 - c) On behalf of any person prevented by a mental or physical incapacity or by hospitalization,
- 2. A Petition may be obtained by filing a pre-printed Petition form or alternatively a written Petition in any form as long as the following information is included in the Petition:

- a) Identify Petitioner's tribal affiliation and stating that he or she is domiciled, resides or is on the of San Pasqual Reservation;
 - b) Identify the Respondent, his or her tribal affiliation, and address or other contact information;
 - c) Identify what family or household relationship Petitioner has with the Respondent;
 - d) Describes the domestic violence acts the Respondent has committed, where these acts occurred and the date;
 - e) Identify whether the Respondent has a history of domestic violence, including dates, locations, and description of said acts;
 - f) Describe the injury (physical, mental and emotional, destruction of property, loss of employment, etc.) Petitioner has suffered;
 - g) Identify any past orders that have been issued (criminal and civil) that have been issued against the Respondent;
 - h) List all children Respondent has with Petitioner, including their names, DOB, tribal affiliations, in whose custody the children currently are in and where the children reside;
 - i) Whether the Respondent has abused the children. If yes, describe when how, and where.
3. Upon the filing of a Petition, the Tribal Court shall deny or approve the accompanying request for a TRO within twenty-four (24) hours. A hearing on the Petition shall be set within fourteen (14) days from the date the TRO is approved.
 4. If the Petitioner is proceeding without an advocate, the Court Clerk shall set the date for the hearing and issue a "Notice of Hearing" and shall service the Notice, Summons and Petition through appropriate tribal law enforcement. If the Petitioner is represented by an advocate, then the Petitioner shall serve the Respondent all documents in the manner as proscribed under the Tribal Court's Rules of Court, Civil Actions.
 5. Within 24 hours from the entering of the TRO a copy will be provided the Tribal Public Safety Department, the County Sheriff's office and the appropriate State Superior Court for recognition and enforcement using Judicial form DV 600.

C. Hearing on Petition

1. The hearing on a Petition shall follow the rules as set forth under the Tribal Court Rules of Court, Civil Actions. The hearing shall be informal and each party shall be allowed to be represented by an advocate at his or her own expense. Each party shall be allowed to call witnesses and to cross examine the witnesses called by the parties.
2. The Court may consider other prior acts of domestic violence, crimes, or any wrongs, acts, or patterns of behavior which may be relevant to the need for the protection order and this evidence shall be admissible regardless of whether the alleged crimes, wrongs, acts or patterns of behavior were committed by Respondent against the Petitioner his or her family or household member.
3. The Court shall not dismiss a Petition because it was not filed within a particular time period after the last alleged incident of domestic violence.
4. Intoxication is not a defense to a violation of any provisions of this Ordinance.
5. This Ordinance shall be enforced regardless of current marital status, cohabitation or existence of a current relationship.
6. At the time of the hearing the Respondent may request and the Court may grant a continuance for good cause. If at the time of the hearing the Respondent is represented by an advocate and the Petitioner is not, the Petitioner may request and the Court may grant a continuance for Petitioner to retain an advocate. During the time for a continuance, all ex parte orders shall remain in effect.

D. Protection Order after Hearing

1. All relief granted under a Protection Order shall not exceed two (2) years duration and may be modified or extended at a subsequent hearing upon proof and a finding by the Court that the treat of domestic violence still exists. If immediate modification or renewal is needed, it may be obtained ex parte. For permanent orders regarding matters of custody, visitation, support or division of property should be addressed by filing separate civil actions with the Tribal Court or State Court in accordance with the applicable rules of civil procedure and tribal and/or state law.
2. A Protection Order may include, but is not limited to, the following:
 - a) Direct the Respondent to refrain from any acts of domestic violence as defined under SECTION IV of this Ordinance
 - b) Grant the Petitioner the residence or household and exclude the Respondent from the residence or household;

- c) Require Respondent to provide a spouse and his or her children suitable alternate housing;
- d) Award temporary custody of minor children, order child support, and establish temporary visitation rights of the children.
- e) Primary consideration shall be given to the least disruption to the children, the children's health, safety, education, and normal routines. All visitation orders shall provide for the rules concerning the exchange of the children (times, places, persons, and the non-custodial may be required to post bond);
- f) Order the eviction of Respondent from the residence or household and assistance to the Petitioner in returning to it;
- g) Order the Respondent to make timely payments on all family or household debts, including but not limited to, mortgage, rent, utilities, medical expenses, health insurance coverage for the spouse and children, as well as other necessary expenses;
- h) Provide for possession of personal property of the parties, including the granting the Petitioner use of a vehicle and other essential personal effect, regardless which party holds title to the property.
- i) Order the Respondent to refrain from any or all of the following:
 - 1) Threatening, abusing or following the Petitioner or member of his or her family or household;
 - 2) Visiting the home, workplace, school, or any other place the Petitioner or his or her family or household member is likely to be and wherein Respondent has no authorized business or need to be;
 - 3) Communicating with the Petitioner or his or her family or household member by telephone, in writing through gifts, either directly or indirectly or through third parties;
 - 4) Coming within a certain distance of the Petitioner or his or her family or household member at any time;
 - 5) Otherwise interfering with the Petitioner or his or her family or household member or engaging in any other conduct that would result in emotional distress to the Petitioner or his or her family or household member;
- j) Award costs and attorney fees to the Petitioner;

- k) Prohibit a Respondent from receiving, using, possessing, purchasing or transporting a firearm or ammunition;
 - l) Order Respondent to attend and complete an anger management treatment program approved by the Tribe;
 - m) Order the Respondent to undergo a drug or alcohol assessment and treatment;
 - n) Order the parties' or Respondent to maintain and refrain from removing funds beyond certain limits from the parties' bank account;
 - o) Order one or both parties' from transferring, removing, encumbering, mortgaging, concealing, disposing, or altering property except as authorized by the Court;
 - p) Order Respondent to pay restitution to the Petitioner or his or her family or household member who has suffered a financial loss due to Respondent's actions;
 - q) Include any additional prohibitions or requirements the Court deems necessary to protect the Petitioner or his or her family or household member;
 - r) Order the Respondent to reimburse within 30 days of the Order any victim services agency/program for any services provided to Petitioner or his or her family or household members as a result of being a victim of domestic violence.
3. Mutual Orders: Protection orders shall not be mutual in nature, however, the Court may issue separate orders for protection and for restraining each opposing party when each party has properly filed and served petitions for protection orders, each party has committed domestic violence as defined in this Ordinance, each possess a continuing risk of violence to the other, and neither party acted primarily in self-defense.
4. Notice of the Order
- a) A copy of the Protection Order shall be served on the parties at the conclusion of the hearing. Within 24 hours from the entering of Protection Order, a copy will be provided the Tribal Public Safety Department, the County Sheriff's office and the appropriate State Superior Court for recognition and enforcement using Judicial form DV 600.
 - b) Attached to the Order shall be a "Notice" to the parties which shall include the following information:

- 1) "TO RESPONDENT: You must obey this order or be subject to fines or exclusion from the Reservation and/or other penalties including fines and/or imprisonment under state law and possibly federal law. This protection order is valid and will be enforced against you by the Tribe as well as in all 50 states of the United States, the District of Columbia, on any Indian lands and any commonwealth, territory or possession of the United States. Federal law prohibits you from possessing or purchasing any firearms while this order is in effect as long as the order is not an ex parte order. The federal law applies whether or not the domestic violence protection order entered against you by tribal court prohibits you from possessing or purchasing firearms. If you travel across state or Indian lands with the intent to violate the protection order entered against you, you are subject to prosecution for a Federal crime. If you travel across state or Indian lands with the intent to injure, harass or intimidate the person protected under this order entered against you or if you travel across state lines or Indian lands or use mail or any facility of interstate commerce across state lines with the intent to place that person or a his or her family or household member in fear of serious bodily harm, you are subject to prosecution for a Federal crime. You and the party protected by the order cannot change the terms of the order against you by your own agreement. All of the provisions of this order continue in effect until the ending date of the order unless modified by the Court. If you violate this order you can be held in contempt of court and fined, excluded from the reservation, and if you violate this order while off reservation you are subject to the civil and criminal penalties of the state."

- 2) "TO PETITIONER: You should keep a copy of this protection order on you at all times and should make a copy for your family and friends. If you move to another jurisdiction, you may wish to give a copy to the local law enforcement agency where you move, but you are not required to do so. The protection order is valid not only on the San Pasqual Band of Mission Indians Reservation but in all 50 states of the United States, the District of Columbia, any Indian lands and any commonwealth, territory or possession of the United States. You may not change the terms of the order by agreement with the other party. If you wish to change any terms of this order, you must come back into Court to have the judge modify the order. If the Respondent violates any provision of this order, you may call Tribal Law Enforcement (or the County Sheriff Office) and go to (State and/or) Tribal Court for an order of contempt, which can subject the Respondent to fines, exclusion from the reservation (and fines and imprisonment under state law)."

SECTION VIII. VIOLATION OF PROTECTION ORDER

A. Detention and Arrest for Violations of a Protection Order

1. When a tribal law enforcement officer has probable cause to believe that a Respondent has violated a verifiable protection order issued by the Tribal Court or State Court, the officer may arrest the Respondent if so authorized under federal or state law or restrain and detain the Respondent until the appropriate state law enforcement agency can take custody of the Respondent or transport the Respondent to the appropriate state law enforcement agency.

B. Contempt of Court

1. Any person with knowledge of Respondent's violation of a Protective Order may file a "Notice to Show Cause" with the Tribal Court ordering the Respondent to appear and show why he or she should not be held in contempt of Court.
2. If the Petitioner is proceeding without an advocate, the Court Clerk shall set the date for the "Show Cause" hearing, issue a "Notice of Hearing" and shall service the "Notice to Show Cause" and "Notice of Hearing" through the appropriate tribal law enforcement. If the Petitioner is represented by an advocate, then the Petitioner shall serve the Respondent with the "Notice to Show Cause" and "Notice of Hearing." Service shall be in compliance with the Tribal Court's Rules of Court, Civil Actions.
3. After proper service to the Respondent of the "Notice to Show Cause" and the hearing, the Court will determine if the Respondent violated any provision of an outstanding protective order. If the Court finds the order has been violated he or she will find the Respondent in contempt of Court and subject to the penalty provisions of Chapter 6 of the San Pasqual Peace a Security Ordinance and/or refer the matter to the San Pasqual Business Committee for exclusion under Chapter 7.

SECTION IX. FULL FAITH AND CREDIT OF FOREIGN PROTECTION ORDERS

A. Enforcement of Foreign Protection Orders

Whenever a law enforcement officer is presented with an order, either ex parte or permanent, or verifies the existence of such an order with the court or law enforcement agency that issued the order, the officer enforce such order as if it were issued by the Tribal Court.

B. Immunity for Good Faith Enforcement of Foreign Protection Order

A law enforcement officer who acts in good faith in enforcing a foreign Protection Order which is later determined the terms of which had expired or been modified, shall be immune from suit for any civil. This immunity shall extend to a tribal officer who

affects the arrest of a non-Indian for violation of a protection order pursuant to state or federal law.

C. Tribal Court's Full Faith and Credit of Foreign Orders

The Tribal Court may grant full faith and credit to a foreign protection order presented to Court upon a determination that:

1. The Respondent received notice of the order in compliance with requirements of the issuing jurisdiction;
2. The order remains in effect in the issuing jurisdiction;
3. The issuing court had jurisdiction over the parties and subject matter;
4. The Respondent was afforded reasonable notice and the opportunity to be heard prior to the issuance of the protection order or in the case of an ex parte order it appears from the face of the order that a hearing will be conducted within reasonable time to allow the Respondent to raise any defenses he or she may have to the issuance of a protection order.

The Tribal Court shall issue an Order Recognizing Foreign Order and submit to the Tribal Public Safety Department for enforcement.

SECTION X. AMENDMENTS

This Ordinance may be amended or repealed by the General Council by a vote of two-thirds (2/3rds) of the General Council and voting at a General Council meeting called for that purpose, a quorum being present.

This Ordinance may be amended by the Business Committee as provided for under the Tribe's Constitution and By-Laws for the purpose to clarify language or to be in immediate compliance with changes in federal and state law that effect this Ordinance. Such amendments will be brought before the General Council at the next regular meeting for ratification.

SECTION XI. PROCEDURES FOR IMPLEMENTATION OF ORDINANCE

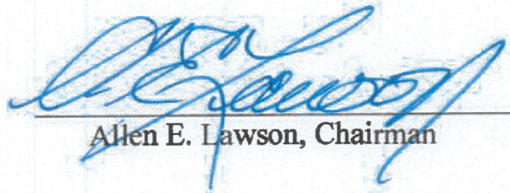
Procedures and policies necessary to implement this Ordinance, except for provisions relating to law enforcement or the Tribal Court, shall be promulgated and approved by the Board of Directors for the San Pasqual Band of Mission Indians Native Women's Advisory Committee.

SECTION XII. EFFECTIVE DATE

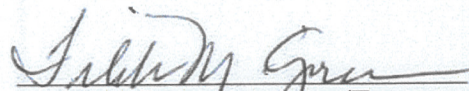
This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately after the adoption of this Ordinance by the General Council.

CERTIFICATION

The foregoing Ordinance was adopted by the General Council at a meeting duly called, and at which a quorum 30 was present, on the 13th day of May, 2017 by a vote of Majority (30) for 0 against 0 abstaining.


Allen E. Lawson, Chairman


Victoria Diaz, Vice Chair


Tilda M. Green, Secretary/Treasurer


David L. Toler, Delegate


Stephen W. Cope, Delegate