

# Tribal Orders for Protection

## Minnesota Coalition for Battered Women

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### The safety of Minnesota's Indian women and children is at risk:

There is a Minnesota statewide database so that Orders for Protection (OFPs) can be entered and enforced in any jurisdiction in Minnesota.

- Currently, not all tribal OFPs are being entered into the statewide OFP database while others are entered. The inconsistency creates a huge problem for women who get OFPs from tribal court and then move off the reservation or travel from the reservation throughout Minnesota.
- Some women are being required to register their OFPs in each county that they move to or travel to in order to have the OFP enforced, while federal and state full faith and credit laws prohibit the undue burden for women to enter the order in every county she travels to.



### The law and Orders for Protection:

Federal Full Faith and Credit requires enforcement of all protective orders across jurisdictions, such as states, counties, cities, and tribal lands.

### The proposed legislation:

#### Senate File 3349 and House File 3586

These bill would allow foreign and tribal Orders for Protection to be entered into Minnesota's statewide protective order databases without fees and would be consistent with full faith and credit under state and federal law.

This law would remedy this critical technical problem and direct courts to enter these foreign and tribal orders.

## Violence Against Native Women:

In 2000, the National Violence Against Women Survey concluded that 34.1% of American Indian and/or Alaska Native women will be raped during their lifetime – more than 1 in 3 Native women.

In 1999, the Bureau of Justice Statistics issued a report indicating that American Indian and Alaska Native women suffer a rate of sexual assault of 7 per 1,000 people, compared to 2 per 1,000 for all races.

About 8 out of 10 American Indian and Alaska Native victims of rape or sexual assault were estimated to have assailants who were White or Black, according to the U.S. Department of Justice – American Indians and Crime Report, 1999.

## How does an Order for Protection help a battered woman?

An OFP can offer a number of protections to a battered woman and her children. It may:

- Restrain the abuser from committing acts of domestic abuse.
- Order the abuser to leave the house the couple shares.
- Prohibit the abuser from going near the residence or the victim's of employment.
- Award the victim temporary custody of the children.
- Establish temporary support for the children or the victim.
- Provide counseling or other social services for the victim and/or her children.
- Order the abuser to participate in treatment or counseling services.
- Award the victim temporary use and possession of property that she shares with the abuser.
- Prevent the abuser from getting rid of shared possessions and income
- Order the abuser to compensate the victim's medical bills and/or lost income as a result of the abuse
- Ensure continuance of all currently available insurance coverage
- Order other relief as deemed necessary for the protection of the woman and her children.
- Whether or not a judge orders any, or all of the above, depends on the safety concerns of the case.

## Who can get an Order for Protection?

- **Any family or household member may ask the court for an Order for Protection.** A family or household member means married or divorced people; parents and their children; persons related by blood; and people who live together or have lived together in the past. People who have never lived together may also ask for an Order for Protection if they have a child together or have been involved in a significant romantic or sexual relationship. **One can also apply for an Order for Protection to protect a child in the family or household.**
- Victims of abuse who are at least 16 years old may get an Order for Protection against an abuser they are or were married to or have a child in common with. Other victims of abuse under 18 years old must have another family or household member or an adult (at least 25 years old) get an Order for Protection for them.

*For more information, please contact Lonna Stevens, Minnesota Coalition for Battered Women Public Policy and Legislative Coordinator, (651) 646-6177 or [lstevens@mcbw.org](mailto:lstevens@mcbw.org).*