

**WYANDOTTE NATION**  
**TITLE 7**  
**DOMESTIC AND FAMILY VIOLENCE CODE**  
(APPROVED BY THE BOARD OF DIRECTORS 10-10-2023)

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**WYANDOTTE NATION  
TITLE 7  
DOMESTIC AND FAMILY VIOLENCE CODE**

**INTRODUCTION**

**Section 1. Short Title and Citation.**

This Title may be cited as the “Domestic and Family Violence Code.”

**Section 2. Purpose.**

(a) The purpose of this Title is to protect all persons, who are within the jurisdiction of the Wyandotte Nation District Court, from all forms of domestic abuse as defined in this Chapter. This Title shall be liberally construed and interpreted in order to achieve its purpose. This Title embodies the intent of the Nation to promote the following goals:

- (1) To recognize the illegal nature of domestic abuse and family violence;
- (2) To provide victims of domestic abuse and family violence with the maximum protection from abuse that can be made available under law;
- (3) To establish an efficient and flexible remedy that discourages violence against and harassment of persons within a family setting, or others with whom the abuser has continuing contact;
- (4) To expand the ability of law enforcement officers to assist victims, to enforce existing laws, and to prevent subsequent incidents of abuse;
- (5) To facilitate the reporting of domestic abuse and family violence;
- (6) To develop a greater understanding of the incidence and causes of domestic abuse and family violence by encouraging data collection and evaluation; and
- (7) To reduce the incidence of domestic abuse and family violence, which has a detrimental and lasting effect on the individual, the family, culture, and society.

**Section 3. Specific Applicability.**

This Title specifically applies to domestic abuse and takes precedence over any other general laws of applicability.

**Section 4. Definitions.**

(a) These definitions shall be liberally construed so as to protect all persons who are subjected to domestic abuse. This Title also incorporates all definitions that may be contained in Title 5,



Criminal Offenses. As used in this Chapter, and subject to additional definitions contained in Title 5, Criminal Offenses, the following terms shall mean:

(1) "Domestic Violence" means any act or attempt to commit an act of violence under the laws of the Wyandotte Nation which is committed by:

(i) a current or former spouse or intimate partner or someone having resided in the same household as intimate or dating partners of the victim;

(ii) a person with whom the victim shares a child in common, whether born or *in-utero*;

(iii) The victim and the defendant are or have been in a social relationship of a romantic or intimate nature as determined by the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship.

(2) "Deviate sexual intercourse" means sexual intercourse per anal between human beings who are not husband and wife, or any form of sexual intercourse with an animal, or compelling another to participate in such deviate sexual intercourse by force or by threat of imminent death, serious bodily injury, extreme pain or kidnapping, to be inflicted upon anyone.

(3) "Domestic abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor age sixteen (16) or seventeen (17) years against another adult, emancipated minor or minor child who are family or household members.

(4) "Family or household members" means spouses, ex-spouses, present spouses of ex-spouses, parents, children, persons otherwise related by blood or marriage, persons living in the same household or who formerly lived in the same household, or persons who are the biological parents of the same child, regardless of their marital status, or whether they have lived together at any time. This shall include the elderly and handicapped.

(5) "Domestic violence program" or "sexual assault program" means a facility, agency, or organization which offers or provides, or a person who engages in the offering of shelter, residential services or support services to:

(i) victims or survivors of domestic abuse as defined in Section 204 of the Wyandotte Nation Criminal Offenses Code, any dependent children of said victims and any other member of the family or household of such victim or survivor;

(ii) victims or survivors of sexual assault; and

(iii) persons who are homeless as a result of domestic or sexual violence or both domestic and sexual violence.



and which may provide other services, including but not limited to, counseling, case management referrals or similar services to victims or survivors of domestic abuse or sexual assault.

(6) “Victim” means any of the following persons who have been directly affected by domestic abuse as defined in Section 3, subsection (3):

(i) any member or former member of the abuser’s household or immediate residence area;

(ii) any person involved in, or formerly involved in, an intimate relationship with the abuser;

(iii) any person who interacts with the abuser in an employment, academic, recreational, religious, social or other setting:

(iv) any offspring of the abuser;

(v) any relative of the abuser;

(vi) any elderly person; or

(vii) any vulnerable person, which includes but is not limited to, persons with emotional and physical disabilities and impairments.

(7) “Dating Partners” means any persons who are or have been in a social relationship of a romantic or intimate nature as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(8) “Intimate Partners” means spouses, former spouses, persons who are or have been in a marital-like relationship, including same-sex relationships, persons who have a child in common, regardless of whether they have been married or have lived together at any time in a romantic relationship.

(9) “Protective Order” means:

(i) any injunction, restraining order or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

(ii) any temporary or final order issued by a civil or criminal court, whether obtained by a filing and independent action or as a pendent lite order in another proceeding, if the civil or criminal court order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

(10) "Harassment" means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose.

(11) "Emotional Abuse" means the repeated use of threats, intimidation, or extreme ridicule such that it would inflict humiliation and/or emotional suffering upon a reasonable person and does actually inflict such suffering upon a protected person. Emotional abuse also include the harm done to minors by domestic abuse committed in the presence of those minors.

(12) "Rape" means an act of sexual contact accomplished by force or by the threat of imminent death, serious bodily injury, extreme pain, or kidnapping to be inflicted on that person or anyone else, or to engage in sexual intercourse with a person under the age of sixteen (16) years regardless of consent.

(13) "Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or injury.

(14) "Family Violence" means the same or similar acts committed in domestic violence, and which are offenses defined within the Wyandotte Nation Criminal Offenses Code and dangerous crimes against children when such acts are directed towards a family or household member instead of an intimate partner.

(15) "Protected Person" shall mean persons who are or were related to the perpetrator as spouses or those situated similarly to a spouse, family members, parents, foster parents, children, or persons otherwise related by blood or marriage, persons who are or were in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of their marital status, or whether they are or have lived together at any time, and, for the purposes of the issuance of a protective order, any other person with a sufficient relationship to the abusing person as determined by the Court.

(16) "Advocate" means an employee or volunteer for a program that provides services to victims of domestic abuse who:

- (i) has a primary function of rendering advocacy, counseling, or assistance to victims of domestic violence; supervising the employees or volunteers of the program; or administering the program; and

- (ii) has undergone a minimum level of training as a domestic abuse advocate, worker or volunteer.

(17) "Sexual Assault" means any unwelcome sexual contact which:

- (i) Causes another person to involuntarily engage in sexual activity by force; and



(ii) Causes another person to involuntarily engage in sexual activity by threat of force or duress.

(18) "Perpetrator" means a person who is alleged to have committed or has been convicted of committing an act of abuse or domestic violence.

#### **Section 5. Severability.**

If any provision or portion of this Title is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Title shall not be affected. The Board of Directors hereby declares that it would have passed the remaining parts of the Title even if it had known that such part or parts or application of any part thereof would be declared invalid.

#### **Section 6. Savings.**

This Title takes effect on the date approved by the Board of Directors and does not extinguish or modify any civil or criminal liability or enforcement of such penalty or forfeiture that existed on or prior to the effective date of this Title and such code shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such civil or criminal action, enforcement of any penalty, forfeiture or liability.

#### **Section 7. Non-Waiver of Sovereign Immunity.**

Nothing in this Title shall be deemed a waiver by the Nation of its sovereign immunity for any reason whatsoever.

#### **Section 8. Immunity of Law Enforcement Officer, Prosecutor, Court Official or Advocate.**

Any law enforcement officer, tribal prosecutor, court official or advocate acting in good faith in accordance with the provisions of this Title shall have immunity from civil or criminal liability.

### **CHAPTER ONE DOMESTIC ABUSE AND FAMILY VIOLENCE**

#### **Section 101. Jurisdiction.**

(a) The Wyandotte Nation Tribal Court shall have jurisdiction over acts of domestic violence, stalking, assault, battery, or harassment and associated causes of action:

(1) Committed by any person over whom the Court has jurisdiction;

(2) That are planned, initiated, transpire, occur or are completed, within the Wyandotte Nation jurisdiction; or

(3) That are threatened against any person over whom the Court has jurisdiction.



(b) The Wyandotte Nation's exercise of jurisdiction is an exercise of its inherent authority.

### **Section 102. Evidentiary Privileges and Exceptions.**

#### **(a) Testimonial Privileges.**

(1) In a proceeding where a spouse or other family or household member is allegedly the victim of domestic abuse, the following evidentiary privileges do not apply to protect the perpetrator:

- (i) the evidentiary privilege of confidential communication between spouses, and
- (ii) the testimonial privilege of spouses.

(2) A victim of domestic abuse may prevent an advocate from disclosing confidential communications, oral and written, and reports of the program if the victim claims the advocate-victim privilege; however, the advocate-victim privilege does not apply when the advocate is required by law to give evidence in child abuse proceedings.

(b) The Court shall admit into evidence as an exception to the hearsay rule learned treatises or other reliable materials, which describe and explain domestic abuse and its impact upon victims.

### **Section 103. Duties of Law Enforcement Officer.**

(a) In response to a call alleging domestic abuse, a law enforcement officer shall use all reasonable means to protect the victim and others from abuse.

(b) Law enforcement officers shall provide the victim with notice of the legal rights and the remedies and services available to victims of domestic abuse.

### **Section 104. Duties of Prosecuting Officer.**

(a) The prosecutor shall make a reasonable effort to notify the victim when he/she declines to prosecute or dismisses the domestic abuse charges, or when a plea agreement with the defendant is entered.

(b) The prosecutor shall ensure a victim is notified of all legal rights and any existing services available to victims of domestic abuse.

### **Section 105. Victim's Notice of Resources and Rights.**

(a) When a law enforcement officer responds to a call alleging that domestic violence has been or may be committed, the officer shall inform any alleged or potential victim of the procedures and resources available for the protection of such victim, including:

- (1) The means for obtaining an order for protection pursuant to this Title;
  - (2) Telephone numbers for emergency services in the local community; and
  - (3) The availability of a domestic abuse shelter or other temporary services for emergency lodging.
- (b) When responding to a call alleging domestic violence has occurred or may be committed, a law enforcement officer shall advise the victim of the following rights:
- (1) The right to request that charges be pressed against the assailant;
  - (2) The right to request protection from any harm or threat of harm arising out of cooperation with law enforcement and prosecution efforts and the level of protection available;
  - (3) The right to be informed of resources provided by local service agencies as a result of being a victim; and
  - (4) The right to a free medical examination for the procurement of evidence to aid in the prosecution of the assailant.
- (c) The prosecuting officer for the court shall provide the same notice to a victim of domestic abuse and refer the victim to the Wyandotte Nation Domestic Violence Program.
- (d) Neither law enforcement nor the prosecuting officer shall be civilly liable for noncompliance with the provisions of this section.

**Section 106. Victims Not to be Discouraged from Pressing Charges; Warrantless Arrest of Certain Persons; Emergency Temporary Order of Protection.**

- (a) A law enforcement officer shall not discourage a victim of rape, deviate sexual intercourse or domestic abuse from pressing charges against the assailant of the victim.
- (b) A law enforcement officer may arrest without a warrant a person anywhere, including his place of employment or residence, if the officer has probable cause to believe the person within the preceding seventy-two (72) hours has committed an act of domestic abuse as defined by this Title, although the assault did not take place in the presence of a law enforcement officer. A law enforcement officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of, the alleged victim.
- (c) When an arrest has been made pursuant to subsection (b) of this section and the court is not open for business, the victim of domestic abuse may request a petition for an emergency temporary order of protection. The law enforcement officer making the preliminary investigation shall:



(1) Provide the victim with a petition for an emergency temporary order of protection and, if necessary, assist the victim in completing the petition;

(2) Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the law enforcement officer of his/her decision to approve or disapprove the emergency temporary order;

(3) Inform the victim whether the judge has approved or disapproved an emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim with a copy of the petition and a statement signed by the officer that the judge has approved the emergency temporary order of protection and notify said victim that the emergency temporary order shall be effective only until the close of business on the next day that the court is open for business;

(4) Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order. Notification pursuant to this section may be made personally by the officer or in writing. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to said person; and

(5) File a copy of the petition and statement of the officer with the district court immediately upon the opening of the court on the next day the court is open for business.

(d) The forms utilized by law enforcement in carrying out the provisions of this Section shall be substantially similar to those set forth in Section 201 of Chapter Two of this Title.

#### **Section 107. Reporting Requirements.**

(a) Any tribal official or employee with a legal duty as a reporting party, who knowing or suspecting that domestic abuse is occurring or has occurred, shall report the matter within forty-eight (48) hours by telephone or otherwise to the Wyandotte Nation Family Violence Prevention Program.

(b) Any person, including individuals, corporations, governmental entities and their agents, who in good faith makes or participates in the making of a report shall have immunity from any liability, civil or criminal, which might otherwise arise from making that report, and shall have the same immunity with respect to participation in any court proceeding from such a report.

#### **Section 108. Failure to Report Domestic Abuse.**

Any person who has a duty to report and fails, neglects, or refuses to report acts of domestic abuse known to him/her may, after notice and hearing and a finding of clear and convincing duty before the Court, may be assessed a civil penalty in an amount not to exceed \$500.00 and/or domestic abuse education hours not to exceed forty (40) hours.

#### **Section 109. Standard of Proof, Defenses.**



(a) The civil standard of proof shall apply to proceeding under this Title, except as otherwise specified in this Title. The Court shall grant a protection order when a preponderance of the evidence shows that it is more likely than not that an act of domestic abuse has occurred or about to occur. The order's purpose shall be to prevent the occurrence or recurrence of abuse.

(b) A petitioner shall not be denied relief under this Title because:

- (1) The petitioner used reasonable force in self-defense against the respondent;
- (2) The petitioner has previously filed for a protective order and subsequently reconciled with the respondent;
- (3) The petitioner has not filed for a divorce; or
- (4) The petitioner or the respondent is a minor.

(c) Neither intoxication nor spousal immunity shall be considered a defense in a proceeding for the issuance or enforcement of a protection order under this Title.

#### **Section 110. Tribal Court Registry for Orders of Protection.**

(a) The Wyandotte Nation District Court Clerk's Office shall maintain a registry of all protective orders issued by the Wyandotte Nation or otherwise registered for enforcement within the Wyandotte Nation.

(b) The Clerk shall provide certified protective orders to the Wyandotte Nation law enforcement and the Domestic Violence Prevention Program within 24 hours after issuance.

(c) The registry shall include the names of the persons protected, the name of the respondent and their address, the date the order was entered, the expiration date of the order, and the relief granted.

(d) The registry shall be available at all times to inform courts, dispatchers and law enforcement officers of any valid protection order issued within the Nation or filed as a foreign order for purposes of enforcement.

(e) Protective Orders shall be kept in the registry for a period of seven (7) years post expiration of the order.

#### **Section 111. Civil Penalties for Violating Protective Orders.**

In addition to criminal penalties for failure to comply with the requirements of this Title, except where otherwise stated, failure to comply with the provisions herein shall subject the non-complying offender to a civil penalty of not more than \$2,500 per incident, as assessed by the Court after notice and hearing. Each day wherein the offender fails to come into compliance shall

be a separate violation. The Wyandotte Nation's prosecutor shall be authorized to assist in enforcement of this section.

#### **Section 112. Criminal Penalties.**

Nothing in this Title shall prevent the filing of criminal sanctions as defined in Title 5 of the Wyandotte Nation Code of Laws in addition to consequences imposed for violation of provisions of this Title.

#### **Section 113. Full Faith and Credit for Valid Foreign Protection Orders.**

(a) Any valid order of protection issued by a court of another tribe, state, or territory shall be given full faith and credit by the Court and law enforcement of the Wyandotte Nation and enforced as if it were issued by the Wyandotte Nation.

(b) An order of protection shall be deemed valid if:

(1) It was issued by a tribal, state or territorial court with jurisdiction over the parties and subject matter under the laws of the tribal, state or territory; and

(2) The defendant was given reasonable notice and the opportunity to be heard before the order of the foreign tribe, state or territory was issued.

(c) There shall be a presumption in favor of validity where an order appears authentic on its face.

#### **Section 114. Filing of a Foreign Protection Order.**

A person who obtains a valid protective order in another tribe, state or territory may file the order in the Wyandotte Nation Court by presenting a certified copy of the foreign order to the clerk of the Wyandotte Nation Court for entry into the tribal protection order registry.

#### **Section 115. Law Enforcement Immunity for Reliance Upon a Foreign Order.**

A law enforcement officer may rely upon a copy of any foreign protective order which has been provided to the officer by any source, wherein the officer reasonably believes the order to remain in effect. A law enforcement officer acting in good faith shall be immune from civil and/or criminal liability in any action arising in connection with a court's finding that the order was not enforceable.

## **CHAPTER TWO PROTECTION FROM DOMESTIC ABUSE**

#### **Section 201. Petition for Protective Order.**

(a) A victim of domestic abuse, a victim of stalking, a victim of harassment, any adult or emancipated minor on behalf of any other family or household member who is a minor or



incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of this Title by filing a petition for protective order with the Wyandotte Nation's District Court for the benefit or against any person with whom the Wyandotte Nation has a basis for exercising jurisdiction as set forth in Section 3 of this Title.

(b) When the abuse or activities giving rise to the need for an order of protection occur at a time when the court is not open for business, such petitioner may request an emergency temporary order of protection through Wyandotte Nation law enforcement. In such instances, the law enforcement officer shall immediately contact a judge of the district court and advise of the request for an emergency temporary order of protection. The judge shall inform the officer of his decision to approve or disapprove the emergency temporary order. The law enforcement shall notify the petitioner of the judge's decision by providing a statement on the petition. The issuance of this temporary emergency order shall be effective only until the close of business on the next day that the court is open for business.

(c) The petition forms shall be provided by the clerk of the court and shall substantially be in the following form:

**IN THE DISTRICT COURT OF THE  
WYANDOTTE NATION**

Petitioner,	)	
	)	Case No.: _____
	)	
vs	)	
	)	
Respondent.	)	

**PETITION FOR PROTECTIVE ORDER**

COMES NOW, \_\_\_\_\_, Petitioner herein, pro se, and for this cause of action, the Petitioner alleges and states the following:

1. That the Petitioner is:

☐ a member of the Wyandotte Nation,

☐ a member of another federally recognized tribe; Tribe: \_\_\_\_\_

☐ a resident of the Wyandotte Nation,

☐ is non-Indian.

That the Respondent is:



☐ a member of the Wyandotte Nation,

☐ a member of another federally recognized tribe; Tribe: \_\_\_\_\_

☐ a resident of the Wyandotte Nation,

☐ is non-Indian.

Please state Respondent's address:

\_\_\_\_\_

☐ The action complained of occurred, or is threatened to occur within the Wyandotte Nation.

2. (Check one or more)

☐ The Respondent caused or attempted to cause serious physical or emotional harm or sexual abuse to \_\_\_\_\_.

☐ The Respondent threatened \_\_\_\_\_ with imminent serious physical harm.

☐ The Respondent has stalked or harassed \_\_\_\_\_.

3. The incident which caused the filing of this petition occurred on or about \_\_\_\_\_ 20\_\_\_\_. Please describe the events which necessitated the filing of this petition:

4. The victim and the Respondent are related as follows: (check one)

☐ married

☐ divorced

☐ parent and child

☐ persons related by blood

☐ persons related by marriage

☐ present spouse of an ex-spouse

☐ persons living in the same household

☐ persons formerly living in the same household

☐ biological parents of the same child

☐ not related

5. Complete this section only if the Petitioner is filing on behalf of someone else, minor or incompetent.

The Petitioner and the victim are related as follows: (check one)

- ☐ married
- ☐ divorced
- ☐ parent and child
- ☐ persons related by blood
- ☐ persons related by marriage
- ☐ present spouse of an ex-spouse
- ☐ persons living in the same household
- ☐ persons formerly living in the same household
- ☐ biological parents of the same child

6. (Check A or B)

☐ A. The victim is in immediate and present danger of abuse from the defendant and an emergency *ex parte* order is necessary to protect the victim from serious harm. The Petitioner requests the following relief in the emergency *ex parte* order (check one or more)

☐ B. The Petitioner does not request an emergency *ex parte* order.

Petitioner requests the following order(s) to be made by the court: (Check one or more)

- ☐ order the Respondent not to abuse or injure the victim.
- ☐ order the Respondent not to visit, assault, molest, or otherwise interfere with the victim directly or through third parties.
- ☐ order the Respondent not to threaten the victim.
- ☐ order the Respondent to cease stalking the victim.
- ☐ order the Respondent to cease harassment of the victim.
- ☐ order the Respondent to leave the residence located at \_\_\_\_\_ on or before \_\_\_\_\_.
- ☐ order temporary suspension of visitation with minor child(ren) due to physical violence or threat of abuse or violation of a custody order.
- ☐ order the Respondent who is a minor, age: \_\_\_\_\_, to leave the residence located at \_\_\_\_\_ by immediately placing the Respondent in any type of care authorized for children pursuant to the laws of the Wyandotte Nation.
- ☐ additional relief requested: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

WARNING: Whoever makes a statement or allegation in this Petition for Protective Order but does not believe that statement or allegation is true, or knows that it is not true, or intends thereby to avoid or obstruct the ascertainment of the truth, may be found guilty of perjury. Pursuant to Section 406 of the Wyandotte Nation Criminal Code is punishable by a fine not to exceed \$5,000 or by a term of imprisonment not to exceed one (1) year, or by exclusion for a term not to exceed two (2) years or by any combination thereof.

I, \_\_\_\_\_, Petitioner, being of lawful age and duly sworn state that I have read the foregoing Petition for Protective Order and am familiar with its contents and declare under penalty of perjury, that the facts and statements contained herein are true and correct to the best of my knowledge and belief.

WHEREFORE, the Petitioner prays that the Court grant and issue the Petitioner an Order against the Respondent as requested in this Petition and a hearing be set as soon as the Court deems it necessary.

\_\_\_\_\_  
Petitioner (Signature)

\_\_\_\_\_  
Petitioner (Printed Name)

Witness my hand and seal, affixed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Court Clerk/Notary Public

(d) No filing fee shall be charged to the Petitioner at the time the petition is filed. The Court may assess court costs and filing fees to the respondent at the hearing on the petition or to the petitioner if the court specifically finds the petitioner filed a false petition or report.

(e) The Petitioner shall prepare the petition and file it in the Court Clerk's office for presentation to the court.

#### **Section 202. Confidentiality of Petitioner's Information.**

A petitioner seeking protection shall not be required to disclose his/her address, place or residence of employment except to the judge, or judicial designee, for the purpose of determining jurisdiction.

#### **Section 203. Emergency Ex Parte Order and Hearing; Emergency Temporary Ex Parte Order of Protection.**

(a) When a Petitioner requests an emergency ex parte order pursuant to Section 201 of this Chapter, the court shall hold an ex parte hearing on the same day as the petition is filed. The court may, for good cause shown at the hearing, issue any emergency ex parte order that it finds necessary to protect the victim from immediate and present danger of domestic abuse, stalking, or harassment. The emergency ex parte order shall be in effect until such time as a full hearing on the merits is conducted. An emergency ex parte order authorized by this section may include the following:

- (1) An order to the respondent not to abuse or injure the victim;



(2) An order to the respondent not to visit, assault, molest, harass or otherwise interfere with the victim;

(3) An order to the respondent not to threaten the victim;

(4) An order to the respondent not to stalk the victim

(5) An order to the respondent not to harass the victim;

(6) An order to the respondent to leave the residence;

(7) An order removing the respondent who is a minor child from the residence by immediately placing the child in any type of care facility authorized for children taken into custody pursuant to Wyandotte Nation law; or

(8) Any such orders the Court finds reasonable and necessary to prevent the respondent from abusing, assaulting, molesting, stalking, harassing or otherwise interfering with the victim.

(b) Upon petitioner's request for an emergency temporary ex parte order of protection pursuant to Section 106 of Chapter 1 of this Title the judge who is notified of the request by a law enforcement officer may issue such order verbally to the officer or in writing when there is reasonable cause to believe that the order is necessary to protect the victim from immediate and present danger of domestic abuse. When the order is issued verbally, the judge shall direct the officer to complete and sign a statement attesting to the order. The emergency temporary ex parte order shall be in effect until the close of business on the next day the court is open for business after the order is issued.

#### **Section 204. Service of Process; Ex Parte Orders; Hearings; Protective Orders.**

(a) A copy of the petition, notice of hearing and a copy of any ex parte order issued by the court shall be served upon the respondent in the same manner as a summons. Ex parte orders shall be given priority for service by the law enforcement and can be served twenty-four (24) hours a day. When the respondent is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the respondent, a copy of the petition, notice of hearing and a copy of any ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken pursuant to the Wyandotte Nation Juvenile Procedure Code.

(b) Within thirty (30) days of the filing of the petition, the court shall schedule a hearing on the merits of the petition. Provided, however, when the respondent is a minor child who has been removed from the residence pursuant to Wyandotte Nation, the court shall schedule a full hearing on the merits within seventy-two (72) hours, regardless of whether an emergency ex parte order has been issued or requested.

(c) Upon hearing the merits of the matter, the court may grant any protective order to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim. If the court grants a protective order and the respondent is a minor child, the court shall order a

preliminary inquiry in a juvenile proceeding to determine whether further action pursuant to the Juvenile Procedure Code of the Wyandotte Nation should be taken against a juvenile respondent.

(d) Protective orders authorized by this section may include the following:

- (1) An order to the defendant not to abuse or injure the victim;
- (2) An order to the defendant not to visit, assault, molest, harass or otherwise interfere with the victim;
- (3) An order to the defendant not to threaten the victim;
- (4) An order to the defendant to cease stalking the victim;
- (5) An order to the defendant to cease harassment of the victim;
- (6) An order to the defendant to leave the residence;
- (7) An order awarding attorney fees;
- (8) An order awarding court costs;
- (9) Any such orders the Court finds reasonable and necessary to prevent the respondent from abusing, assaulting, molesting, stalking, harassing or otherwise interfering with the victim; and
- (10) An order requiring a preliminary inquiry in a juvenile proceeding pursuant to the Code of Juvenile Procedure of the Wyandotte Nation.

(e) After notice and hearing, protective orders authorized by this section may require the petitioner and the respondent or both to undergo treatment or participate in counseling services necessary to bring about cessation of domestic abuse against the victim. Either party or both may be required to pay all or any part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

(f) When necessary to protect the victim and when authorized by the court, protective orders granted pursuant to the provisions of this Title may be served upon the respondent by the Wyandotte Nation Tribal Police or by any other authorized peace officer.

(g) If a child has been removed from the residence of a parent or custodial adult because of domestic abuse committed by the child, the parent or custodial adult may refuse the return of such child to the residence, unless upon further consideration by the court, in a juvenile proceeding, it is determined that the child should be allowed to return to the residence.

(h) No order issued pursuant to this Chapter, shall in any manner affect title to real property, purport to grant the parties a divorce or otherwise purport to determine the issues between the



parties as to child custody, visitation, child support or division of property or any other like relief obtainable in the laws of the Wyandotte Nation, provided, however, an order of protection may temporarily suspend child visitation if the court finds the children are subject to or threatened with domestic abuse by the respondent.

#### **Section 205. Protective Order; Statement Required; Validity.**

In addition to any other provision required by this Title, or otherwise required by the laws of the Wyandotte Nation, each ex parte or final protective order issued pursuant to this Title shall have the following statement printed in bold-faced type or in capital letters:

"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 THIS ORDER, BUT SHALL BE DETERMINED BY THE PROSECUTOR. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

#### **Section 206. Duration of Protective Orders.**

(a) An emergency protective order shall be effective until a full hearing with notice is conducted by the court. Provided that if the respondent fails to appear after notice, the court may grant a permanent order with a duration of up to five (5) years. Any emergency ex parte order issued shall state: "IF YOU FAIL TO APPEAR AT THE HEARING, A PERMANENT ORDER MAY BE ISSUED WITHOUT FURTHER NOTICE TO YOU."

(b) Protective Orders issued after notice and hearing shall remain in effect for a period of five (5) years, or until further order of the court, whichever comes first.

(c) A petitioner may request an extension of the duration of the protective order at any time before its expiration and the court may grant same if there is reasonable cause to believe an extension of the order is necessary to prevent domestic abuse. The court may grant an extension of the order for any period of time not to exceed an additional five (5) years.

(d) Nothing in this Title shall prevent a petitioner from seeking a subsequent protective order against a respondent after the expiration of any ex parte or final protective order.

#### **Section 207. Access to Protective Orders by Law Enforcement Agencies.**

Within twenty-four (24) hours of the return of service of any ex parte or final protective order, the court clerk shall provide certified copies thereof to all appropriate law enforcement agencies. A certified copy of any modification, cancellation or consent agreement concerning a final protective order shall be sent by the clerk to those law enforcement agencies receiving the original orders pursuant to this section.



### **Section 208. Violation of Ex Parte or Final Protective Order - Penalty.**

(a) Except as otherwise provided by this section, any person who:

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

(2) After a person with a previous conviction of a violation of protective order is convicted of a second or subsequent offense pursuant to the provisions of this section, he/she, upon conviction of the subsequent offense, shall be guilty of a criminal offense and shall be punished by a term of imprisonment of not less than ten (10) days and not more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Two Thousand, Five Hundred Dollars (\$2,500.00).

(b) Any person who has been served with an ex parte or final protective order who violates the protective order and without justifiable excuse causes physical injury or physical impairment to the petitioner or to any other person named in said protective order shall, upon conviction, be guilty of a criminal offense and shall be punished by a term of imprisonment for not less than thirty (30) 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).

(c) The minimum sentence of imprisonment issued pursuant to the provisions 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 may require a defendant to undergo the treatment or participate in the 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.

(e) When a minor child violates the provision 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.

### **Section 209. Civil Seizure of Property Used in the Act of Violating a Protective Order.**

(a) All property, used in the act of violating a protective order as set forth herein, may be seized without process if:



(1) Found in the possession, custody, or control of any person violating this Title, or being used for the purpose of transporting the perpetrator during the act of violating the provisions of this Title, or with the intent to avoid apprehension for violations hereunder, which includes, but is not limited to:

(i) Automobiles or other vehicles, whether used by the perpetrator or for the purpose of transporting the perpetrator during an act in furtherance of violating this Title;

(ii) All cash;

(iii) Weapons of any type, including firearms and ammunition, and any other items which may be used as a weapon; and

(iv) Cell phones, computers, cameras and any other mechanical, electronic or digital equipment incident to domestic abuse or violation of a protective order whether temporary or final, found or in the control of the perpetrator or any person assisting in willingly and knowingly violating this Title.

(2) A reasonable nexus can be established between the violation and the item being seized.

(b) Any assets seized shall be, from the time of seizure, forfeited to the Wyandotte Nation, and a proper procedure filed to maintain such seizure and prosecute the forfeiture as herein provided.

(c) Any and all property seized pursuant to this Section shall be listed and appraised by the officer making such seizure and the property turned over to the Wyandotte Nation law enforcement and a receipt made. The officer making the seizure shall promptly file a written report to the Court Clerk and the Prosecuting Attorney, showing the name of the officer making the seizure, the place and time of the seizure, the person from whom the property was seized, the manner in which the property or item was being used in furtherance of a violation, and an inventory and appraisal thereof, at the estimated usual and ordinary retail price of such article received, to the best of the officer's knowledge.

(1) Unless the seized property is being held as evidence for a civil or criminal action, the Prosecuting Attorney shall within thirty (30) days of seizure file in the District Court forfeiture proceedings in the name of the Wyandotte Nation, as plaintiff, and in the name of the owner or person in possession as defendant, if known, and if unknown, in the name of the property seized. The clerk of the court shall issue summons to the owner or person in whose possession such property was found, directing the owner or person to answer within fifteen (15) days.

(i) If by a preponderance of the evidence, the property is found to have been used in an act of violating a protective order, the property shall be declared forfeited by the Court and ordered sold.

(ii) If the property is shown to belong to a third party not involved in or a party of the domestic abuse act which gave rise to the seizure, and that the property will not likely be used in further violation of this Title, the seized property shall be returned to the third party owner.

(iii) If the defendant or owner proves at the forfeiture hearing that the conduct giving rise to the seizure was not justified, the seized property shall be returned to the owner.

(2) The proceeds of the sale of the seized property shall be deposited with the Court Clerk who shall, after reimbursing any costs to the Nation of seizure and sale, remit any amount due the victim from the respondent for restitution for violating this Title. The Nation shall deposit any remaining balance into the Court Fund.

(c) The seizure of property shall not be credited to the person from whom it was seized and shall not relieve the person from any prosecution, payment of fines or penalties, or compliance with other court orders provided under this Title.

#### **Section 210. Warrantless Arrest.**

(a) A Wyandotte Nation law enforcement officer, without a warrant, may arrest and take into custody a person if the police 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 this Title; and

(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 petitioner or any family or household member named in the order resides; and

(3) The person named in the order has received notice of the order and has had 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 person arrested pursuant to this Section shall have a reasonable bond amount set within twenty-four (24) hours after arrest; and

(1) The Court shall set a specific time for hearing on the alleged violation of the order to be held within seventy-two (72) hours of the arrest unless extended by the court on the motion of the arrested person: and

(2) The Clerk of the Court shall notify the party who has procured the order and direct the party to appear at the hearing and give evidence on the charge.

#### **Section 211. Effect of Action by Petitioner or Respondent on Order.**

If the Court orders respondent to be excluded from the residence or petitioner or orders respondent to stay away from the petitioner, an invitation by the petitioner to visit or enter does not waive or



nullify a protective order. Further, the petitioner cannot violate or be arrested for a violation of a protective order granted on their behalf.

### **Section 212. Mutual Order for Protection Discouraged.**

A protection order entered against both the petitioner and the respondent shall not be enforceable against the petitioner unless:

(1) The respondent files a written pleading, such as cross or counter complaint, seeking a protection order, and

(2) The Court makes specific findings of harassment, stalking, assault, or domestic or family violence against both the petitioner and the respondent and determines that each party is entitled to such an order.

### **Section 213. Judicial Responsibilities.**

The Court shall:

(1) Not grant nor deny relief to the petitioner based upon the status of age, gender, economic, educational, social, political, and/or mental and physical capacity of the petitioner or respondent;

(2) Not deny a petitioner relief because of a reasonable lapse of time between an act of domestic abuse and the filing of a petition; and

(3) Inform the victim of domestic abuse of services and advocacy available through the Wyandotte Nation Domestic Abuse Program.

### **Section 214. Criminal Case Shall Not Be Dismissed Based Upon Civil Compromise.**

A court shall not dismiss a criminal complaint charging domestic abuse for the sole reason that a civil compromise has been reached by and between the petitioner and the respondent.

### **Section 215. Vacating of Protective Orders.**

(a) A party who wishes to have a protective order vacated must move the court for such an order.

(b) A protective order shall be vacated only by court order.

(c) In determining whether or not to vacate a protective order, the court shall consider the following:

(1) Whether the respondent has attended and completed a relevant counseling program and whether the respondent has complied with any recommendations of a domestic abuse counseling program;

- (2) Whether the respondent has complied with the terms of the protective order as issued;
  - (3) Whether the circumstances have changed so as to remove the danger to the petitioner from the respondent; and
  - (4) Any other factors the court deems relevant.
- (d) All Wyandotte Nation law enforcement officers shall enforce any protective order that has neither expired nor been vacated, regardless of the current status of the parties' relationship.

#### **Section 216. Domestic or Family Violence Designation.**

Any crime against the person, and other crimes where appropriate, in which the respondent and the victim have a relationship as defined in this Title may be designated as a domestic violence or family violence crime. Such designation shall serve as notice that the Nation may seek additional conditions for sentencing upon conviction.

### **CHAPTER THREE DOMESTIC VIOLENCE SPECIAL JURISDICTION**

#### **Section 301. Special Domestic Violence Court Created.**

There is hereby created and established within the Wyandotte Nation District Court a Special Domestic Violence Division whose powers and duties are set forth in this Code and which shall be subject to all criminal procedures of the Nation to the extent they do not conflict with the provisions contained in this Chapter.

#### **Section 302. Special Domestic Violence Criminal Jurisdiction.**

(a) The Wyandotte Nation hereby exercises "Special Domestic Violence Criminal jurisdiction" as a "participating tribe," as defined within 25 U.S.C. § 1304, subject to applicable exceptions defined therein, in the Wyandotte Nation's Special Domestic Violence Division.

(b) In all proceedings in which the Wyandotte Nation Court is exercising Special Domestic Violence Criminal Jurisdiction, the rights in Section 303 shall be provided in addition to all rights enumerated in the Indian Civil Rights Act, 25 U.S.C. § 1302 to all defendants. Should there be any conflict between the rights herein and 25 U.S.C. § 1302, those of 25 U.S.C. § 1302 shall apply.

(c) The Nation hereby declares its special domestic violence criminal jurisdiction over any person only if he or she:

- (1) Resides within the jurisdiction of the Wyandotte Nation; or
- (2) Is employed within the jurisdiction of the Wyandotte Nation; or
- (3) Is a spouse, intimate partner, or dating partner of:



(i) A member of the Wyandotte Nation; or

(ii) A member of another Indian tribe who resides within the jurisdiction of the Wyandotte Nation.

**Section 303. Rights Applicable.**

(a) Rights of the Defendant. In all criminal proceedings pursuant to this Chapter, the defendant shall have the following rights:

(1) To be free from excessive bail and cruel punishment;

(2) To defend in person or by counsel;

(3) To be informed of the nature of the charges pending against him or her and to have a copy of those charges;

(4) To confront and cross-examine all prosecution or hostile witnesses;

(5) To compel by subpoena:

(i) The attendance of any witnesses necessary to defend against the charges; and

(ii) The production of any books, records, documents, or other things necessary to defend against the charges;

(6) To have a speedy and public trial by Judge or a jury, unless the right to a speedy trial is waived or the right to a jury trial is waived in writing by the defendant;

(7) To appeal any final decision of the District Court to the Wyandotte Nation Supreme Court;

(8) To not be twice put in jeopardy for the same offense;

(9) Not to be required to testify, and no inference may be drawn from a defendant's exercise of the right not to testify; and

(10) To petition for a writ of habeas corpus as set forth in 25 U.S.C. § 1304(e) and 25 U.S.C. § 1303. The Wyandotte Nation shall ensure notice required by 25 U.S.C. § 1304(e) is timely provided to the defendant.

(a) A court shall grant a stay if the court:

(i) Finds that there is a substantial likelihood that the habeas corpus petition will be granted; and

(ii) After giving each alleged victim in the matter an opportunity to be heard, finds by clear and convincing evidence that under conditions imposed by the court, the petitioner is not likely to flee or pose a danger to any person or the community if released.

(b) Right to Counsel.

(1) All defendants, regardless of the length of the potential sentence for the crime being charged, have the right to effective assistance of counsel meeting the requirements of 25 U.S.C. § 1302 while the Special Domestic Violence Division is exercising its jurisdiction. An indigent defendant shall be provided the assistance of a defense attorney meeting the requirements of 25 U.S.C. § 1302 at the expense of the Nation.

(2) Any person appearing as a party in the Wyandotte Nation Court shall have the right to counsel at his or her own expense. "Counsel" includes attorneys and spokespersons. Such counsel shall be of the parties' own choosing and need not be an attorney or admitted to practice before the bar of any state.

(c) Right to a Jury Trial. A defendant charged under Special Domestic Violence Jurisdiction has a right to a trial by jury of six fair and impartial jurors drawn from the community. A defendant may waive the right to a jury trial in a written, voluntary statement to the Court. All jury verdicts must be unanimous.

(1) Jury Pool. A list of eligible jurors shall be prepared by the Court. The eligible juror list shall be updated from time to time, but no less than once in each year. It shall reflect a fair cross-section of the community, and not systematically exclude any distinctive group in the community, including non-Indians. The Court shall provide for the selection of names of persons eligible for service as jurors. Jurors shall be 18 years of age or older and notwithstanding any other law of the Wyandotte Nation or any of its agencies, shall be chosen from the following classes of persons:

(A) Wyandotte Nation members living within or near the Nation's jurisdiction;

(B) Individuals living within the Wyandotte Nation's jurisdiction; and

(C) Employees of the Wyandotte Nation or any of its enterprises, agencies, subdivisions, or instrumentalities who have been employed by the Nation for at least one continuous year prior to being called as a juror.

(d) Presiding Judges.

(1) To have a judge presiding over the criminal proceeding:

(A) Who has sufficient legal training to preside over criminal proceedings; and

(B) Who is licensed to practice law in any jurisdiction in the United States;



(2) Judge(s) meeting the qualifications herein, can be designated to preside in the Special Domestic Violence Division. The Chief Judge shall designate and assign Judges to the Special Domestic Violence Court every January by standing order and the standing order and qualifications of the Judge will become part of the trial record.

(e) To appeal any final decision to the Wyandotte Nation Supreme Court.

(f). Writ of Habeas Corpus.

(1) Availability of Writ.

(A) Except as provided herein, every person within the jurisdiction of the Nation imprisoned or otherwise restrained from liberty may prosecute a writ of habeas corpus to inquire into the cause of imprisonment or restraint and, if illegal, to be delivered from the imprisonment or restraint.

(B) The writ of habeas corpus is not available to attack the validity of the conviction or sentence of a person who has been adjudged guilty of an offense by a court of competent jurisdiction and has exhausted the remedy of appeal, nor is it available to attack the legality of an order revoking a suspended or deferred sentence. Moreover, a person may not be released on a writ of habeas corpus due to any technical defect in commitment not affecting the person's substantial rights.

(C) When a person is imprisoned or detained in custody by the Wyandotte Nation on any criminal charge in this Title for want of bail; such person is entitled to a writ of habeas corpus for the purpose of giving bail upon averring that fact in his petition, without alleging the he is illegally confined.

(2) Issuance of Writ.

(A) Application for a writ of habeas corpus is made by petition signed either by the party for whose relief it is intended or by some person on the petitioner's behalf, and must be filed with the Clerk of the Court. It must specify:

(i) That the petitioner is unlawfully imprisoned or restrained from liberty;

(ii) Why the imprisonment or restraint is unlawful; and

(iii) Where or by whom the petitioner is confined or restrained.

(B) The parties to a writ, namely the Prosecutor, Chief Judge of the Nation's Court, and the Chief of Police, must be named. All parties must be named if they are known or otherwise sufficiently described so that they may be identified.

(C) The petition must be verified by the oath or affirmation or declaration under penalty of perjury that the contents of the declaration are true to the best of the defendant's belief.

(3) Granting of the Writ. Any Judge of the Wyandotte Nation Supreme Court may grant a writ of habeas corpus upon petition by or on behalf of any person restrained of liberty within the Judge's jurisdiction. If it appears to such Judge that a writ ought to issue, it shall be granted without delay, and may be made returnable to the Supreme Court.

(4) Time of Issuance and Requirements for Service.

(A) A writ of habeas corpus or any associated process may be issued and served on any day at any time. The writ should be served on the Nation's Prosecutor and Chief Judge of the Trial Court.

(B) The writ must be served upon the person to whom it is directed. If the writ is directed to a Nation agency or employee, a copy of the writ must be served upon the Nation's Prosecutor.

(C) The writ must be served by law enforcement, or any other person directed to do so by a Judge or the Court, in the same manner as a civil summons, except where otherwise expressly directed by the Judge, the Court, or the employee of any correctional facility in which the petitioner is held.

(5) Return of the Writ. The Prosecutor or his or her designee shall make a return and state in that return:

(A) Whether the person is in custody or under that person's power or restraint; and

(B) If the person is in custody or otherwise restrained, the authority for the cause of the custody or restraint; or

(C) If that person has been transferred to the custody of or otherwise restrained by another to whom the party was transferred, the time and place of the transfer, the reason for the transfer, and the authority under which the transfer took place.

The return must be signed and verified by affirmation.

(6) Hearing. The prosecutor/police/jailer commanded by the writ shall cause the petitioner to be brought before the Court as commanded by the writ unless the petitioner cannot be brought before the Court without danger to the petitioner's health. Sickness or infirmity must be confirmed. If the Court is satisfied with the truth of the writing, the Court may proceed and dispose of the case as if the petitioner were present or the hearing may be postponed until the petitioner is present. Any law enforcement officer may bring the person as directed. Unless the Court postpones the hearing for reasons of the petitioner's health, the Court shall immediately proceed to hear and examine the return. The hearing may be summary in nature. Evidence may be produced and compelled as provided by the laws governing criminal procedure and evidence.



(7) Refusal to Obey Writ is Contempt. If the person commanded by the writ refuses to obey, that person must be adjudged to be in contempt.

(8) Disposition of Petitioner. If the Court finds in favor of the petitioner, an appropriate order must be entered with respect to the judgment or sentence in the former proceeding and any supplementary orders as to reassignment, retrial, custody, bail, or discharge as may be necessary and proper. If the Court finds for the prosecution, the petitioner must be returned to the custody of the person to whom the writ was directed.

(g) Right to a Speedy and Public Trial. A defendant not released from jail pending trial shall be brought to trial not later than 60 days after the date of arraignment. A defendant released from jail, water or not subjected to conditions of release pending trial, shall be brought to trial not later than 90 days after the date of arraignment.

#### **Section 304. Special Jurisdiction - Criminal Conduct Applicable.**

The Wyandotte Nation exercises the special domestic violence criminal jurisdiction over a defendant for conduct that falls into one or more of the following categories:

(a) Domestic Violence and Dating Violence. An act of domestic violence or dating violence as defined in 25 U.S.C. § 1304(a) that occurs within the jurisdiction the Nation.

(b) Violations of Protective Orders. An act that occurs in the Nation's jurisdiction, and violates the portion of a protection order that:

(1) Prohibits or provides protection against violent or threatening acts of harassment against, sexual violence against, contact or communication with, or physical proximity to the person protected by the order;

(2) Was issued against the defendant;

(3) Is enforceable by the Wyandotte Nation; and

(4) Is consistent with 18 U.S.C. § 2265(b).