

## TITLE 5. SPECIAL PROCEEDINGS

### Chapter 5.11

#### CIVIL PROTECTION ORDERS

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**5.11.1. Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(b) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(1) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline.

(2) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(3) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(4) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(5) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment.

(c) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(d) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the Court will consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(1) Intimidation or controlling or compelling conduct by damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(2) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(3) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(4) Driving recklessly with the other party or minor children in the vehicle;

(5) Communicating, directly or indirectly, the intent to:

(A) Harm the other party's children, family members, friends, or pets, including by use of physical forms of violence;

(B) Harm the other party's career;

(C) Attempt suicide or other acts of self-harm; or

(D) Contact local or federal agencies based on actual or suspected immigration status;

(6) Exerting control over the other party's identity documents;

(7) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety;

(8) Engaging in sexual or reproductive coercion;

(9) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(10) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(11) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(12) Engaging in vexatious litigation or abusive litigation against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(13) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

"Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

(e) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(f) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct." In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(1) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(2) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(3) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(4) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to either protect liberty or property interests, to enforce the law, or to meet specific statutory duties or requirements;

(5) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(6) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(g) "Dating relationship" means a social relationship of a romantic nature. Factors that the Court may consider in making this determination include: (1) The length of time the relationship has existed; (2) the nature of the relationship; and (3) the frequency of interaction between the parties.

(h) "Domestic violence" means:

(1) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(2) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(i) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location.

(j) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(k) "Family or household members" means:

- (1) Persons related by blood, marriage, domestic partnership, or adoption;
- (2) Persons who currently or formerly resided together;
- (3) Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and
- (4) A person who is acting or has acted as a legal guardian.

(l) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(1) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(2) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(3) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(m) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(n) "Foreign Protection Order" means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of a

state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action.

(o) "Full hearing" means a hearing where the Court determines whether to issue a full protection order.

(p) "Full protection order" means a protection order that is issued by the Court after notice to the respondent and where the parties had the opportunity for a full hearing by the Court. "Full protection order" includes a protection order entered by the Court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(q) "Interested person" means a person who demonstrates to the Court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the Court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect the vulnerable adult's own interests.

(r) "Intimate partner" means:

(1) Spouses or domestic partners;

(2) Former spouses or former domestic partners;

(3) Persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or

(4) Persons who have or have had a dating relationship where both persons are at least thirteen (13) years of age or older.

(s) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of that person's choosing. Isolation may be evidenced by acts including, but not limited to:

(1) Acts that prevent a person from sending, making, or receiving personal mail, electronic communications, or telephone calls; or

(2) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(t) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(u) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are medically authorized and required to sustain a vulnerable adult's life.

(v) "Minor" means a person who is under eighteen (18) years of age.

(w) "Neglect" means:

(1) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or

(2) An act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

(x) "Nonconsensual" means a lack of freely given consent.

(y) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, or contact through third parties.

(z) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(aa) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include

(1) Briefly holding, without undue force, a vulnerable adult in order to calm or comfort the vulnerable adult, or

(2) Holding a vulnerable adult's hand to safely escort the vulnerable adult from one area to another.

(bb) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(cc) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(dd) "Sexual conduct" means any of the following:

(1) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(2) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(3) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(4) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(5) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of sixteen (16), if done for the purpose of sexual gratification or arousal of the respondent or others; or

(6) Any coerced or forced touching or fondling by a child under the age of sixteen (16), directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(ee) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(ff) "Stalking" means any of the following:

(1) Any act of stalking as defined under STC §7.30.2;

(2) Any act of harassment as defined by STC §7.30.1;

(3) Any course of conduct, serving no lawful purpose, involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling and the respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(gg) "Temporary protection order" means a protection order that is issued before the Court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection

orders that are reissued by the Court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(hh) "Unlawful harassment" means:

(1) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(2) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include presence of a firearm or other weapon.

(ii) "Vulnerable adult" means persons eighteen (18) years of age or older who do not have the functional, mental, emotional, or physical ability to protect and care for themselves. Persons receiving services from home health, hospice, or home care agencies are presumed to be vulnerable adults. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-031, passed Feb. 15, 2023; [amended by Res.](#))

**5.11.2. Jurisdiction.** Jurisdiction over civil protection orders will be in accordance with STC Chapter 3.2. Additionally:

(a) The Suquamish Tribal Court retains jurisdiction over any violations of orders of protection entered pursuant to this chapter that are alleged to have occurred outside of the boundaries of the Port Madison Reservation.

(b) Subject Matter Jurisdiction. The Suquamish Tribal Court explicitly exercises jurisdiction over petitions for orders of protection filed by the following individuals in the Suquamish Tribal Court, regardless of where the incident(s) supporting the protection order occur:

(1) Any tribal member or person eligible for enrollment in the Suquamish Indian Tribe;

(2) Persons living within the boundaries of the Port Madison Reservation;

(3) Persons sheltered on the reservation, fleeing violence; and

(4) Any person, if any alleged basis for the protection order arose while either the petitioner or respondent was anywhere within the territorial jurisdiction of the Suquamish Indian Tribe.

(c) In a proceeding in which a petition for a protection order under this chapter is sought, the Court may exercise personal jurisdiction over a nonresident individual if:

(1) The individual is personally served with a petition within the Suquamish Indian Tribe's territorial jurisdiction;

(2) The individual submits to the Tribe's jurisdiction by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(3) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a protection order occurred within the Tribe's territorial jurisdiction;

(4) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a protection order occurred outside the reservation and are part of an ongoing pattern that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides within the Tribe's territorial jurisdiction;

(5) As a result of the acts giving rise to the petition or enforcement of a protection order, the petitioner or a member of the petitioner's family or household has sought safety or protection within the Tribe's territorial jurisdiction, and currently resides within the Tribe's territorial jurisdiction; or

(6) There is any other basis consistent with STC Chapter 3, or with the Constitution of the Suquamish Tribe, or applicable Federal law.

(7) For jurisdiction to be exercised under subsection (c)(4) or (c)(5) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family, while the petitioner or member of the petitioner's family resides within the Tribe's territorial jurisdiction.

(8) For the purposes of this section:

(A) "Communicated" or "made known" includes the following means: in person, through publication, by mail, telephonically, through an electronic communication site or medium, by text, or through other social media. Communication on any electronic medium that is generally available is sufficient to exercise jurisdiction under subsection (c)(4) or (c)(5) of this section.

(B) An act or acts that “occurred within the Tribe’s territorial jurisdiction” include an oral or written statement made or published by a person outside of the Tribe’s jurisdiction to any person in the Tribe’s jurisdiction or by means of interstate commerce or foreign commerce. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-031, passed Feb. 15, 2023; amended by Res.)

**5.11.3. Filing – Types of Petitions.** (a) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(1) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(2) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(A) The petitioner;

(B) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(C) A vulnerable adult, where the petitioner is an interested person; or

(D) Any other adult for whom the petitioner demonstrates to the Court's satisfaction that the petitioner is interested in the adult's well-being, the Court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(3) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic

violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(A) The petitioner;

(B) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(C) A vulnerable adult, where the petitioner is an interested person; or

(D) Any other adult for whom the petitioner demonstrates to the Court's satisfaction that the petitioner is interested in the adult's well-being, the Court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(4) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent.

(5) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by an intimate partner or a family or household member of the respondent, or by the Suquamish Indian Tribe.

(6) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(A) The petitioner;

(B) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(C) A vulnerable adult, where the petitioner is an interested person; or

(D) Any other adult for whom the petitioner demonstrates to the Court's satisfaction that the petitioner is interested in the adult's well-being, the Court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(b) With the exception of vulnerable adult protection orders, a person under eighteen (18) years of age who is fifteen (15) years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on the person's behalf. That person may also petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(c) A person under fifteen (15) years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(d) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person. For the purposes of this Chapter, the Suquamish Indian Tribe is always an "interested person."

(e) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the Court will consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing as appropriate under the law. The Court's decision on the appropriate type of order will not be premised on alleviating any potential stigma on the respondent.

(f) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in this Chapter at 5.11.16, that the petitioner seeks for the petitioner's self or for family or household members who are minors. The totality of selected relief, and any other relief the Court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

(g) Upon filing a petition for a protection order, the petitioner may request that the Court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without notice until a hearing on a full protection order may be held. When requested, there will be a rebuttable presumption to include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order until the full hearing to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the Court denies the petitioner's request to include the minor children, the

Court must make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order will be effective for a fixed period of time and will be issued initially for a period not to exceed fourteen (14) days, which may be extended for good cause. (Res. 2019-184, passed Oct. 15, 2019; amended by Res.)

**5.11.4. Filing – Provisions Governing all Petitions.** (a) Petitions for protection orders and all other filings in connection with the petition may be submitted as preferred by the petitioner either in person, remotely through email to the court clerk, or by post mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through email.

(b) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(c) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the Court will take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The Court will not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties.

(d) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the Court has realigned the parties where the Court finds that the original petitioner is the domestic abuser or harasser and the original respondent is the victim of domestic violence or unlawful harassment.

(e) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The Court will not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(f) A person's right to petition for relief under this chapter is not affected by the person leaving the person's residence or household.

(g) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the Court. If the petitioner has not disclosed an address under this subsection,

the petitioner may designate an alternative address at which the respondent may serve the petitioner.

(h) Subject to the availability of amounts appropriated for this specific purpose, or as provided through alternative sources including, but not limited to, grants, local funding, or pro bono means, if the Court deems it necessary, the Court may appoint a guardian ad litem for a petitioner or a respondent who is under eighteen (18) years of age and who is not represented by counsel. If the Court appoints a guardian ad litem for either or both parties, the Court will require neither the petitioner nor the respondent to pay any costs associated with the appointment. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-225, passed Sep. 26, 2023; amended by Res.)

**5.11.5. Filing – Provisions Applicable to Specified Orders.** (a) The following apply only to the specific type of protection orders referenced in each subsection:

(1) The Suquamish Indian Tribe, in its discretion, may file a petition for a vulnerable adult protection order or a domestic violence protection order on behalf of, and with the consent of, any vulnerable adult. When the Tribe has reason to believe a vulnerable adult lacks the ability or capacity to consent, the Tribe, in its discretion, may seek relief on behalf of the vulnerable adult. Neither the Tribe nor its employees may be in any way liable for seeking or failing to seek relief on behalf of any persons under this section. The vulnerable adult will not be held responsible for any violations of the order by the respondent.

(2) If the petitioner for an extreme risk protection order is the Suquamish Tribal Police, the petitioner will make a good faith effort to provide notice to an intimate partner or family or household member of the respondent and to any known third party who may be at risk of violence. The notice will state that the petitioner intends to petition the Court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources. The petitioner will attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(3) Recognizing that an extreme risk protection order may need to be issued outside of normal business hours, the Court will allow the Suquamish Tribal Police to petition after hours for a temporary extreme risk protection order in the same manner as is done for approval of after-hours search warrants. (Res. 2019-184, passed Oct. 15, 2019; amended by Res.)

**5.11.6. Service – Methods of Service.** (a) Personal service, consistent with court rules for civil proceedings, is required.

(b) In cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; cases that involve transferring the custody of a child or children from the respondent to the

petitioner; cases involving vacating the respondent from the parties' shared residence; cases involving a respondent who is incarcerated; and cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, personal service must be made by law enforcement including, at a minimum, two (2) timely attempts at personal service. To reduce risk of harm, law enforcement should continue to attempt personal service up to the hearing date. Personal service for cases other than those specified in this subsection, and when used for other protection order cases, may be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action, is eighteen (18) years of age or older and competent to be a witness, and can provide sworn proof of service to the Court as required.

(c) After two (2) unsuccessful attempts at personal service, service will be permitted by the means specified by subsections d and e of this section.

(d) Service by mail is permitted when there have been two (2) unsuccessful attempts at personal service. If personal service is not successful, the Court will affirmatively order service by mail without requiring the petitioner to file additional motions. Service by mail must be made by any person who is not a party to the action and is eighteen (18) years of age or older and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address the Court determines to be appropriate. Two (2) copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address where the petitioner may receive legal mail. Service is complete ten (10) calendar days after the mailing of two copies as prescribed in this section.

(e) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical address of the respondent. Publication will be made in the same manner as prescribed by STC §4.2.4.

(f) The Court may authorize multiple methods of service permitted by this section and may consider use of any address the Court determines to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The Court will favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(g) If an order entered by the Court recites that the respondent appeared before the Court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The Court's order, entered after a full hearing, need not be served on a respondent who fails to appear before the Court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the Court's satisfaction that the respondent has previously been served with the temporary order.

(h) When the respondent for a protection order is under the age of eighteen (18) or is an individual subject to a guardianship:

(1) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, **must** be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(2) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or Suquamish Tribal Child Welfare in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent **will** not be served at the minor respondent's school unless no other address for service is known.

(3) For extreme risk protection orders, the Court **must** also provide a parent or guardian of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent or guardian of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(i) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult.

(j) The Court will not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the Court determines that all available methods of service have been attempted unsuccessfully or are not possible. (Res. 2019-184, passed Oct. 15, 2019; **amended by Res.**)

**5.11.7. Service – Completion by Law Enforcement Officer.** (a) When service is to be completed under this chapter by a law enforcement officer:

(1) Service of an order issued under this chapter will take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature.

(2) The first attempt at service must occur within twenty-four (24) hours of receiving the order from the court unless an emergency situation renders the service **impossible**. If an emergency situation prevents a first attempt at service within 24 hours, law enforcement must attempt service as soon as possible. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members.

All attempts at service must be documented on a proof of service form and submitted to the Court in a timely manner.

(3) If service cannot be completed within ten (10) calendar days, the law enforcement officer will notify the petitioner. The petitioner will provide information sufficient to permit notification. Law enforcement will continue to attempt to complete service unless the Court directs otherwise. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer will use law enforcement databases to assist in locating the respondent;

(4) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement will take reasonable steps to ensure that the respondent has left the premises and is on notice that the respondent's return is a violation of the terms of the order.

(5) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment will make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner.

(6) Proof of service must be submitted to the Court. The proof of service must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms.

(7) If attempts at service were not successful, the proof of service showing that the order was not served, and stating the reason it was not served, must be returned to the Court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed. (Res. 2019-184, passed Oct. 15, 2019; amended by Res.)

**5.11.8. Service – Timing.** (a) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than three (3) judicial days before the hearing date. If service cannot be made, the Court will set a new hearing date and will either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. The Court may not require more than two (2)

attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(b) Service is completed on the day the respondent is served personally, on the tenth (10th) calendar day after mailing for service by mail, or in accordance with STC §4.2.4 regarding publication.

(c) If the nonmoving party was served before the hearing, but less than five (5) judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. This additional service may be made by mail as an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third (3rd) calendar day after mailing. (Res. 2019-184, passed Oct. 15, 2019; amended by Res.)

**5.11.9. Hearings – Procedure.** (a) In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. The Court should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2) The Court will prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(3) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the Court will prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. The Court also may allow a law enforcement petitioner to participate remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the Court if personal presence of the petitioning officer is not required for testimonial purposes.

(4) If the respondent does not appear for the full hearing and there is no proof of timely and proper service on the respondent, the Court will reissue any temporary protection order previously issued and reset the hearing date. If a temporary protection order is reissued, the Court will reset the hearing date not later than fourteen (14) days from the reissue date. If a temporary protection order is reissued and the Court permits service by mail or by publication, the Court will reset the hearing date not later than thirty (30) days from the date of the order authorizing such service. These time frames may be extended for good cause.

(b) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, the Court will apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. The Court may consider on the record the following factors:

(1) The extent to which a defendant's rights pursuant to 25 U.S.C. § 1302 and the Suquamish Constitution are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's protections against self-incrimination substantially less than do other civil proceedings;

(2) Similarities between the civil and criminal cases;

(3) Status of the criminal case;

(4) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(5) The burden that any particular aspect of the proceeding may impose on respondents;

(6) The convenience of the Court in the management of its cases and the efficient use of judicial resources;

(7) The interests of persons not parties to the civil litigation; and

(8) The interest of the public in the pending civil and criminal litigation.

(c) Hearings may be conducted upon the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but will not be permitted unless the Court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the Court may continue the hearing. In considering the request, the Court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

(d) If the Court continues a hearing for any reason, the Court will reissue any temporary orders, including orders to surrender and prohibit weapons, issued with or without notice.

(e) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the Court for good cause shown upon written motion of a party filed six (6) judicial days prior to the hearing and served prior to the hearing.

(f) The rules of evidence need not be applied, other than with respect to privileges, and the requirements of Federal Rule of Evidence 412.

(1) The prior sexual activity or the reputation of the petitioner is inadmissible except evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order or when either the Suquamish Tribal Constitution or 25 U.S.C. § 1302 requires its admittance.

(2) To determine admissibility, a written motion must be made six (6) judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the Court finds that the offer of proof is relevant to the issue of the victim's consent, the Court will conduct a hearing in camera. The Court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence will be admissible at the hearing to the extent an order made by the Court specifies the evidence that may be admitted. If the Court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(g) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the Court must determine on the record whether the petitioner had the capacity to consent.

(h) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(i) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, may request a continuance on that basis. Such requests may be granted in the Court's discretion. In considering the request, the Court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.10. Realignment of Parties – Domestic Violence and Antiharassment Protection Order Proceedings.** (a) In proceedings where the petitioner is seeking a domestic violence protection order or an antiharassment protection order, the Court may realign the designation of the parties as "petitioner" and "respondent" where the Court finds that the original petitioner is the abuser or harasser and the original respondent is the

victim of domestic violence or unlawful harassment. The Court may issue a temporary protection order in accordance with this chapter until the victim is able to prepare a petition for a protection order in accordance with this chapter. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.11. Hearings – Extreme Risk Protection Orders.** (a) For extreme risk protection order hearings, the Court may:

(1) Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn declarations of the petitioner, the respondent, and any witnesses they may produce;

(2) Ensure that a reasonable search has been conducted for criminal history records and civil protection order history related to the respondent; and

(3) Consider whether a behavioral health evaluation is appropriate, and may order such evaluation if appropriate.

(b) In determining whether grounds for an extreme risk protection order exist, the Court may consider any relevant evidence including, but not limited to, any of the following:

(1) A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(2) A pattern of acts or threats of violence by the respondent within the past twelve (12) months including, but not limited to, acts or threats of violence by the respondent against self or others;

(3) Any behaviors that present an imminent threat of harm to self or others;

(4) A violation by the respondent of a protection order or a no-contact order issued;

(5) A previous or existing extreme risk protection order issued against the respondent;

(6) A violation of a previous or existing extreme risk protection order issued against the respondent;

(7) A conviction of the respondent for a crime that constitutes domestic violence;

(8) The respondent's ownership of, access to, or intent to possess, firearms;

(9) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(10) The history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(11) Any prior arrest of the respondent for a felony offense or violent crime;

(12) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(13) Evidence of recent acquisition of firearms by the respondent. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.12. Hearings – Vulnerable Adult Protection Orders.** For vulnerable adult protection order hearings, the following also apply:

(a) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult or the vulnerable adult's guardian, conservator, or person acting under a protective arrangement, or both, and the vulnerable adult for whom protection is sought advises the Court at the hearing that the vulnerable adult does not want all or part of the protection sought in the petition, then the Court may dismiss the petition or the provisions that the vulnerable adult objects to and any existing vulnerable adult protection order, or the Court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect [the vulnerable adult's](#) person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the Court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect [the vulnerable adult's](#) person or estate in connection with the issues raised in the petition or order, the Court may issue a temporary protection order of the vulnerable adult pending a decision after the evidentiary hearing.

(b) Pursuant to subsection (a) of this section, an evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect [the vulnerable adult's](#) person or estate in connection with the issues raised in the petition or order, must be held within fourteen (14) days of entry of the temporary protection order. If the Court did not enter a temporary protection order, the evidentiary hearing must be held within fourteen (14) days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing must be served upon the vulnerable adult and the respondent not less than three (3) judicial days before the hearing. If timely service cannot be made, the Court may set a new hearing date. If a hearing is scheduled under this subsection, the protection order must remain in effect pending the Court's decision at the subsequent hearing.

(c) At the hearing held pursuant to subsection (a) of this section, the Court will give the vulnerable adult, the respondent, the petitioner, and, in the Court's discretion, other interested persons, the opportunity to testify and submit relevant evidence.

(d) If the Court determines that the vulnerable adult is capable of protecting the vulnerable adult's person or estate in connection with the issues raised in the petition, and the vulnerable adult continues to object to the protection order, the Court will dismiss the order or may modify the order if agreed to by the vulnerable adult. If the Court determines that the vulnerable adult is not capable of protecting the vulnerable adult's person or estate in connection with the issues raised in the petition or order, and that the vulnerable adult continues to need protection, the Court will order relief consistent with this chapter as it deems necessary for the protection of the vulnerable adult. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-031, passed Feb. 15, 2023; amended by Res.)

**5.11.13. Grant of Order, Denial of order, and Improper Grounds.** (a) The Court will issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria specified in (1) through (6) of this subsection for obtaining a protection order under this chapter.

(1) For a domestic violence protection order, that the petitioner has been subjected to domestic violence by the respondent.

(2) For a sexual assault protection order, that the petitioner has been subjected to nonconsensual sexual conduct, commercial sexual exploitation, or nonconsensual sexual penetration by the respondent.

(3) For a stalking protection order, that the petitioner has been subjected to stalking by the respondent.

(4) For a vulnerable adult protection order, that the petitioner has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent.

(5) For an extreme risk protection order, that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm.

(6) For an antiharassment protection order, that the petitioner has been subjected to unlawful harassment by the respondent.

(b) The Court may not deny or dismiss a petition for a protection order on the grounds that:

(1) The petitioner or the respondent is a minor, unless provisions in this chapter specifically limit relief or remedies based upon a party's age;

(2) The petitioner did not report the conduct giving rise to the petition to law enforcement;

(3) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(4) The relief sought by the petitioner may be available in a different action or proceeding, or criminal charges are pending against the respondent;

(5) The conduct at issue did not occur recently or because of the passage of time since the last incident of conduct giving rise to the petition; or

(6) The respondent no longer lives near the petitioner.

(c) In proceedings where the petitioner alleges that the respondent engaged in nonconsensual sexual conduct, commercial sexual exploitation, or nonconsensual sexual penetration, the Court will not require proof of physical injury on the person of the petitioner or any other forensic evidence. Denial of a remedy to the petitioner may not be based, in whole or in part, on evidence that:

(1) The respondent was voluntarily intoxicated;

(2) The petitioner was voluntarily intoxicated; or

(3) The petitioner engaged in limited consensual sexual touching.

(4) In proceedings where the petitioner alleges that the respondent engaged in commercial sexual exploitation, denial of a remedy to the petitioner may not be based, in whole or in part, on evidence that the petitioner consented to sexual conduct or sexual penetration.

(d) In proceedings where the petitioner alleges that the respondent engaged in stalking, the Court may not require proof of the respondent's intentions regarding the acts alleged by the petitioner.

(e) If the Court declines to issue a protection order, the Court will state in writing the particular reasons for its denial. If the Court declines a request to include one or more of the petitioner's family or household member who is a minor or a vulnerable adult in the order, the Court will state the reasons for that denial in writing. The Court will also explain from the bench:

(1) That the petitioner may refile a petition for a protection order at any time if the petitioner has new evidence to present that would support the issuance of a protection order; and

(2) The parties' rights to seek revision, reconsideration, or appeal of the order.

(f) The Court's ruling on a protection order must be filed by the Court in writing. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.14. Compliance Hearings.** (a) Only the respondent is required to appear if the Court is reviewing compliance with any conditions of the order. The petitioner may appear at such hearing and provide evidence to the Court regarding the respondent's compliance with the order. The petitioner may also file a declaration in response to the respondent's representation of compliance with any conditions of the order. After reviewing such a declaration by the petitioner, the Court may ask the petitioner to appear at the hearing or provide additional declaration or documentation to address disputed issues.

(b) Any orders the Court enters pursuant to a compliance hearing must be served on the respondent if the respondent failed to appear at the hearing at which the Court entered the orders.

(c) The Court will use its best efforts to notify the petitioner of the outcome of the compliance hearing including, but not limited to, informing the petitioner on whether the respondent is found to be out of compliance with an order to surrender and prohibit weapons. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.15. Ex Parte Temporary Protection Orders – Other Than for Extreme Risk Protection Orders.** (a) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the Court may grant an ex parte temporary protection order, pending a full hearing. The Court has broad discretion to grant such relief as it deems proper, including the forms of relief listed in this chapter, provided that the Court will not order a form of relief listed if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the Court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the Court will still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the Court may order the respondent to surrender, and prohibit the respondent from accessing, having in [the respondent's](#) custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license.

(b) Any order issued under this section must contain the date, time of issuance, and expiration date.

(c) The Court may issue an ex parte temporary protection order on the petition with or without a hearing. A hearing is only necessary if the petition does not meet the burden of proof for issuing an ex parte order. If an ex parte temporary protection order is denied, the Court will still set a full hearing unless the Court determines the petition

does not contain prima facie allegations to support the issuance of any type of protection order. If the Court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the Court will state the reasons in writing.

(d) If the Court does not set a full hearing, the petitioner may file an amended petition within fourteen (14) days of the Court's denial. If the Court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the Court may enter an order dismissing the petition.

(e) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-031, passed Feb. 15, 2023; [amended by Res.](#))

**5.11.16. Relief for Temporary and Full Protection Orders – Other Than for Extreme Risk Protection Orders.** (a) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (b) of this section, and other than an extreme risk protection order, the Court will have broad discretion to grant such relief as it deems proper, including an order that provides relief as follows:

(1) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(2) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(3) Exclude the respondent from the residence that the parties share;

(4) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

(5) Restrain the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance will presumptively be at least one thousand (1,000) feet, unless the Court for good cause finds that a shorter specified distance is appropriate;

(6) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in the Suquamish Tribal Code. However, parenting plans may not be required under this chapter. The Court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

(7) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program or a sex offender treatment program;

(8) Order the respondent to obtain a mental health or chemical dependency evaluation;

(9) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the Court, when issuing a protection order and providing relief, will consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school;

(10) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyber harassment, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household;

(11) Other than for respondents who are minors, require the respondent to submit to electronic monitoring;

(12) Order the respondent to surrender, and prohibit the respondent from accessing, having in the respondent's custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license;

(13) Order possession and use of essential personal effects. The Court will list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The Court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The Court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

(14) Order use of a vehicle;

(15) Enter an order restricting the respondent from engaging in abusive litigation or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion;

(16) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

(17) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

(18) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding ninety (90) days;

(19) Order financial relief and restrain the transfer of jointly owned assets;

(20) Restrain the respondent from possessing or distributing intimate images, depicting the petitioner including, but not limited to, requiring the respondent to: take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The Court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

(21) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(b) In an antiharassment protection order proceeding, the Court may grant the relief specified in subsection (a)(3), (6), and (19) of this section only as part of a full antiharassment protection order.

(c) The Court in granting a temporary antiharassment protection order or a civil antiharassment protection order may not prohibit the respondent from exercising free speech protected by the Suquamish Constitution and the Indian Civil Rights Act. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise legally protected.

(d) The Court will not take any of the following actions in issuing a protection order.

(1) The Court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

(2) The Court will not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in STC §5.11.10, the Court will not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

(3) Under no circumstances will the Court deny the petitioner the type of protection order sought in the petition on the grounds that the Court finds that a different type of protection order would have a less severe impact on the respondent.

(e) The order will specify the date the order expires, if any. For permanent orders, the Court will set the date to expire ninety-nine (99) years from the issuance date. The order will also state whether the Court issued the protection order following personal service, service by mail, or service by publication, and whether the Court has approved service by mail or publication of an order issued under this section. (Res. 2019-184, passed Oct. 15, 2019; [amended by Res.](#))

**5.11.17. Duration of Full Protection Orders – Other than for Extreme Risk Protection Orders.** (a) When issuing an order after notice to the respondent and a hearing, the Court may either grant relief for a fixed period of time or enter a permanent order of protection. Other than for antiharassment orders, the Court will not grant relief for less than one (1) year unless the petitioner has specifically requested relief for a shorter period of time.

(b) If a protection order restrains the respondent from contacting the respondent's minor children, the restraint must be for a fixed period not to exceed one (1) year.

(c) If the petitioner has petitioned for relief on behalf of the respondent's minor children, the Court will advise the petitioner that if the petitioner wants to continue protection for a period beyond one (1) year, the petitioner may petition for renewal pursuant to the provisions of this chapter. (Res.)

**5.11.18. Law Enforcement Stand-By to Recover Possessions – Other than for Extreme Risk Protection Orders.** (a) When an order is issued under this chapter upon the petitioner's request, the Court may order a law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included.

(b) Upon order of a court, a law enforcement officer will accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(c) When the respondent is ordered to vacate the residence or other shared property, the **Court may permit the** respondent to remove personal clothing, personal items needed during the duration of the order, and any other items **the Court specifies**, while a law enforcement officer is present.

(d) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders. **(Res.)**

**5.11.19. Entry of Protection Order Data – Other Than for Extreme Risk Protection Orders.** (a) The clerk of the court must enter any protection order, including temporary protection orders, issued under this chapter into any appropriate judicial information system available to the Tribe on the same day such order is issued, if possible, but no later than the next judicial day.

(b) A copy of a protection order granted under this chapter, including temporary protection orders, must be forwarded immediately by the clerk of the court, by electronic means if possible, to the law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency **will** immediately enter the order into any computer-based criminal intelligence information system available to the Tribe used by law enforcement agencies to list outstanding warrants. The order must remain in the computer until the expiration date specified on the order. If the **Court** has entered an order that prohibits the respondent from possessing or purchasing a firearm, the law enforcement agency **will** also enter the order into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms. The order must remain in each system for the period stated in the order, and the law enforcement agency **may** only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(c) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement on whether the order was personally served, served by publication, or served by mail.

(d) If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order or may immediately forward it to the appropriate law enforcement agency for entry and service, and **must** provide documentation back to the **Court** verifying which law enforcement agency has entered and will serve the order. **(Res.)**

5.11.20. Temporary Protection Orders – Extreme Risk Protection Orders. (a) In considering whether to issue a temporary extreme risk protection order, the Court will consider all relevant evidence, including the evidence described in §5.11.11.

(b) If the Court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm, the Court will issue a temporary extreme risk protection order.

(c) A temporary extreme risk protection order must include:

(1) A statement of the grounds asserted for the order;

(2) The date and time the order was issued;

(3) The date and time the order expires;

(4) The date and time of the scheduled hearing;

(5) Where to file any responsive pleadings;

(6) The following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license, while this order is in effect. You must surrender to the (specified name of law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order."

(d) A temporary extreme risk protection order issued expires upon the full hearing on the petition for an extreme risk protection order, unless reissued by the Court.

(e) A temporary extreme risk protection order must be served by a law enforcement officer in the same manner as provided for in STC §5.11.7 for service of the notice of hearing and petition, and must be served concurrently with the notice of hearing and petition.

(f) If the Court declines to issue a temporary extreme risk protection order, the court will state the particular reasons for its denial. (Res.)

5.11.21. Full Orders – Extreme Risk Protection Orders. (a) An extreme risk protection order issued after notice and a hearing must include:

(1) A statement of the grounds supporting the issuance of the order;

(2) The date and time the order was issued;

(3) The date and time the order expires;

(4) Whether a behavioral health evaluation of the respondent is required;

(5) Directions on how to file responsive pleading;

(6) The following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession, and any concealed pistol license issued to you immediately. You may not have in your custody or control, access, possess, purchase, receive, or attempt to purchase or receive, a firearm, or a concealed pistol license, while this order is in effect. You have the right to request one hearing to terminate this order every 12-month period that this order is in effect, starting from the date of this order and continuing through any renewals. You may seek the advice of an attorney as to any matter connected with this order."

(b) When the Court issues an extreme risk protection order, the Court will inform the respondent that the respondent is entitled to request termination of the order in the manner prescribed by this chapter. (Res.)

5.11.22. Surrender of Firearms – Extreme Risk Protection Orders. (a) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the Court will:

(1) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, or subject to the respondent's immediate possession or control, and any concealed pistol license; and

(2) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(b) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, will request that the respondent immediately surrender all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued, and conduct any search permitted by law for such firearms. The law enforcement officer will take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. If the order is entered in open court and the respondent appears in person, the respondent must be provided a copy and further service is not required. If the respondent refuses to accept a copy, an agent of the Court may indicate

on the record that the respondent refused to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the Court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the Court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The Court will enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the Suquamish Police Department on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent will surrender the firearms in a safe manner to the control of the Suquamish Police Department within **twenty-four (24)** hours of being served with the order by alternate service.

(c) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license will issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within **seventy-two (72)** hours after service of the order, the officer serving the order will file the original receipt with the Court and must ensure that the officer's law enforcement agency retains a copy of the receipt.

(d) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the Court will determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody, or control. If probable cause for a violation of the order exists, the Court will issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(1) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the Court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(2) The Court advises the lawful owner of the penalty for failure to do so;  
and

(3) The firearm is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a one-year extreme risk protection order, the Court will order a new compliance review hearing date and require the respondent to appear not later than three (3) judicial days from the issuance of the order. The Court will require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license to the Suquamish Police Department. The compliance review hearing is not required upon a satisfactory showing on which the Court can otherwise enter findings on the record that the respondent has timely and completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol to the Suquamish Police Department, and is in compliance with the order. If the Court does not have a sufficient record before it on which to make such a finding, the Court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the Court's order.

(g) If the Court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the Court entered findings of compliance, pursuant to its authority, the Court may initiate a contempt proceeding on its own motion, or upon the motion of the Tribal prosecutor or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(1) If the respondent is not present in court at the compliance review hearing or if the Court issues an order to appear and show cause after a compliance review hearing, the clerk of the court will electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules or applicable statute.

(2) The order to show cause served upon the respondent must state the date, time, and location of the hearing, and will include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(3) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(A) At the compliance hearing, the Suquamish Police Department or applicable law enforcement agency will provide the Court with a complete list of firearms surrendered by the respondent or otherwise

belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the Court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(C) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the Court, and may do so through the filing of an affidavit.

(4) If the Court finds the respondent in contempt, the Court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(h) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent in any criminal prosecution under this chapter or Chapter 7.19 of the Suquamish Tribal Code.

(i) The Suquamish Tribal Police Department will develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. (Res.)

**5.11.23. Firearms Return and Disposal – Extreme Risk Protection Orders.** (a) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this chapter will return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under tribal, federal, and state law, and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal.

(b) A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members and to an intimate partner of the respondent.

(c) Any firearm surrendered by a respondent pursuant to STC §5.11.22 that remains unclaimed by the lawful owner will be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody. (Res.)

**5.11.24. Reporting of Orders – Extreme Risk Protection Orders.** (a) The clerk of the court will enter any extreme risk protection order, including temporary extreme risk protection orders, issued under this chapter into the Washington State -judicial

information system on the same day such order is issued, if possible, but no later than the next judicial day.

(b) A copy of an extreme risk protection order granted under this chapter, including temporary extreme risk protection orders, must be forwarded immediately by the clerk of the court, by electronic means if possible, to the Suquamish Police Department or the law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency will immediately enter the order into the national instant criminal background check system, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available to the law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency **may** only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(c) The information entered into the computer-based criminal intelligence information system must include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

(d) If a law enforcement agency receives a protection order for entry or service, but the order falls outside the agency's jurisdiction, the agency may enter and serve the order or may immediately forward it to the appropriate law enforcement agency for entry and service, and **must** provide documentation back to the Court verifying which law enforcement agency has entered and will serve the order.

(e) If an extreme risk protection order is terminated before its expiration date, the clerk of the court will forward on the same day a copy of the termination order to the law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency will promptly remove the order from any computer-based system in which it was entered pursuant to subsection (b) of this section. **(Res.)**

**5.11.25. Sealing of Records – Extreme Risk Protection Orders.** (a) A respondent under the age of **eighteen (18)**, or a respondent whose extreme risk protection order was based solely on threats of self-harm by the respondent, may petition the Court to have the court records sealed from public view at the time of the issuance of the full order, at any time during the life of the order, or at any time after its expiration.

(b) The Court will seal the court records from public view if there are no other active protection orders against the restrained party, there are no pending violations of the order, and there is evidence of full compliance with the surrender of firearms as ordered by the extreme risk protection order.

(c) Nothing in this section changes the requirement for the order to be entered into, and maintained in, computer-based systems as required in **§5.11.21**.

5.11.25. Errors in Protection Orders. (a) After a protection order is issued, the Court may correct clerical or technical errors in the order at any time. The Court may correct errors either on its own initiative or upon notice to the Court of an error. If the Court corrects an error in an order, the Court will provide notice of the correction to the parties and the person who notified the Court of the error, and will provide a copy of the corrected order. The Court will direct the clerk to forward the corrected order on or before the next judicial day to the law enforcement agency specified in the order. (Res.)

5.11.26. Reissuance of Temporary Protection Orders. (a) A temporary protection order issued under this chapter may be reissued for the following reasons:

(1) Agreement of the parties;

(2) To provide additional time to effect service of the temporary protection order on the respondent; or

(3) If the Court, in writing, finds good cause to reissue the order.

(b) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(c) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than thirty (30) days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(d) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, the Court will apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. The Court must consider on the record the following factors:

(1) The extent to which a defendant's rights pursuant to the Suquamish Constitution and the Indian Civil Rights Act are or are not implicated, given the special nature of protection order proceedings which burden a defendant's privilege against self-incrimination substantially less than do other civil proceedings;

(2) Similarities between the civil and criminal cases;

(3) Status of the criminal case;

(4) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(5) The burden that any particular aspect of the proceeding may impose on respondents;

(6) The convenience of the Court in the management of its cases and the efficient use of judicial resources;

(7) The interests of persons not parties to the civil litigation; and

(8) The interest of the public in the pending civil and criminal litigation.

(Res.)

5.11.27. Renewal of Protection Orders – Other Than Extreme Risk Protection Orders. The following provisions apply to the renewal of all full protection orders issued under this chapter, with the exception of the renewal of extreme risk protection orders:

(a) If the Court grants a protection order for a fixed time period, the petitioner may file a motion to renew the order at any time within the ninety (90) days before the order expires. The motion for renewal must state the reasons the petitioner seeks to renew the protection order. Upon receipt of a motion for renewal, the Court will order a hearing, which must be not later than fourteen (14) days from the date of the order. Service must be made on the respondent not less than five (5) judicial days before the hearing, as provided in this chapter.

(b) If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(c) The petitioner bears no burden of proving that the petitioner has a current reasonable fear of harm by the respondent.

(d) The Court will grant the motion for renewal unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances and the following:

(1) For a domestic violence protection order, that the respondent proves that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's family or household members who are minors or vulnerable adults when the order expires;

(2) For a sexual assault protection order, that the respondent proves that the respondent will not engage in, or attempt to engage in, physical or nonphysical contact, or acts of commercial sexual exploitation, with the petitioner when the order expires;

(3) For a stalking protection order, that the respondent proves that the respondent will not resume acts of stalking against the petitioner or the petitioner's family or household members when the order expires;

(4) For a vulnerable adult protection order, that the respondent proves that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires; or

(5) For an antiharassment protection order, that the respondent proves that the respondent will not resume harassment of the petitioner when the order expires.

(e) In determining whether there has been a substantial change in circumstances, the Court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(1) Whether the respondent has committed or threatened sexual assault; commercial sexual exploitation; domestic violence; stalking; abandonment, abuse, financial exploitation, or neglect of a vulnerable adult; or other harmful acts against the petitioner or any other person since the protection order was entered;

(2) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(3) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(4) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(5) Whether the respondent has either: **a**cknowledged responsibility for acts of sexual assault, commercial sexual exploitation, domestic violence, or stalking, or acts of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, or behavior that resulted in the entry of the protection order; or successfully completed certified perpetrator treatment or counseling since the protection order was entered;

(6) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order; and

(7) Other factors relating to a substantial change in circumstances.

(f) The Court will not deny a motion to renew a protection order for any of the following reasons:

(1) The respondent has not violated the protection order previously issued by the eCourt;

(2) The petitioner or the respondent is a minor;

(3) The petitioner did not report the conduct giving rise to the protection order, or subsequent violations of the protection order, to law enforcement;

(4) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(5) The relief sought by the petitioner may be available in a different action or proceeding;

(6) The passage of time since the last incident of conduct giving rise to the issuance of the protection order; or

(7) The respondent no longer lives near the petitioner.

(g) The terms of the original protection order must not be changed on a motion for renewal unless the petitioner has requested the change.

(h) The Court may renew the protection order for another fixed time period of no less than one (1) year, or may enter a permanent order as provided in this section.

(i) If the protection order includes the parties' children, a renewed protection order may be issued for more than one (1) year.

(j) If the Court declines to renew the protection order, the Court will state, in writing in the order, the particular reasons for its denial.

(k) In determining whether there has been a substantial change in circumstances for respondents under the age of **eighteen (18)**, or in determining the appropriate duration for an order, the Court will consider the circumstances surrounding the respondent's youth at the time of the initial behavior alleged in the petition for a protection order. The Court may consider developmental factors, including the impact of time of a youth's development, and any information the minor respondent presents about **the respondent's** personal progress or change in circumstances. **(Res.)**

**5.11.28. Renewal – Extreme Risk Protection Orders.** (a) The Court must notify the petitioner of the impending expiration of an extreme risk protection order. Notice must be received by the petitioner **one hundred five (105)** calendar days before the date the order expires.

(b) An intimate partner or family or household member of a respondent, or a law enforcement agency, may by motion request a renewal of an extreme risk protection order at any time within **ninety (90)** days before the **order expires**.

(c) Upon receipt of the motion to renew, the Court will order that a hearing be held not later than **fourteen (14)** days from the date the order issues.

(d) In determining whether to renew an extreme risk protection order issued under this section, the Court will consider all relevant evidence presented by the petitioner and follow the same procedure as provided in this chapter.

(e) If the Court finds by a preponderance of the evidence that the requirements for the issuance of an extreme risk protection order as provided in STC §5.11.11 continue to be met, the Court will renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(f) The renewal of an extreme risk protection order has a duration of one (1) year, subject to termination as provided by this chapter or further renewal by order of the Court. (Res.)

**5.11.29. Enforcement and Penalties – Other than Antiharassment Protection Orders and Extreme Risk Protection Orders. (a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter or there is a valid foreign protection order, a knowing violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (d) and (e) of this section:**

(1) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(2) A provision excluding the person from a residence, workplace, school, or day care;

(3) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(4) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(5) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) A law enforcement officer will arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a valid foreign protection order, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a

protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(c) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a valid foreign protection order also constitutes contempt of court, and is subject to the penalties prescribed by law.

(d) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order or a valid foreign protection order, is a felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a valid foreign protection order. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(f) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or a valid foreign protection order, is required to appear in person before a judge within three (3) judicial days after the arrest. At the time of the appearance, the Court will determine the necessity of imposing a no-contact order or other conditions of pretrial release. A defendant who is charged by citation or complaint with violating any protection order identified in this subsection and not arrested will appear in court for arraignment in person as soon as practicable, but in no event later than fourteen (14) days after the next day on which court is in session following the issuance of the citation or the filing of the complaint.

(g) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a valid foreign protection, the Court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen (14) days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(h) Appearances required under this section are mandatory and cannot be waived. (Res.)

**5.11.30. Enforcement and Penalties – Antiharassment Protection Orders.** (a) When the Court issues an antiharassment protection order under this chapter, the Court will advise the petitioner that the respondent may not be subjected to the penalties set forth in this section for a violation of the order unless the respondent knows of the order.

(b) A willful disobedience by a respondent age eighteen (18) years or over of any of the following provisions of an antiharassment protection order issued under this chapter is a gross misdemeanor:

(1) The restraint provisions prohibiting acts or threats of violence against, or unlawful harassment or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(2) A provision excluding the person from a residence, workplace, school, or day care;

(3) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or

(4) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent.

(c) Any respondent age **eighteen (18)** years or over who willfully disobeys the terms of any antiharassment protection order issued under this chapter may also, in the **Court's** discretion, be found in contempt of **Court**.

(d) Any respondent under the age of **eighteen (18)** years who willfully disobeys the terms of an antiharassment protection order issued under this chapter may, in the **Court's** discretion, be found in contempt of **Court**.

(e) A defendant arrested for violating any antiharassment protection order issued under this chapter is required to appear in person before a magistrate within **three** judicial days after the arrest. At the time of the appearance, the **Court will** determine the necessity of imposing a no-contact order or other conditions of pretrial release. **(Res.)**

**5.11.31. Enforcement and Penalties – Extreme Risk Protection Orders – False Petitions.** (a) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(b) Except as provided in (c) of this subsection, any person who has in **the person's** custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that **the person** is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in **the person's** custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five **(5)** years from the date the existing order expires.

(c) A person is guilty of a felony for a violation under (b) of this subsection if the person has two **(2)** or more previous convictions for violating an order issued under this chapter. **(Res.)**

**5.11.32. Enforcement and Penalties – Knowledge of Order.** (a) When the **Court** issues a protection order under this chapter, the **Court** will advise the petitioner that the

respondent may not be subjected to the penalties set forth in this chapter for a violation of the order unless the respondent knows of the order.

(b) When a law enforcement officer investigates a report of an alleged violation of a protection order issued under this chapter, the officer will attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not, or probably did not, know about the protection order and the officer is provided a current copy of the order, the officer will serve the order on the respondent if the respondent is present. If the respondent is not present, the officer will make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer will give the petitioner a receipt indicating that the petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer will enforce prospective compliance with the order.

(c) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system. (Res.)

**5.11.33. Modification or Termination – Other than Extreme Risk Protection Orders and Vulnerable Adult Protection Orders.** (a) Upon a motion with notice to all parties and after a hearing, the Court may modify the terms of an existing protection order or terminate an existing order.

(b) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate will be based on the written materials and evidence submitted to the Court. The Court will set a hearing only if it finds that adequate cause is established. If the Court finds that the respondent established adequate cause, the Court will set a date for hearing the respondent's motion, which must be at least fourteen (14) days from the date the Court finds adequate cause.

(c) Upon the motion of a respondent, the Court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(1) Acts of domestic violence, in cases involving domestic violence protection orders;

(2) Physical or nonphysical contact, or acts of commercial sexual exploitation, in cases involving sexual assault protection orders;

(3) Acts of stalking, in cases involving stalking protection orders; or

(4) Acts of unlawful harassment, in cases involving antiharassment protection orders.

(d) The petitioner bears no burden of proving that **the petitioner** has a current reasonable fear of harm by the respondent.

(e) In determining whether there has been a substantial change in circumstances, the **C**ourt may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(1) Whether the respondent has committed or threatened sexual assault, commercial sexual exploitation, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(2) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(3) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(4) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(5) Whether the respondent has either acknowledged responsibility for acts of sexual assault, commercial sexual exploitation, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(6) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(7) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(8) Other factors relating to a substantial change in circumstances.

(f) In determining whether there has been a substantial change in circumstances, the **C**ourt may not base its determination on the fact that time has passed without a violation of the order.

(g) Regardless of whether there is a substantial change in circumstances, the **C**ourt may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, commercial sexual exploitation, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(h) A respondent may file a motion to modify or terminate an order no more than once in every **twelve (12)** month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(i) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order. (Res.)

**5.11.34. Termination – Extreme Risk Protection Orders.** (a) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued under this chapter every **twelve (12)** month period that the order is in effect, starting from the date of the order and continuing through any renewals.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the **C**ourt will set a date for a hearing. The hearing must occur no sooner than **fourteen (14)** days and no later than **thirty (30)** days from the date of service of the request upon the petitioner.

(c) The respondent has the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in **the respondent's** custody or control, accessing, possessing, purchasing, receiving, or attempting to purchase or receive, a firearm or other dangerous weapons. The **C**ourt may consider any relevant evidence.

(d) If the **C**ourt finds after the hearing that the respondent has met **the respondent's** burden, the **C**ourt will terminate the order. (Res.)

**5.11.35. Modification or Termination – Vulnerable Adult Protection Orders.** (a) Any vulnerable adult may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. The vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a court-supervised protective arrangement may, if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(b) In a hearing on a motion to modify or terminate the protection order, the **C**ourt will grant such relief consistent with STC §5.11.16 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order. (Res.)

**5.11.36. Reporting of Modification or Termination of Order.** In any situation where a protection order issued under this chapter is modified or terminated before its expiration date, the clerk of the court will forward on the same day a true copy of the modified

order or the termination order to the Suquamish Police Department or law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency will promptly enter it in the computer-based criminal intelligence information system, or if the order is terminated, remove the order from the computer-based criminal intelligence information system. (Res.)

5.11.37. Validity and Enforcement of Orders Under Prior Chapters. Nothing in this chapter affects the validity of protection orders issued prior to the enactment date of this chapter pursuant to STC chapters 5.11 through 5.13 or any other chapters. Protection orders entered prior to the enactment date are subject to the provisions of this chapter and are fully enforceable under the applicable provisions of this chapter and may be modified or terminated in accordance with the applicable provisions of this chapter. (Res.)

5.11.38. Title to Real Estate. Nothing in this chapter may affect the title to real estate. (Res.)

5.11.39. Proceedings Additional – Filing of Criminal Charges not Required. (a) Any proceeding under this chapter is in addition to other civil or criminal remedies. (Res.)

(b) Nothing in this chapter may be construed as requiring criminal charges to be filed as a condition of a protection order being issued. (Res.)

5.11.40. Other Authority Retained. This chapter does not affect the ability of a law enforcement officer to remove a firearm or concealed pistol license from any person or to conduct any search and seizure for firearms pursuant to other lawful authority. (Res.)

5.11.41. Liability. (a) Except as provided in STC §5.11.31, this chapter does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or a temporary extreme risk protection order including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this chapter.

(b) No law enforcement officer may be held criminally or civilly liable for making an arrest under STC §5.11.29, STC §5.11.30, or STC §5.11.31 if the officer acts in good faith. (Res.)

5.11.42. Severability, Construction. If any phrase, clause, part, sentence, provision, or section of this chapter is found to be invalid by a court of competent jurisdiction, the remainder of this chapter will not be affected and will remain in full force and effect and continue to be in effect as if the invalid provision(s) were not a part of this chapter. If the operation of any clause, part, or section of this chapter is held to impair the obligation of contract or deny any person any right secured to that person by the Constitution of the Suquamish Indian Tribe or the United States Constitution, it is hereby declared that the remainder of the chapter would nevertheless be enacted without such invalid clause, part, or section. (Res. 2019-184, passed Oct. 15, 2019; amended by Res. 2023-031, passed Feb. 15, 2023; renumbered by Res.)

5.11.43. No Waiver of Sovereign Immunity. Nothing under this chapter may be construed as a waiver of sovereign immunity for the Suquamish Indian Tribe, its departments, agencies, employees, or agents. (Res.)

This chapter is effective as of November 18, 2019. (Res. 2019-184, passed Oct. 15, 2019)

Note: This revised Chapter 5.11 incorporates and revises the contents of the previous Chapters 5.11 Anti-Harassment Protection Orders, 5.12 Domestic Violence Protection, and 5.13 Sexual Assault Protection Orders.