

## ENFORCEMENT OF MILITARY ORDERS

According to the Armed Forces Domestic Security Act of 2002, military installations shall enforce valid Protection Orders that are issued by states, tribes, or U.S. territories. This means military police have the authority to enforce non-military orders issued against service members.

However, if an order is issued through the military they are only enforceable on the base where they are issued because they do not meet the conditions to be considered "qualifying orders" (see "Which foreign orders can be enforced?").

## ENFORCEMENT OF ORDERS ON TRIBAL LAND

Tribal law enforcement officers can stop, detain, and transport non-Native American perpetrators to state or federal authorities who have jurisdiction over non-Native American offenders.

## IMMIGRANTS

Immigrants may face increased difficulties in getting orders enforced. You may want to weigh the additional risks, options and rights before you request the order be enforced. Unfortunately, anyone that does not have legal status in the United States could face deportation. This includes the respondent, household or family members, and yourself. For assistance, call Legal Services of ND.



*Information taken from:*  
National Center on Protection Orders and Full Faith & Credit (NCPFFC)

Shaw Phipps, M. (2011, March). Full Faith and Credit for Protection Orders: Assisting Survivors with Enforcement Across Jurisdictional Lines. Retrieved September, 2017, from Full Faith and Credit for Protection Orders: Assisting Survivors with Enforcement Across Jurisdictional Lines. [www.bwjp.org/assets/documents/pdfs/ffc\\_advocate\\_guide.pdf](http://www.bwjp.org/assets/documents/pdfs/ffc_advocate_guide.pdf)

This project was supported by Grant Number 2015-MU-AX-0013, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

## RESOURCES

### CAWS North Dakota

521 E. Main Ave. Suite 250  
Bismarck, ND 58501  
[www.cawsnorthdakota.org](http://www.cawsnorthdakota.org)  
1-888-255-6240

### Legal Services North Dakota

Administrative Office  
418 E Broadway #7  
Bismarck, North Dakota 58501  
[www.legalassist.org](http://www.legalassist.org)

### Under age 60 call 1-800-634-5263

Monday, Tuesday, Thursday between 9 a.m.-3 p.m. CST

### Age 60+ call 1-866-621-9886

Monday-Thursday between 8 a.m.-5 p.m. CST  
Friday between 8 a.m.-2 p.m. CST



521 E Main Ave. Suite 250  
Bismarck, ND 58501  
PH: 888.255.6240  
FAX: 701.255.1904  
TTY: 800.366.6888

[cawsnorthdakota.org](http://cawsnorthdakota.org)



# Full Faith & Credit Enforcement of Orders in North Dakota

A Guide for Domestic and Sexual Violence  
Victims and their Advocates



## WHAT IS FULL FAITH & CREDIT?

*Full faith and Credit* means that an **Order of Protection** issued in one jurisdiction can be enforced in any other state, territory, tribal jurisdiction, or Canada.

The **Violence Against Women Act (VAWA)** is a federal law that allows for the enforcement of orders across jurisdictions.

**North Dakota Century Code 14-07.4** was passed to enable law enforcement to enforce orders from other jurisdictions.

**Jurisdiction** includes a court's geographic area of authority to hear the case or law enforcement's authority to enforce a foreign protection order.

## WHAT DOES FULL FAITH & CREDIT MEAN?

A survivor who receives a qualifying order can enforce their order in any state, territory, or federally recognized tribal jurisdiction.

It also means if a respondent who violated the order had notice of the order and the opportunity to be heard in court related to the survivor receiving the order, can be arrested and prosecuted in any state, territory, or tribal jurisdiction.

## WHAT IS A FOREIGN ORDER?

Court orders from other states, tribal lands or Canada are often called foreign orders. Each state or tribe must enforce these foreign orders in the same way they enforce their own orders and they must apply the same penalties.

The jurisdiction that **issues** the order decides:

- Who is able to get protection
- What type of relief someone can receive
- How long the order is in effect

The jurisdiction that **enforces** the order decides:

- How violations are handled
- Whether the respondent is arrested by law enforcement
- What the respondent is charged with
- What the respondent receives as penalties for violations

## WHICH FOREIGN ORDERS CAN BE ENFORCED?

Orders that meet the following conditions can be enforced:

- The protected party must be a spouse, former spouse, current or former cohabitant with the respondent, have a child in common, or be a child of the respondent.
- The order must have been entered following a hearing where the respondent had the chance to appear.
- The order must restrain the respondent from having physical contact or communication with the petitioner including harassment, stalking, sexual violence, threats, or any form of violence.
- The protection order was issued by a judge who had jurisdiction over the people in the case.

## REGISTERING AN ORDER

If you choose to register an order you can take a certified copy to your Tribal or District Clerk of Court's office. You will be asked to sign an affidavit saying that the copy of the order is up to date and correct and you will inform the court if the order changes. The clerk will take the certified copy of your order and deliver it to the court and the sheriff's department.

### What is a Certified Copy?

A certified copy is "true and correct." This means that the copy has been signed or initialed by the Clerk of Court that gave you the order and may have a court stamp.

### Service Requirements

In North Dakota, law enforcement officers can serve a foreign Protection Order. If the respondent disobeys the order, you can show your copy of the order to law enforcement. They can then serve the order based on your copy and cannot charge you any fees.

### Extension Prohibited

North Dakota, or any tribe in North Dakota, cannot extend the date of a foreign order. You will have to return to the court that issued the order.

## NEW COURT ORDER

You may be able to get a new order to replace the current one. However, the respondent would be informed that you are in the state and will have an opportunity to be heard at a hearing. You can contact an advocate or an attorney to decide if you are eligible for an order. You may lose or gain some of the protections in your current order by applying for a North Dakota order.

## CHALLENGES WITH ENFORCEMENT

As with any process sometimes you may encounter challenges with getting your foreign order enforced, including:

- You have more information about your situation than they do.
- Some areas of the criminal justice system may have more experience with orders than others.
- If you don't have a certified copy of the order or it's not registered, you may have trouble getting it enforced. A certified copy can be obtained from the clerk of court in the jurisdiction that granted the order.

If you are experiencing any of these challenges, you may want an attorney or an advocate to help you.

## CUSTODY OF CHILDREN

VAWA clarifies that custody provisions must be enforced across state lines. However, some jurisdictions may require additional steps for you to take before they will allow law enforcement to remove the children from the respondent. These steps could include registering your order and receiving a removal order from the court to assist you and law enforcement. It is recommended that if this occurs, contact an attorney or call your advocate to assist you.

