

CHAPTER 85A – DOMESTIC VIOLENCE CODE

Subchapter 1 – GENERAL PROVISIONS

Sec. 85A.1 Short Title

This Chapter may be cited as the Domestic Violence Code.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec’y Mar. 2, 2007

Sec. 85A.2 Findings

The Santa Clara Tribal Council finds that:

1. Domestic Violence is counter to the values of the Pueblo of Santa Clara;
2. Many persons are abused within the family or domestic setting;
3. Some persons are killed as a result of abuse within the family or domestic setting;
4. Children suffer lasting emotional damage as direct targets of Domestic Violence,
5. and by witnessing the infliction of Domestic Violence on other family members;
6. All persons have the right to live free from abuse;
7. Domestic Violence poses a threat to the health, safety and welfare of the Pueblo;
8. Domestic Violence is not a “family matter” justifying inaction by law enforcement personnel, prosecutors, or courts, but an unlawful act that requires full application of protective laws and remedies.

Enacted by Res. No. 06-33, Oct. 27, 85A.06; approved by Sec’y Mar. 2, 85A.07

Sec. 85A.3 Definitions

As used in this Chapter:

1. “Cohabitation” means two or more unrelated persons living together in the same home.
2. “Crime Against a Household Member” means any crime enumerated in Sec. 85A.7 of this Chapter. 3.
3. “Deadly Weapon” means any firearm, whether loaded or unloaded; or any weapon that is capable of producing death or great bodily harm, including but not limited to any type of dagger, brass knuckles, switchblade knives, bowie knives, butcher knives, and all such

weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including any kind of sharp pointed canes, slingshots, and bludgeons; or any other weapons with which dangerous wounds can be inflicted.4. “Domestic Violence” means any incident by a Household Member against another Household Member resulting in:

- A. physical harm;
- B. substantial emotional distress;
- C. imminent fear of physical harm to self or others;
- D. Criminal Damage to Property of a Household Member; or
- E. Criminal Trespass against a Household Member.

4. “Great bodily harm” means an injury to the person which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.

5. “Household Member” means a current or former spouse; a current or former family member; or a person with whom the Petitioner or alleged victim has or has had a continuing personal relationship. Cohabitation is not necessary to be deemed a Household Member under this Chapter. Under the criminal provisions of this Chapter, minor children are not considered Household Members.

6. “Officer” means a peace officer employed by the Santa Clara Tribal Police Department or commissioned by the Santa Clara Tribal Police Department to enforce tribal law.

7. “Order of Protection” means a court order issued by any tribal, state, or federal court for the protection of a victim or alleged victim of Domestic Violence.

8. “Petitioner” means a person applying for an Order of Protection.

9. “Respondent” means the alleged perpetrator of Domestic Violence against whom a petition for an Order of Protection is filed or against whom an Order of Protection has been issued.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec’y Mar. 2, 2007

Sec. 85A.4 Evidentiary Rules

In any criminal court proceeding involving a Crime against a Household Member or civil court proceeding involving Domestic Violence, the following rules of evidence shall apply.

1. Any written statement made by an alleged victim under oath and signed by the alleged victim that describes the alleged Crime against a Household Member or describes the alleged act of Domestic Violence shall not be considered inadmissible hearsay evidence but shall be admissible.

2. No spousal evidentiary privileges shall be available.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.5 Voluntary Intoxication

The alleged perpetrator's use of alcohol or controlled substances at the time a Crime against a Household Member or an act of Domestic Violence is committed may not be relied upon by the police, the prosecutor, or the Court as a basis for mitigating the severity of the perpetrator's actions or the consequences of those actions.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.6 Severability

If any provision, or the application of any provision, of this Chapter is held invalid, such holding shall not affect the validity of the remaining parts of this Chapter.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Subchapter 2 - CRIMINAL PROCEDURES AND PENALTIES

Sec. 85A.7 Crimes Against a Household Member

Each of the following is a Crime against a Household Member:

1. Assault against a Household Member. Any Indian who attempts to commit a battery on a Household Member or who commits any unlawful act, threat, or menacing conduct that causes a Household Member to reasonably believe that he or she is in danger of receiving an immediate battery, is guilty of assault against a Household Member.

2. Aggravated Assault against a Household Member. Any Indian who unlawfully assaults a Household Member with a deadly weapon is guilty of aggravated assault against a Household Member.

3. Battery against a Household Member. Any Indian who unlawfully and intentionally touches or applies force to the person of a Household Member in a rude, disrespectful, or angry manner, or who unlawfully, intentionally touches or applies force to the person of a Household Member with the intent to injure the Household Member or another, or who unlawfully and intentionally touches or applies force to the person of a Household Member and causes any painful disfigurement or injury to a person is guilty of Battery against a Household Member.

4. Aggravated Battery against a Household Member. Any Indian who inflicts great bodily harm on a Household Member, or who uses a deadly weapon that causes physical injury to a Household Member, or who uses a deadly weapon to unlawfully touch or strike the person of a Household Member is guilty of Aggravated Battery against a Household Member.

5. Criminal Damage to Property of a Household Member. Any Indian who intentionally damages any real or personal property of a Household Member without the consent of the owner is guilty of Criminal Damage to Property against a Household Member.

6. Criminal Trespass against a Household Member. Any Indian who unlawfully enters or remains upon the property of a Household Member knowing that consent to enter or remain is denied or has been withdrawn is guilty of Criminal Trespass against a Household Member.

7. Harassment of a Household Member. Any Indian who knowingly pursues a pattern of conduct that is intended to seriously alarm or terrorize a Household Member and that serves no lawful purpose, and where such conduct would cause a reasonable person to suffer substantial emotional distress, is guilty of Harassment against a Household Member.

8. False Imprisonment of a Household Member. Any Indian who, knowing that he or she does not have the lawful authority to do so, intentionally confines or restrains a Household Member without the Household Member's consent is guilty of False Imprisonment of a Household Member.

9. Interference with the Emergency Communications of a Household Member.
Any Indian who knowingly and without lawful authority prevents or attempts to prevent the victim of or a witness to an incident of Domestic Violence or a Crime against a Household Member from using a telephone, mobile phone, cell phone or other similar communications device to obtain police or medical assistance is guilty of Interference with the Emergency Communications of a Household Member.

10. Kidnapping of a Household Member. Any Indian who unlawfully takes, restrains, transports, or confines a Household Member by force, intimidation or deception, with the intent:

- A. that the Household Member be held for ransom;
- B. that the Household Member be held as a hostage or shield and confined against the Household Member's will;
- C. that the Household Member be held to service against the Household Member's will; or
- D. to inflict death, physical injury, or a sexual offense on the Household Member; is guilty of Kidnaping of a Household Member.

11. Stalking a Household Member. Any Indian who knowingly pursues a pattern of conduct against a Household Member that would cause a reasonable person to feel frightened, intimidated, or threatened is guilty of Stalking a Household Member. The alleged stalker must intend to place the Household Member in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint, or intend to cause the Household Member to fear for his or her safety or the safety of another person, or act with knowledge that the alleged stalker's actions are likely to have such effect on the Household Member. In furtherance of the stalking, the alleged stalker must commit one or more of the following acts on more than one occasion:

A. following the Household Member, in a place other than the residence of the alleged stalker;

B. placing a Household Member under surveillance by being present outside that person's residence, school, workplace, or motor vehicle, or any other place frequented by that person other than the residence of the alleged stalker; or

C. harassing the Household Member in some other manner.

12. Violation of a Civil Order of Protection. Any Indian who violates an Order of Protection issued by the Court or who violates an Order of Protection entitled to recognition pursuant to federal law is guilty of Violation of a Civil Order of Protection.

13. Witness Intimidation. Any Indian who knowingly:

A. intimidates or threatens a Household Member who is likely to become a witness in any judicial, administrative, legislative, or other official cause or proceeding, for the purpose of preventing such individual from testifying to any fact or for the purpose of coercing such individual to either abstain from testifying or falsely testify; or

B. intimidates or threatens a Household Member with the intent to keep the person from truthfully reporting to a law enforcement officer, or any agency of government that is responsible for enforcing criminal laws, information relating to the commission or possible commission of any crime or of a violation of conditions of release or probation; is guilty of Witness Intimidation.

14. Witness Retaliation. Any Indian who knowingly engages in conduct that causes bodily injury to another person or damage to the tangible property of another person or who threatens to do so, with the intent to retaliate against a Household Member for any information given by a person to a law enforcement officer relating to the commission or possible commission of any crime or of a violation of conditions of release or probation is guilty of Witness Retaliation.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.8 Mandatory Arrest

1. An Officer shall arrest any Indian who is alleged to be a perpetrator of a Crime against a Household Member if an arrest warrant has been issued, or without a warrant without regard to requirements of any other provision of the Santa Clara Santa Clara Tribal Code if:

- A. the offense occurs in the presence of the Officer, or
- B. the Officer has probable cause to believe that the Indian to be arrested has committed a Crime against a Household Member.

2. If the conditions for arrest pursuant to this Sec. are present, the Officer shall arrest the alleged perpetrator whether or not the alleged victim signs a complaint and whether or not the arrest is against the direct wishes of the alleged victim.

3. If the alleged perpetrator is a non-Indian, and the conditions for arrest pursuant to this Sec. are present, the arresting Officer shall detain the alleged perpetrator until a state or federal officer can take custody of the alleged perpetrator.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.9 Dual Arrests

Dual arrests of persons involved in a Crime against a Household Member incident are discouraged. An Officer, in making arrests for a Crime against a Household Member, shall seek to determine whether one of the parties acted in self -defense and whether one party was the predominant physical aggressor. The Santa Clara Tribal Police Department is directed to develop and institute policies and procedures and to provide training designed to assist its officers in fulfilling their obligations under this Section.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.10 Confiscation of Weapons

The arresting or detaining Officer shall confiscate any weapon at the scene of an alleged Crime against a Household Member incident regardless of ownership if the weapon was used in the incident, was in plain view of the Officer, or was found during a search conducted to secure the crime scene or authorized by a person with authority to consent to the search. The Officer shall secure all weapons confiscated pursuant to this Section in the Santa Clara Tribal Police Department's evidence locker until the arraignment hearing, at which time the Court shall order disposition of the weapon. In the case of a weapon confiscated from a non-Indian, the Officer shall transfer control of such weapon to the state or federal officer taking custody of the alleged perpetrator.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.11 Duties of Officers

1. Whenever an Officer investigates an alleged Crime against a Household Member

incident, whether or not the Officer makes an arrest, the Officer shall make a written incident report of the alleged incident within forty-eight (48) hours of the alleged incident. In cases where the Officer does not make an arrest, the incident report must state the reason an arrest was not made.

2. In all arrests involving a Crime against a Household Member, after notifying the alleged perpetrator of his or her rights, an Officer shall attempt to interview the alleged perpetrator within twenty-four (24) hours after the arrest.

3. An Officer shall make every attempt to take a taped or written statement from the alleged victim, if possible, and take photographs of any injuries.

4. Upon the arrest of an alleged perpetrator of a Crime against a Household Member, the arresting Officer shall promptly file with the Court a criminal complaint with a probable cause statement attached.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.12 Emergency Assistance; Notification; Limited Liability

1. An Officer responding to the request for assistance shall take whatever steps are reasonably necessary to protect the alleged victim from further Domestic Violence, including:

A. advising an alleged victim of the remedies available under this Chapter and the availability of domestic violence shelters, medical care, counseling and other services;

B. upon the request of an alleged victim, arranging for the alleged victim to be transported to a medical facility or place of shelter.

C. upon the request of an alleged victim, accompanying the alleged victim to the alleged victim's residence to remove the alleged victim's clothing and personal effects and the personal effects of any children then in the care of the alleged victim, as required for immediate needs.

2. An Officer responding to a request for assistance pursuant to this Sec. is immune from civil liability, except for actions beyond the Officer's authority as set forth in this Chapter that cause unreasonable harm to a person.

3. The Santa Clara Tribal Police, when notified that a person arrested or detained pursuant to this Chapter is released from custody, shall make a reasonable attempt to notify the victim or alleged victim of that information. An Officer making such reasonable attempt is immune from civil liability for such action.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.13 Mandatory Cooling-off Period

1. Alleged perpetrators arrested pursuant to this Chapter shall be held in custody for

a minimum period of eighteen (18) hours as a mandatory cooling-off period.

2. The alleged perpetrator shall not be released before the expiration of the mandatory cooling-off period on bail or on his or her own recognizance.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.14 Filing of Criminal Complaint Charging a Crime against a Household Member

The prosecutor, a special prosecutor engaged by the Pueblo to prosecute Crimes against Household Members, the alleged victim, or an Officer shall sign a criminal complaint charging the commission of a Crime against a Household Member. When the alleged victim files a criminal complaint, the prosecutor or an Officer may substitute for the alleged victim and prosecute the case on behalf of the Pueblo. If an alleged victim dismisses the charge or charges, the prosecutor or an Officer may re-file the charge or charges on behalf of the Pueblo.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.15 Conditions of Release

If the alleged perpetrator is to be released from custody, the Court may, as a condition of release, issue an order that temporarily excludes the alleged perpetrator from the home of the alleged victim and restrains the alleged perpetrator from any contact, direct or indirect, with the alleged victim or potential witness.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.16 Criminal Penalties

An Indian convicted of committing a Crime against a Household Member is subject to the following penalties:

1. First Offense. An Indian convicted of a first offense of a Crime against a Household Member shall be:

- A. imprisoned for a period of not less than ten (10) days and not more than one year,
- B. fined not less than three hundred dollars and not more than five hundred dollars, or
- C. both imprisoned and fined.

2. Second Offense. An Indian convicted of a second offense of a Crime against a Household Member shall be:

- A. imprisoned for a term of not less than fifteen (15) days and not more than one year,

B. fined an amount not less than five hundred dollars and not more than a thousand dollars, or

C. both imprisoned and fined.

3. Third and Subsequent Offenses. An Indian convicted of a third or subsequent offense of a Crime against a Household Member shall be:

A. imprisoned for a term of not less than thirty (30) days and not more than one year,

B. fined not less than one thousand dollars and not more than five thousand dollars, or

C. both imprisoned and fined.

4. Discretion of the Court. The mandatory jail time imposed under paragraph 1 of this Section may be suspended, or may be ordered to be served non-consecutively, in the Court's discretion. No more than two-thirds of the mandatory jail time imposed under paragraphs 2 and 3 of this Section may be suspended or served non-consecutively, but subject to that limitation, sentences imposed hereunder shall be subject to the provisions of Subchapter 4 of Chapter 41 of the Santa Clara Tribal Code.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.17 Mandatory Probation

When an Indian has been convicted of an offense of a Crime against a Household Member for which a sentence of imprisonment is authorized, and the Court has suspended the sentence in whole or in part, the Court shall order the defendant to be placed on supervised probation for a period to be determined by the Court. The Court may also set any terms of probation as provided in Sec.36.31 of the Santa Clara Tribal Code and may order the Defendant:

1. to participate in professional counseling or educational programs designed to treat or educate perpetrators of Domestic Violence, persons who abuse alcohol, and/or persons who abuse controlled substances; or

2. to pay for the cost of treatment and counseling for the victim and/or the victim's children.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.18 Violation of Probation

Failure or refusal to comply with the terms of probation shall constitute contempt of Court punishable as provided in Sec. 36.25 of the Santa Clara Tribal Code. In addition, if the Court has suspended any penalty pursuant to this Section on the condition that the perpetrator undergoes Court-ordered evaluation and/or treatment, the Court may reinstate any such

suspended sentence.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Subchapter 3 - CIVIL ORDERS OF PROTECTION

Sec. 85A.19 Emergency Orders of Protection

The Court shall be available to issue Emergency Orders of Protection.

1. Procedure.

A. An Officer may address the Court in person, by telephone, or via facsimile and file a sworn written statement setting forth specific facts showing reasonable grounds for the Officer's belief that an incident of Domestic Violence was committed by the Respondent, and that the Respondent is likely to commit such an incident again, thereby establishing grounds for an Emergency Order of Protection. The written statement shall include the location and telephone number of the Respondent, if known.

B. The Court may issue a written Emergency Order of Protection without providing notice or an opportunity to be heard to the Respondent when the Court finds reasonable grounds to believe that the alleged Victim is in immediate danger of Domestic Violence following an incident of Domestic Violence.

2. Service. An Officer who receives an Emergency Order of Protection from the Court, whether in writing, by telephone, or by facsimile transmission, shall:

A. If necessary, pursuant to the judge's oral approval, write and sign the order on a Court-approved form;

B. Immediately, or as soon as practically possible, serve a signed copy of the order on the Respondent and complete the appropriate affidavit of service;

C. Immediately, or as soon as practically possible, provide the alleged Victim with a signed copy of the order; and

D. Provide the original order to the Court by the close of business on the next judicial day.

3. Relief Available. The Court may grant the following relief in an Emergency Order of Protection:

A. Enjoin the Respondent from threatening to commit or committing acts of Domestic Violence against the alleged Victim;

B. Enjoin the Respondent from initiating any contact, direct or indirect, with the alleged Victim;

C. Grant temporary custody to the alleged Victim of any minor child in common with the Petitioner and the alleged Victim, if necessary; and

D. Grant sole possession of the residence to the alleged Victim.

E. Grant further and other relief as deemed appropriate by the Court.

4. Expiration. An Emergency Order of Protection expires seventy-two hours after issuance or at the end of the next judicial day, whichever time is longer. The expiration date shall be clearly stated on the Emergency Order of Protection.

5. Required Notice. The Emergency Order of Protection shall state that the violation of any provision of the Emergency Order of Protection by an Indian is a crime punishable by a fine or imprisonment or both, and by either an Indian or a non-Indian constitutes a violation of this Chapter for which the Court may assess civil penalties.

6. Appeal. A person who is adversely affected may move for reconsideration of the issuance of an Emergency Order of Protection by the Court. Such motion may be heard as soon as the judicial day following the issuance of the order.

7. Violation. Willful violation of an Emergency Order of Protection shall result in the same penalties as provided for a violation of a temporary Order of Protection.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.20 Petition for Order of Protection

1. A petition to obtain an Order of Protection may be filed with the Court by any person claiming to be a victim of Domestic Violence.

2. When the Court offices are closed, petitions may be made orally to the Chief Judge or to an Associate Judge, but oral petitions must satisfy all other conditions of this Section. Oral petitions made pursuant to this Section are considered "filed" for purposes of this Chapter.

3. If no judge is currently serving in the Court, the Governor, or the Governor's designee, may, acting pursuant to traditional authority, hear a request for an Order of Protection. Such requests must satisfy all other conditions of this Section.

4. The petition shall set forth specific facts sufficient to establish probable cause that an incident of Domestic Violence was committed by the Respondent, and that the Respondent is likely to commit another such incident in the near future, thereby warranting the issuance of an Order of Protection.

5. The petition shall be made under oath or affirmation.

6. A petition may be filed regardless of the pendency of any other criminal or civil proceedings related to the allegations in the petition, but the petition must state whether any other action is pending between the Petitioner and the Respondent.

7. No filing fee shall be required for the filing of a petition pursuant to this Chapter.

8. The Santa Clara Tribal Police Department and Santa Clara Tribal Court shall make available upon request standard, simplified petition forms with instructions for completion.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.21 Temporary Orders of Protection

Upon the filing of a petition for an Order of Protection, the Court shall:

1. Immediately grant a Temporary Order of Protection without providing notice or an opportunity to be heard to the Respondent if, based on the specific facts contained in the affidavit or verified petition, the Court finds probable cause to believe that the Respondent has committed an act of Domestic Violence;

2. Cause a Temporary Order of Protection, together with notice of hearing, to be personally served immediately on the Respondent;

3. Within fifteen days after the Temporary Order of Protection issues, hold a hearing to determine whether a permanent Order of Protection should issue, however, the time in which a hearing must be held may be extended by the Court for good cause;

4. Orders of Protection issued by the Governor or the Governor's designee must comply with the provisions of this Section.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.22 Order of Protection; Contents; Remedies

Upon finding that Domestic Violence has occurred, the Court shall issue an Order of Protection.

1. An Order of Protection shall:

A. specifically describe the acts the Court has ordered Respondent to do or to refrain from doing;

B. state that the violation of any provision of the Order of Protection by an Indian is a crime punishable by a fine or imprisonment or both, and by an Indian or a non-Indian constitutes a violation of this Chapter for which the Court may assess civil penalties;

C. describe any prior Court orders related to Domestic Violence that are altered or superseded by the Order of Protection.

D. state when it expires.

2. An Order of Protection may:

A. Exclude the Respondent from the Petitioner's residence, school, place of employment or other specified place frequented by the Petitioner or the Petitioner's minor children;

B. Order the Respondent to not have any direct or indirect contact with the Petitioner;

C. Award temporary custody of any children involved when appropriate and provide for visitation rights, child support, and temporary support for the Petitioner on a basis that gives primary consideration to the safety of the Petitioner and the children. If the Court finds that the safety of the Petitioner or the parties' minor children may be jeopardized by unsupervised or unrestricted visitation with the Respondent, the Court shall set forth conditions or restrict visitation as to the time, place, duration or supervision, or deny visitation entirely, as necessary, to safeguard Petitioner and/or the parties' minor children;

D. Order temporary guardianship with regard to a child or an elderly, incapacitated or handicapped alleged victim if necessary, for the safety of the alleged victim;

E. Restrain one or both parties from transferring, encumbering, concealing or disposing of property except as authorized by the Court, and require that an accounting shall be made to the Court for all such transfers, encumbrances, dispositions and expenditures;

F. Order the Respondent to pay restitution to the victim for damages caused by the Domestic Violence;

G. Order the Respondent to participate in, at Respondent's own expense, professional counseling or educational programs designed to treat or educate perpetrators of Domestic Violence, persons who abuse alcohol, and/or persons who abuse controlled substances;

H. Order any other lawful relief as the Court deems necessary for the protection of any victim of Domestic Violence, including orders or directives to the Santa Clara Tribal Police to assist in the execution of service of the Order of Protection.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.23 Duration and Modification

1. All provisions of an Order of Protection issued under Sec. 85A.22 shall remain in full force and effect until the order expires or is modified by the Court.

2. An Order of Protection granted under this Subchapter shall state when it expires, however, Orders involving custody or support shall be effective for no more than six months.

3. At the request of the petitioner and upon a showing of good cause, the Court may extend an Order of Protection for an additional period of time not to exceed six months. Provided the requirements for each extension are met, there is no limit to the number of

extensions the Court may grant.

4. Either party may request that the Court hold a hearing to amend the Order of Protection.

Enacted by Res. No. 06-33, Oct. 27, 2006; approved by Sec'y Mar. 2, 2007

Sec. 85A.24 Service of Orders of Protection; When Effective

1. All Orders of Protection shall be filed with the Court and a copy shall be sent to the Santa Clara Police Department at no cost to Petitioner.

2. Service upon the Respondent of an Order of Protection issued by the Court must be done personally, unless Respondent or Respondent's attorney was present at the hearing.

3. Emergency and Temporary Orders of Protection are effective when served upon Respondent. Orders of Protection issued after notice to Respondent and hearing upon the merits are effective when issued, whether or not the Respondent is personally served.