



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

REID D. MILANOVICH CHAIRMAN • ANTHONY W. PURNEL VICE CHAIRMAN
SAVANA R. SAUBEL SECRETARY-TREASURER • JOHN R. PRECKWINKLE III MEMBER • VIRGINIA SIVA-GILLESPIE MEMBER

ORDINANCE NO. 29-2025

**AN ORDINANCE OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS
ADDING A NEW CHAPTER 10.28 DOMESTIC VIOLENCE AND HARASSMENT
PROTECTION ORDERS TO THE AGUA CALIENTE TRIBAL CODE**

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the "**Tribe**") is a federally recognized Indian tribe governing itself according to the Constitution and By-Laws of the Agua Caliente Band of Cahuilla Indians adopted by the Tribe on June 28, 1955 (the "**Constitution**"); and

WHEREAS, the Tribe, acting by and through its duly elected Tribal Council and pursuant to Articles II and IV (a) of the Constitution, exercises inherent sovereign authority and jurisdiction over the territory within the exterior boundaries of the Agua Caliente Indian Reservation (the "**Reservation**") and over other lands which may be added to the Reservation; and

WHEREAS, pursuant to Article V (a) and (b) of the Constitution, the Tribal Council, among other things, is empowered to administer the affairs and manage the business of the Band and to enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same; and

WHEREAS, the Tribal Council desires to add the chapter noted above to the Agua Caliente Tribal Code.

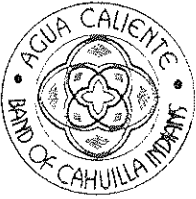
NOW, THEREFORE, the Tribal Council of the Agua Caliente Band of Cahuilla Indians does hereby ordain as follows:

SECTION 1. All the recitals set forth above are true and correct, and the Tribal Council so finds and determines.

SECTION 2. New Chapter 10.28 is hereby added to the Agua Caliente Tribal Code to read as follows:

Sec. 10.28.010. Purpose.

The purpose of this chapter is to promote the sovereignty, health and welfare of the Tribe, to recognize that domestic violence and harassment are serious threats to society, the Tribe, Tribal Members and Tribal families, and to provide the victims of domestic violence and harassment the protection from further abuse. The laws preventing domestic violence and harassment shall be enforced regardless of marital status, cohabitation, or the existence of a current relationship between the parties.



Sec. 10.28.020. Jurisdiction of the Tribal Court.

- (a) The jurisdiction of the Tribal Court shall be civil in nature and shall include the right to issue all orders necessary to ensure the safety, well-being, and best interests of those adults or minors who seek the protection of the Tribal Court from acts of domestic violence or harassment. The Tribal Court shall also have the power to enforce protection orders, issue fines, penalties, and sanctions, use the Tribal Court's power to punish for contempt, and issue other orders as appropriate.
- (b) The Tribal Court shall have jurisdiction over any request for a protection order under this chapter when the petitioner resides in, or the conduct occurred within the Territory of the Agua Caliente Band of Cahuilla Indians and:
- (1) the respondent is a Tribal Member;
 - (2) the respondent is not a Member, but they have entered into a consensual relationship with the Tribe or a Member; "Consensual relationship" means and refers to any relationship, either past or present, which is romantic, intimate, or sexual in nature and to which both parties consent or consented, including marriage;
 - (3) the respondent is not a Member, but their conduct threatens the health or welfare of the Tribe;
 - (4) the petitioner and respondent consent to jurisdiction; or
 - (5) the Tribal Court has jurisdiction and is being asked to recognize and enforce a valid order of another court of competent jurisdiction.
- (c) The Tribal Court shall construe this article liberally to exercise maximum jurisdiction consistent with applicable Tribal, state, and federal law.

Sec. 10.28.030. Request for civil protection orders.

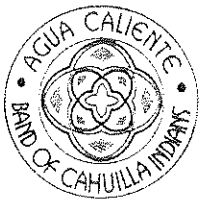
A person may pursue relief under this chapter by filing a request for an order to stop harassment or an order to prevent domestic violence, alleging acts of harassment or domestic violence against himself or a member of his family or household. If protection is sought for a family or household member over eighteen (18) years of age having capacity, that person must sign the petition requesting protection or a declaration must be provided indicating why any such person is not signing. Relief may be sought under this chapter with or without the assistance of legal counsel.

Sec. 10.28.040. Procedure for obtaining a protection order.

- (a) Who May Petition. A petition to obtain a protection order under this chapter may be filed with the clerk of the Tribal Court by:



- (1) Any person claiming to be the victim of domestic violence or harassment; or
 - (2) Any family or household member of a minor child or adult who is claimed to be in need of protection, is in the requesting party's care, and consents to be represented or is found to be lacking in the immediate capacity to consent based upon the declaration of the requesting party.
- (b) Forms. A petition (request) for a protection order shall be made on the forms adopted for that purpose by the Tribal court and provided on request by the clerk of the Court or accessible on the Tribal Court's website to the petitioner, legal services agencies, victim services agencies, or victim advocacy agencies:
- (1) A request for an order to stop harassment shall be made on the request for a civil harassment protection order form.
 - (2) A request for a domestic violence protection order shall be made on the request for domestic violence restraining order form.
 - (3) Any orders issued shall be on forms adopted by the Tribal Court. However, the fact that an order was not issued on forms adopted by the Tribal Court shall not, in and of itself, make the order unenforceable.
 - (4) A petitioner seeking protection shall not be required to reveal her or his address or place of residence except to the judge, under seal or in chambers, for the purpose of determining jurisdiction and venue.
- (c) Protecting Others. If the petitioner requests protection for other persons over eighteen (18) years of age who have capacity, each such person must sign the petition confirming that they are joining in the request, or a declaration must be provided stating why such persons are not signing.
- (d) No Filing Fees. There is no filing fee for an application, a responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a protection order or other order authorized by this chapter when the request for the other order is necessary to obtain or give effect to a protection order.
- (e) Service. Upon the filing of a petition under this chapter, the petitioner shall have the respondent personally served a copy of the summons, petition, any temporary protection order, and notice of hearing of the petition at least five (5) days prior to the hearing date unless the Tribal Court for good cause orders a shorter time. Service must be made in the manner provided by the Rules of Court for personal service of summons in civil actions. The Tribal Court may specify another method of service if the Tribal Court determines that the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located.
- (f) Hearing. A hearing to determine whether a permanent protection order should be issued shall be held no more than twenty-five (25) days from the date of issuance or denial of an ex parte temporary protection order.
- (g) Continuance. At the time of the permanent protection order hearing, a continuance may be

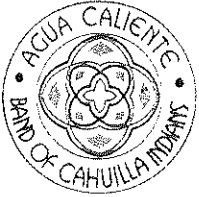


granted when:

- (1) A party requests a continuance and shows that there is good cause for the request; or
 - (2) Respondent is represented by an attorney or advocate and the aggrieved party is not, and the aggrieved party requests a continuance to retain an attorney or advocate.
- (h) The Tribal Court may grant a continuance on its own motion.
- (i) During the time of any continuance, any temporary order will remain in effect until the end of the continued hearing, unless otherwise ordered by the Court. In granting a continuance, the Court may modify or terminate a temporary protection order.
- (j) For the purpose of this chapter and the Tribal Court forms implementing this chapter, the terms “protection order” and “restraining order” shall have the same meaning and effect and may be used interchangeably.

Sec. 10.28.050. Temporary protection orders.

- (a) Prior to the hearing on a request for a permanent protection order, a temporary protection order may be issued by the Tribal Court with or without notice.
- (b) If the petitioner requests ex parte relief, the clerk of the Court shall schedule an ex parte hearing with the Tribal Court at the earliest possible time. If the Tribal Court is not in session, the clerk shall arrange for a judge to review the request within twenty-four (24) hours.
- (c) The Tribal Court may issue an ex parte temporary protection order when the petitioner establishes reasonable grounds to believe any of the following:
- (1) That a person is in immediate and present danger based on the person’s allegation of a recent incident of harassment or domestic violence or a recent threat of harassment or domestic violence.
 - (2) That a child is in immediate and present danger of harassment or domestic violence by a family or household member, based on an allegation of a recent incident of harassment or domestic violence or a recent threat of harassment or domestic violence by the family or household member.
 - (3) That a child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has an intent to abduct the child or flee with the child from the jurisdiction or based on an allegation of a recent threat to abduct the child or flee with the child from the jurisdiction.
- (d) A temporary protection order may be issued only if the Tribal Court finds both of the following:
- (1) That reasonable grounds have been established to believe that an immediate and present danger of domestic violence or harassment exists, that a child is in immediate and present danger of harassment or domestic violence; and



(2) That a temporary protection order is necessary to prevent the occurrence or recurrence of domestic violence or harassment.

(e) A temporary protection order shall include all of the following:

- (1) A statement of the grounds asserted for the order.
- (2) The date and time the order expires.
- (3) The address of the Tribal Court having jurisdiction over the endangered person or child.
- (4) The following statements:

(a) "To the Protected Person: This order will last only until the date and time noted above. If you wish to seek continuing protection, you will have to apply for an order from the Court, at the address noted above. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application."

(b) "To the Restrained Person: This order will last until the date and time noted above. The protected party may, however, obtain a more permanent protection order from the Court. You may seek the advice of an attorney as to any matter connected with the application. The attorney should be consulted promptly so that the attorney may assist you in responding to the application."

(f) The fact that the endangered person has left the household to avoid abuse does not affect the availability of a temporary protection order.

Sec. 10.28.060. Ex parte relief.

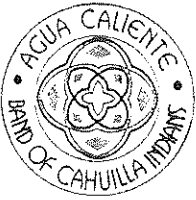
(a) The Tribal Court may grant the following relief either without notice and a hearing in a temporary protection order or a modification issued ex parte, or following notice and a hearing in a permanent protection order, modification of a permanent protection order, or approval of a consent agreement:

(1) Order a party responsible for harassment or domestic violence to refrain from doing any or all of the following:

a. Threatening to commit or committing acts of violence against the aggrieved party and any designated family or household member;

b. Harassing, attacking, striking, threatening, assaulting, hitting, following, contacting, stalking, molesting, destroying personal property, disturbing the peace, keeping under surveillance, impersonating, blocking movements, annoying, telephoning, or otherwise communicating with the protected party, directly or indirectly through friends, relatives, or co-workers or electronic means, including through social media;

c. Coming within a certain distance of the residence, school, place of employment,



vehicle, or other specified place frequented by the petitioner and any designated family or household member; or

d. Otherwise interfering with any protected party.

(2) Remove and exclude the respondent from the residence of the aggrieved party, regardless of ownership of the residence or lessee of record or require the respondent to provide petitioner with suitable alternate housing;

(3) Award temporary custody of minor children and establish temporary visitation rights;

(4) Ordering temporary guardianship with regard to an elderly or dependent adult victim of domestic violence or harassment if necessary for the safety of the elderly or dependent adult until the matter can be addressed through an action pursuant to Chapter 10.24. The Tribal Court may order temporary or respite care to another family member, a relative, or other person in the case of an elderly or dependent adult victim;

(5) Restraining one or both parties during the pendency of the action from transferring, hypothecating, encumbering, concealing, or in any way disposing of any real or personal property except as authorized by the Tribal Court and requiring that an accounting shall be made to the Tribal Court for all such transfers, encumbrances, dispositions, and expenditures.

(6) Ordering the respondent to timely pay any existing debts of the petitioner, including mortgage or rental payments and necessary utilities, medical expenses, health insurance coverage, as well as any other necessary expenses, and require the respondent to continue all available insurance coverage without change in coverage or beneficiary designation. If the respondent is a Member, the Tribal Court may forward an order to the Tribal Accounting Department directing payments be made on a month-to-month basis from per capita distribution until full reimbursement has been made.

(7) Granting the petitioner exclusive care, possession, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or respondent. The restrained person may also be ordered to stay away from the animal and forbidden from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal.

(8) Describing any prior orders of the Tribal Court relating to domestic matters which are superseded or altered by the protection order.

(9) Notifying the parties that the willful violation of any provision of the protection order constitutes contempt of court punishable by a fine, constitutes a violation of this Code for which civil penalties may be assessed, and may result in criminal prosecution under state law.

(10) Provide for possession of personal property of the parties, including granting an aggrieved party use of a vehicle and other essential personal effects, regardless of which party holds title to such property;

(11) Seize and prohibit the respondent from the purchase, possession, use, attempted



purchase, or use, or threatened use of a firearm or other dangerous weapon, firearm parts, ammunition, or body armor for a time specified by the Tribal Court;

(12) Order a party to maintain, and refrain from removing funds beyond a certain limit from, the party's bank account and other joint assets;

(13) Order respondent to reimburse within thirty (30) calendar days of the order any victim services agency or program for any services provided to petitioner as a victim of harassment, or domestic violence. If the respondent is a Member who fails to reimburse any agency or program within the stated timeframe the Tribal Court may forward an order to the Tribal Accounting Department directing payments be made on a month-to-month basis from per capita distribution until full reimbursement has been made.

(14) Include any additional prohibitions or requirements the Tribal Court deems necessary to an aggrieved party and any designated family or household member.

Sec. 10.28.070. Hearing on permanent order for protection.

(a) Before any permanent order for protection may be issued, the Tribal Court shall hold a hearing for the purpose of determining whether such an order is appropriate. The hearing shall be held no more than twenty-five (25) days from the date of issuance or denial of an ex parte temporary protection order or the date of the filing of the petition if no temporary protection order is sought.

(b) Prior to or at such hearing, the respondent may file a response that explains, excuses, justifies, or denies the alleged harassment or domestic violence.

(c) At the hearing, the Tribal Court shall receive any testimony that is relevant and may make an independent inquiry.

(d) If the Tribal Court finds by clear and convincing evidence that unlawful harassment or domestic violence has occurred and that the respondent represents a credible threat to the mental, emotional, or physical safety or mental well-being of the respondent or a member of their immediate family, the Tribal Court shall issue an order prohibiting the conduct and describing other appropriate relief.

(e) The Tribal Court may issue a permanent order of protection based on the respondent's failure to appear at the hearing or other acts constituting default.

Sec. 10.28.080. Relief available after notice and hearing.

In addition to relief available ex parte, the Tribal Court may grant the following relief in a permanent protection order or a modification of an order after notice and a hearing, whether or not the respondent appears:



- (1) Specify arrangements for visitation of any minor child by respondent and require supervision of that visitation by an independent third party or deny visitation if necessary to protect the safety of the petitioner or child;
- (2) Order the respondent to make payments for the spousal support of the petitioner and child support for any minor child if the respondent is found to have a duty to provide such support. If the respondent is a Member, the Tribal Court may forward an order to the Tribal Accounting Department directing payments be made on a month-to-month basis from per capita distribution until full reimbursement has been made. In making payment in satisfaction of the Tribal Court order from the monthly per capita distribution of a Tribal Member, the amount is limited in the same manner as is provided in federal law regarding garnishments for an order for the support of a person.
- (3) Require a party responsible for domestic violence to provide a spouse and his or her children suitable alternate housing;
- (4) Order the respondent to pay restitution to reimburse the petitioner or other person for any expenses associated with the harassment or domestic violence, out-of-pocket expenses including but not limited to medical expenses, counseling, shelter, loss of earnings or support, and repair or replacement of damaged property. If the respondent is a Member, the Tribal Court may forward an order to the Tribal Accounting Department directing payments be made on a month-to-month basis from per capita distribution until full reimbursement has been made.
- (5) Issue an order to the wireless telephone service provider ordering the service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers of the requesting party and/or children in the requesting party's care.
- (6) Order the respondent to complete an anger management or batterer's program or other appropriate program, including, but not limited to, parenting classes, as determined by the Tribal Court.
- (7) Award costs and legal fees incurred in bringing the action to the petitioner if there is a finding that the respondent has the ability to pay these fees. If the respondent prevails, the Tribal Court, upon request, may issue an order for the payment of attorney's fees and costs only if the restrained party establishes by a preponderance of the evidence that the petition or request is frivolous or solely intended to abuse, intimidate, or cause unnecessary delay and there is a finding that the other party has the ability to pay these fees.
- (8) Issue an order restricting a restrained person from having access to their own child's records and information pertaining to that child's health care, education, daycare, recreational activities, or employment.
- (9) If the Tribal Court determines that there is a risk of child abduction, on its own motion or the request of a party, the Tribal Court may take measures to prevent abduction, including, but not limited to, preventing the respondent from leaving the State without prior approval of the Court.



(10) The Tribal Court may order any person seeking child custody or visitation to undergo testing for the illegal use of controlled substances and the use of alcohol if there is a judicial determination based on a preponderance of the evidence that there is habitual, frequent, or continual illegal use of controlled substances or a habitual or continual abuse of alcohol by the parent, legal custodian, person seeking guardianship, or person seeking visitation in a guardianship.

(11) The Tribal Court may issue any order necessary to effectuate the intent of this chapter.

(12) If the respondent is a Member and fails to make any and all payments ordered by the Tribal Court within the stated timeframe, the amount owed shall be paid in accordance with applicable Tribal and federal law. In the event of a conflict between the applicable Tribal and federal law, federal law shall govern. The Tribal Court shall forward an order to the Tribal Accounting Department directing payments be made on a month-to-month basis from per capita distribution until full reimbursement has been made.

Sec. 10.28.090. Contents of protection order.

(a) Any protection order, temporary or permanent, issued by the Tribal Court shall include the following information:

- (1) The name, ethnicity/ancestry, Tribal membership status, date of birth, and other personal descriptive information of the respondent.
- (2) The names and dates of birth of the protected persons.
- (3) The date of issuance of the order.
- (4) The duration or expiration date of the order.
- (5) The terms and conditions of the protection order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions.
- (6) The name and address of the Tribal Court.
- (7) Whether or not the order was served upon the respondent and, if applicable, whether respondent was present in court when the order was issued.
- (8) The terms and conditions of any restrictions on the ownership or possession of firearms, firearm parts, ammunition and/ or body armor.
- (9) All available information shall be included; however, the inability to provide all categories of information shall not render the order unenforceable.
- (10) The following statements in substantially the following form:

“This order is effective when made. The law enforcement agency shall enforce it immediately on receipt. It is enforceable anywhere in California by any law enforcement agency that has received the order or is shown a copy of the order. If proof of service on the restrained person has not been received, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.” Consistent with 18 U.S.C. Section 2265, a



protection order issued by the Tribal Court that has jurisdiction over the parties and subject matter and that gives the respondent reasonable notice and opportunity to be heard must be given full faith and credit by another state, Indian tribe, or territory and enforced as if it were the order of the enforcing state, Indian tribal government, or territory.

(b) The Tribal Court protection order will be enforced under California laws. Also, custody and visitation orders contained in the protection order will be enforced if the orders were issued in accordance with the jurisdictional requirements governing custody and visitation orders in California pursuant to California Family Code Sections 6400, et seq.

Sec. 10.28.100. Duration of order.

Ex parte orders shall expire upon the issuance by the Tribal Court of a permanent protection order. In the discretion of the Tribal Court, a permanent order of protection issued after notice and hearing under this chapter may have a duration of no more than five (5) years, subject to termination or modification by further order of the Tribal Court either on written stipulation filed with the Tribal Court or on the motion of a party. The order may be renewed, upon the request of a party, for a duration of no more than five additional years, without a showing of any further harassment or domestic violence since the issuance of the original order, subject to termination or modification by further order of the Tribal Court either on written stipulation filed with the Tribal Court or on the motion of a party. A request for renewal may be brought any time within the three months before the order expires.

Sec. 10.28.110. Mutual orders.

(a) Protection orders entered or consent orders approved shall not be mutual in nature except where the Tribal Court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved.

(b) The Court must not issue mutual protection orders unless:

- (1) Both parties personally appear at the hearing;
- (2) Both parties present written evidence of harassment or domestic violence in an application for a protection order using a mandatory Tribal Court protection order application form (DV-100); and
- (3) The Court makes detailed findings of fact that both parties acted as a primary aggressor and that neither party acted primarily in self-defense.



(c) The dominant aggressor is the person determined to be the most significant, rather than the first aggressor. The factors to consider in identifying the dominant aggressor are:

- (1) The intent of the law to protect victims of harassment or domestic violence from continuing harassment or domestic violence;
- (2) The threats creating fear of physical injury;
- (3) The history of harassment or domestic violence between the persons involved; and
- (4) Whether either person involved acted in self-defense.

Sec. 10.28.120. Modification or termination of permanent order.

Modifying and Terminating Permanent Protection Order:

- (1) A protection order after hearing may be terminated or modified by written stipulation (agreement) filed with the Tribal Court or motion of a party, in which case the Tribal Court must hold a hearing to consider the reasons for and terms of any stipulation.
- (2) Request to change or end a protection order prior to its expiration date shall be made on Form DV-300 or CH-600.
- (3) Request to change child custody and visitation orders prior to its expiration date may be made by the protected party on Form DV-305.
- (4) The party responding to a Request to Change or End Protection Order shall file Form DV-320 or CH-620.
- (5) The party responding to a Request to Change Child Custody and Visitation Orders shall file Form DV-325.

Sec. 10.28.130. Tribal Court registry for protection orders.

- (a) A copy of any order entered and filed under this chapter shall be issued to each party, and to the Tribal Family Services Department which shall have access to the registry in order to carry out its duties under this Code.
- (b) To ensure the proper and timely enforcement of all Tribal Court protection orders, and any foreign orders falling within its purview and jurisdiction, the clerk of the Tribal Court shall provide for a confidential registry of all protection orders issued by or registered with the Tribal Court.
- (c) For the purpose of enhancing full faith and credit enforcement of all protection orders, the Tribal Court shall ensure that Tribal Court protection orders are submitted to other applicable registries, whether tribal, local, state, or federal upon request.
- (d) If the Tribal Court issues a modification, extension, or termination of a protection order, all law enforcement agencies which were provided with the original order shall be notified of the



terms of the modification, extension, or termination.

(e) Data and information in the registry shall be confidential and shall be made available only with the approval of the Tribal Court. The Agua Caliente Legal Department, Tribal Programs, and law enforcement agencies may be entitled to the records with the required approval. A request for the release of information must be submitted in writing.

(f) Tribal Court protective orders do not have to be registered in California. However, a person can request the state court to register the order so that the order can be entered into the California Law Enforcement Telecommunications System (CLETS). There is no fee to file the registration form (DV-600, Order to Register Out-of-State or Tribal Court Protective/Restraining Order). After the protective order is registered, it must be sealed, and access is allowed only to law enforcement, the person who registered the order on written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or on further order of the state court.

Sec. 10.28.140. Criminal penalties.

This Code in no way interferes with or limits the state's right to prosecute any criminal case arising out of the same facts for which a protection order is sought or for violation of the protection order. Further, the Tribal Court may refer cases filed under this chapter to the Riverside County District Attorney's Office for prosecution, where appropriate.

Sec. 10.28.150. Foreign orders.

(a) Full Faith and Credit. Consistent with 18 U.S.C. Section 2265, the Tribal Court shall give full faith and credit to any protection order that is consistent with subsection (b) of this section issued by the court of another State, Indian tribe, or territory and enforced as if it were the order of the Tribal Court.

(b) Protection Order. A protection order issued by a State, tribal, or territorial court is consistent with this subsection if:

- (1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and
- (2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) Cross or Counter Petition. A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading in Tribal court for protection against harassment or domestic violence by a spouse or intimate partner is not entitled to full faith and credit if:



- (1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or
 - (2) a cross or counter petition has been filed, and the court did not make specific findings that each party was entitled to such an order.
- (d) Enforcement of Foreign Protection Orders. Whenever the Tribal Court is presented with an order, either ex parte or permanent, or verifies the existence of such an order with the court or law enforcement of the issuing jurisdiction, which restrains any person from harassing or committing domestic violence, or coming within a certain proximity to another person that was issued by a State, tribal or territorial court, the provisions of such order shall be enforced as if it were issued by the Tribal Court if it appears from the face of the order that it meets the requirements of subsection (b) of this section.
- (e) Notification and Registration of Foreign Protection Order with the Tribal Court.
- (1) Any person who has received a protection order from a State, tribal, or territorial court may file it with the clerk of the Tribal Court and request that the Tribal Court grant it full faith and credit. Immediately upon the filing of that protection order with the Tribal Court, a Tribal Court judge shall review such filing and, if it appears from the face of the order that it meets the requirements of subsection (b) of this section, shall enter an order recognizing the protection order. Said order shall immediately be forwarded to the Tribal Family Services Department. A person shall not be charged a fee for the filing of a foreign protection order.
 - (2) The Tribal Court shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing Tribal Court unless requested to do so by the party protected under such order.
 - (3) No prior registration or filing as prerequisite for enforcement. Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.
 - (4) Limits on internet publication of registration information. The Tribal Court shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, or injunction in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. The Tribal Court may share court-generated, and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes. The prohibition under this paragraph applies to all protection orders for the protection of a person residing within the territory of the Tribe, whether or not the protection order was issued by the Tribal Court.
- (f) Violation of Foreign Protection Order.
- (1) Persons who violate a foreign protection order enforced by the Tribal Court are subject to the same civil contempt proceedings and penalties otherwise imposed for violations of



protection orders under this chapter.

(2) It is not a defense to this chapter that a protected person had not registered the protection order with the Tribal Court prior to the violation.

Sec. 10.28.160. Pursuing civil action for contempt.

Any protected person may pursue a civil action for contempt against any person, regardless of Tribal membership, who willfully and knowingly violates any protection order entered pursuant to this chapter.

Sec. 10.28.170. Hearing.

Upon the filing of an action for contempt under this article, the Tribal Court clerk shall schedule and issue notice of a show cause hearing with the Tribal Court at the earliest possible date.

Sec. 10.28.180. Penalties.

Upon the answer and evidence taken, the Tribal Court shall determine by a preponderance of the evidence whether the person proceeded against committed contempt, and if the person is found to have violated the protection order, any or all of the following may be imposed at the discretion of the Tribal Court:

- (1) A fine not exceeding five thousand dollars (\$5,000.00), payable to the Tribal Court;
- (2) Community service of up to 120 hours;
- (3) Ineligible to serve as a foster parent for five (5) years;
- (4) Disqualified from owning or possessing a firearm, firearm parts, ammunition, or body armor on the Reservation and territory of the Tribe;
- (5) Specified evaluation and treatment, upon a finding that it is appropriate; the cost of which is borne by the violating party;
- (6) In the case of persons who are not Members, exclusion from the Reservation and territory of the Tribe for any period of time designated by the Tribal Court;

Sec. 10.28.190. Attorney's fees and costs.

The prevailing party in an action brought pursuant to this chapter may be awarded court costs and attorney's fees, if any.

Sec. 10.28.200. Counseling or treatment.



After notice and a hearing, the Tribal Court may order the restrained person to complete counseling or other treatment at their cost, in addition to any other penalty which may be imposed. The restrained person must sign all necessary program consent forms for the program to release proof of enrollment, attendance records, and completion or termination reports to the Court and the protected party, or the protected party's attorney.

Sec. 10.28.210. Supervision.

While enrolled in a treatment program, the person enrolled and/or the family or involved parties may be supervised in the manner ordered by the Tribal Court.

Sec. 10.28.220. Assessment upon completion.

Upon the completion of the mandated counseling or treatment, the restrained party will obtain and provide to the Court and the protected party, or the protected party's attorney, an assessment from their treating facility or program containing findings and recommendations for future treatment/supervision or other relevant recommendations.

Sec. 10.28.230. Voluntarily seeking treatment.

Any party may voluntarily seek evaluation and treatment at their cost. The Tribal Court may take into consideration a party's voluntary participation in evaluation and treatment in deciding what relief is appropriate under this chapter.

Sec. 10.28.240. Exclusion.

Upon violating a protection order or committing an act of domestic violence or harassment, proceedings for removal and exclusion of any perpetrator from the Reservation may be initiated by the Tribe with a finding that exclusion is a proper remedy to ensure the safety of the victim(s).

Sec. 10.28.250. Remedies not exclusive.

The remedies provided by this chapter are in addition to any other civil or criminal remedies that may be available to the petitioner.

Sec. 10.28.260. Per capita garnishment.

All Court orders directing payments from per capita distribution pursuant to this Chapter must



comply with the limitations set forth in the Consumer Credit Protection Act (15 U.S.C.A. § 1673) and any other applicable federal and Tribal law. In the event of a conflict between the applicable Tribal and federal law, federal law shall govern.

SECTION 3. The Tribal Council hereby finds that the adoption of this Ordinance does not constitute a “Major Tribal Action” requiring the preparation of an environmental assessment or an environmental impact statement.

SECTION 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Tribal Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unlawful or unconstitutional.

SECTION 5. Nothing contained in this Ordinance is intended to, nor does in any way, limit, alter, restrict, or waive the Agua Caliente Band of Cahuilla Indians’ sovereign immunity.

SECTION 6. The Tribal Council expressly reserves the right to alter, amend, or repeal this Ordinance if it determines that such action is in the best interest of the Tribe.

SECTION 7. This Ordinance shall become effective immediately upon its adoption.

SECTION 8. Upon the effective date of this Ordinance, any and all prior inconsistent resolutions, policies, ordinances, and/or procedures of the Tribe that pertain to the subject matter hereof are hereby repealed, superseded, and/or amended to comply with this Ordinance.

SECTION 9. Within fifteen (15) days after adoption, Tribal staff shall cause a summary of this Ordinance to be published one time in a newspaper of general circulation published and circulated on the Reservation.



BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 24th day of June, 2025.

Reid D. Milanovich, Chairman

Anthony W. Purnel, Vice Chairman

Savana R. Saubel, Secretary-Treasurer

John R. Preckwinkle III, Member

Virginia Siva, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 24th day of June, 2025; that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said Ordinance has not been rescinded or amended in any way.

Savana R. Saubel, Secretary-Treasurer