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Representative Johnson and Members of the Committee:

My name is Linda Isakson, Assistant Director at CAWS North Dakota. CAWS is a private nonprofit domestic violence/sexual assault coalition in North Dakota. We are a membership based organization consisting of the 20 domestic violence/sexual assault crisis centers serving all counties and the reservations in ND. I am here at request of the committee to provide information and answer questions about the enforcement of Protection Orders which advocates from crisis centers that are certified under Supreme Court Administrative Rule 34 to assist victims in filing applications and supporting victims through the court process.

The full faith and credit enforcement of foreign (orders issued in another jurisdiction) protection orders is guided by two pieces of legislation: One is the Violence Against Women Act Full Faith & Credit provisions (18 USC§§ 2265 – 2266 2000) and enabling legislation NDCC 14-07.4 Uniform Interstate Enforcement of Protection Orders Act.

The primary function of a protection order is to prevent future harm. It is a tool for safety and primarily requires that the respondent have no contact with the victim. It is imperative that a quick response and effective enforcement accompany a Protection Order. Respondents should be held accountable for disobeying a judicial order especially where violence has previously been determined to exist.

But safety for victims of domestic violence is about more than physical contact. The Legislature crafted the protection order statute to offer relief for the victim in several different ways including maintain housing, financial support and custody and visitation of children. The challenge of Protection Order is the multiple layers of enforcement. As advocates we encourage victims to carry a copy of the order with them at all times. We encourage them to let their friends, family, employer, child care provider, school administrator know that an order exists and if they see a violation that they assist in reporting violation to law enforcement. Protection must extend beyond the home county of the victim or it becomes irrelevant.

The reluctance on the part of law enforcement comes from identifying the validity of the foreign order. An order is presumed valid if it has the correct names of the respondent and victim, has not expired and is signed by judge who had jurisdiction over this person. It should be enforced like an Order issued within the enforcing jurisdiction, pursuant to departmental policy. The uniform cover page of the PASSPORT project will help assure law enforcement that the order is valid on its face. The needed information is on that cover page and easily accessible.

CAWS supports adoption of this cover page by both the state and all tribal entities to enhance the enforcement of protection orders across reservation boundaries. We also encourage the enhancement of data systems that allow for tribal orders to be entered into the state system giving law enforcement access to much needed information in the enforcement of Protection Order and safety of victims of domestic violence. CAWS staff is available to assist the state and tribes with this process to increase the safety of victims and accountability of offenders.

Submitted:

Linda Isakson, Assistant Director

CAWS North Dakota