

**KICKAPOO TRIBE OF OKLAHOMA  
DOMESTIC VIOLENCE PROTECTION CODE**

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# **KICKAPOO TRIBE OF OKLAHOMA DOMESTIC VIOLENCE PROTECTION CODE**

## **SECTION 1.: ENACTMENT CLAUSE:**

BE IT ENACTED BY THE COUNCIL OF THE KICKAPOO TRIBE OF OKLAHOMA THE ORDINANCE OF DOMESTIC VIOLENCE PROTECTION CODE FOR ALL MEMBERS OF THE KICKAPOO TRIBE OF OKLAHOMA.

## **SECTION 2.: DEFINITIONS:**

1. "Domestic Abuse" means any act of physical harm, or the threat of imminent physical harm which is committed by an adult, emancipated minor, or minor age thirteen (13) years or older against another adult, emancipated minor or minor child who are family or household members or who are or were in a dating relationship;
2. "Stalking" means the willful, malicious, and repeated following of a person by an adult, emancipated minor, or minor thirteen (13) years of age or older, with the intent of placing the person in reasonable fear of death or great bodily injury;
3. "Harassment" means a knowing and willful course or pattern of conduct by an adult, emancipated minor, or minor thirteen (13) years of age or older, directed at a specific person which seriously alarms or annoys the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial distress to the person. "Harassment" shall include, but not be limited to, harassing or obscene telephone calls;
4. "Family or household members" means spouses, ex-spouses, present spouses of ex-spouses, parents, foster parents, children, persons otherwise related by blood or marriage, persons living in the same household or who formerly lived in the same household or persons who are the biological parents of the same child regardless, of their marital status, or whether they have lived together at the time. This shall include the elderly and handicapped; and
5. "Dating relationship" means a courtship or engagement relationship. For purposes of this act, a casual acquaintance or ordinary fraternization between persons in a business or social context shall not constitute a dating relationship.

## **SECTION 3. PROTECTIVE ORDERS:**

A. A victim of domestic abuse, a victim of stalking, a victim of harassment, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of this title.

1. Such person may seek relief by filing a petition for protective order with the district court.
2. When the abuse occurs when the court is not open for business such person may request an emergency temporary order of protection as provided by Section 9 of this title.

B. The petition forms shall be provided by the clerk of the court and shall be in substantially the following form:

**IN THE TRIBAL DISTRICT COURT  
FOR THE KICKAPOO TRIBE OF OKLAHOMA  
P.O. BOX 70, MCLOUD, OKLAHOMA 74851**

	)	
Plaintiff,	)	
vs.	)	Case No. _____
	)	
	)	
Defendant.	)	

**PETITION FOR PROTECTIVE ORDER**

Plaintiff, being sworn, states:

1. *(Check one or more)*
  - The defendant caused or attempted to cause serious physical harm to \_\_\_\_\_.
  - The defendant threatened \_\_\_\_\_ with imminent serious physical harm.
  - The defendant has stalked or harassed \_\_\_\_\_.

2. The incident causing the filing of this petition occurred on or about \_\_\_\_\_.  
*(Describe what happened):*

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*(If more space is required, attach additional sheets)*

3. The victim and the defendant are related as follows:
- |  |   |
|--|---|
| <input type="checkbox"/> married                                       | <input type="checkbox"/> divorced                 |
| <input type="checkbox"/> parent and child                              | <input type="checkbox"/> persons related by blood |
| <input type="checkbox"/> person related by marriage                    | <input type="checkbox"/> not related              |
| <input type="checkbox"/> Present spouse of an ex-spouse                |   |
| <input type="checkbox"/> persons living in the same household          |   |
| <input type="checkbox"/> persons formerly living in the same household |   |
| <input type="checkbox"/> biological parents of the same child          |   |

4. *(Answer this question only in the plaintiff is filing on behalf of someone else, minor or incompetent)*

- The plaintiff and the victim are related as follows:
- |  |   |
|--|---|
| <input type="checkbox"/> married                                       | <input type="checkbox"/> divorced                 |
| <input type="checkbox"/> parent and child                              | <input type="checkbox"/> persons related by blood |
| <input type="checkbox"/> person related by marriage                    | <input type="checkbox"/> not related              |
| <input type="checkbox"/> Present spouse of an ex-spouse                |   |
| <input type="checkbox"/> persons living in the same household          |   |
| <input type="checkbox"/> persons formerly living in the same household |   |
| <input type="checkbox"/> biological parents of the same child          |   |

5. *(Check A or B)*

A.  The victim is in immediate and present danger of abuse from the defendant and an emergency ex parte order is necessary to protect the victim from serious harm. The plaintiff requests the following relief in the emergency ex parte order: (check one or more)

- order the defendant not to abuse or injure the victim.
- order the defendant not to visit, assault, molest or otherwise interfere with the victim.
- order the defendant not to threaten the victim
- order the defendant to cease stalking the victim
- order the defendant to cease harassment of the victim
- order the defendant to leave the residence located at \_\_\_\_\_ on or before \_\_\_\_\_.
- order the defendant who is a minor child to leave the residence located at \_\_\_\_\_ by immediately placing the defendant in the temporary custody of the Department of Human Services. Circle age of defendant: 13, 14, 15, 16, 17 years.

\_\_\_\_\_  
*(Describe other relief that plaintiff requests)*

B.  The plaintiff does not request an emergency ex parte order.

6. Plaintiff requests the following order to be made by the court following notice to the defendant and a hearing: (check one or more)
- order the defendant not to abuse or injure the victim
- order the defendant not to visit, assault, molest or otherwise interfere with the victim
- order the defendant not to threaten the victim
- order the defendant to cease stalking the victim
- order the defendant to leave the residence located at \_\_\_\_\_ on or before \_\_\_\_\_.
- order the defendant who is a minor child to leave the residence located at \_\_\_\_\_ by immediately placing the defendant in the temporary custody of the Department of Human Services. Circle age of Defendant: 13, 14, 15, 16, 17 years.

\_\_\_\_\_  
 (Describe other relief that plaintiff requests)

order the defendant to pay attorney fees of the plaintiff in the sum of \_\_\_\_\_ on or before \_\_\_\_\_.

order the defendant to pay the court costs of this action in the sum of \_\_\_\_\_ on or before \_\_\_\_\_.

7.  Victim is a resident of the Kickapoo jurisdiction wherein this petition is filed.  
 Defendant is a resident of Kickapoo jurisdiction wherein this petition is filed.

8. Plaintiff has stated the truth, the whole truth and nothing but the truth in this petition.

\_\_\_\_\_  
 Plaintiff

\_\_\_\_\_  
 Address

Witness my hand and seal, affixed on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
 Court Clerk, Deputy Court Clerk or Notary Public

SERVICE CAN BE MADE TO DEFENDANT AT:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 If service is on tribal land, what Tribe?

C. No filing fee shall be charged the plaintiff at the time the petition is filed. The court may assess court costs and filing fees to either party at the hearing on the petition.

D. The plaintiff shall prepare the petition as set forth above or, at the request of the plaintiff, the clerk of the court or the victim-witness coordinator shall prepare or assist the plaintiff in preparing the same.

In addition to any other provisions required by the Protection from Domestic Abuse Protection Act, or otherwise required by Law, each ex parte or final protective order issued pursuant to the Domestic Abuse Protection Act shall have the following statement printed in bold-faced type or in capital letters:

**"THE FILING OR NONFILING OF CRIMINAL CHARGES AND THE PROSECUTION OF THE CASE SHALL NOT BE DETERMINED BY A PERSON WHO IS PROTECTED BY THIS ORDER, BUT SHALL BE DETERMINED BY THE PROSECUTOR. NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."**

#### **SECTION 4. EMERGENCY EX PARTE ORDERS OF PROTECTION:**

A. If a plaintiff requests an emergency ex parte order pursuant to Section 3 of this title, the court shall hold an ex parte hearing on the same day the petition is filed. The court may, for good cause shown at the hearing, issue any emergency ex parte order it finds necessary to protect the victim from immediate and present danger of domestic abuse, stalking, or harassment. The emergency ex parte order shall be in effect until after the full hearing is conducted. An emergency ex parte order authorized by this section may include the following:

1. An order to the defendant not to abuse or injure the victim;
2. An order to the defendant not to visit, assault, molest, harass or otherwise interfere with the victim;
3. An order to the defendant not to threaten the victim;
4. An order to the defendant not to stalk the victim;
5. An order to the defendant not to harass the victim;
6. An order to the defendant not to leave the residence; or
7. An order removing the defendant who is a minor child from the residency by immediately placing the child in the temporary custody of the Tribal Indian Child Welfare Program.

## **SECTION 5. EMERGENCY TEMPORARY ORDERS OF PROTECTION:**

B. If a plaintiff requests an emergency temporary ex parte order of protection as provided by Section 10 of this title, the judge who is notified of the request by a peace officer may issue such order verbally to the officer or in writing when there is reasonable cause to believe that the order is necessary to protect the victim from immediate and present danger of domestic abuse. When the order is issued verbally the judge shall direct the officer to complete and sign a statement attesting to the order. The emergency temporary ex parte order shall be in effect until the close of business on the next day the court is open for business after the order is issued.

C. When an arrest has been made pursuant to subsection B of this article and the court is not open for business, the victim of domestic abuse may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:

1. Provide a victim with a petition for an emergency temporary order of protection and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as provided by Section 3 of this title for protective order;
2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of his decision to approve or disapprove the emergency temporary order;
3. Inform the victim whether the judge has approved or disapproved an emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim with a copy of the petition and a statement signed by the officer that the judge has approved the emergency temporary order of protection and notify said victim that the emergency temporary order shall be effective only until the close of business on the next day that the court is open for business;
4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order. Notification pursuant to this paragraph may be made personally by the officer in writing. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to said person; and
5. File a copy of the petition and the statement of the officer with the district court of the county immediately upon the opening of the court on the next day the court is open for business.

D. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section 3 of this title.



## **SECTION 6. SERVICE OF PROCESS, HEARING, PERIOD OF RELIEF:**

A. A copy of this petition, notice of hearing and a copy of any ex parte order issued by the court shall be served upon the defendant in the same manner as a summons. Ex parte orders shall be given priority for service by the Police Department and can be served twenty-four (24) hours a day. When the defendant is a minor child who is ordered removed from the residence of the victim, in addition to those documents served upon the defendant, a copy of the petition, notice of hearing and a copy of any ex parte order issued by the court shall be delivered with the child to the caretaker of the place where such child is taken into custody by the Tribal Indian Child Welfare Program.

B. Within fifteen (15) days of filing of the petition the court shall schedule a full hearing on the petition, regardless of whether an emergency ex parte order has been previously issued, requested, or denied. Provided, however, when a minor child has been removed from the residence and placed in the temporary custody of the Tribal Indian Child Welfare Program the court shall schedule a full hearing on the petition within seventy-two (72) hours, regardless of whether an emergency ex parte order has been previously issued, requested or denied.

C. At the hearing, the court may grant any protective order to bring about the cessation of domestic abuse against the victim or stalking or harassment of the victim, including committing any minor child into the custody of the Tribal Indian Child Welfare Program.

D. Protective orders authorized by this section may include the following:

1. An order to the defendant not to abuse or injure the victim;
2. An order to the defendant not to visit, assault, molest, harass or otherwise interfere with the victim;
3. An order to the defendant not to threaten the victim;
4. An order to the defendant to cease stalking the victim;
5. An order to the defendant to cease harassment of the victim;
6. An order to the defendant to leave the residence;
7. An order awarding attorney fees;
8. An order awarding court costs;
9. An order placing any minor child in the custody of the Tribal Indian Child Welfare Program.

E. After notice and hearing, protective orders authorized by this section may require the plaintiff or the defendant or both to undergo treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. Either party or both may be required to pay all or part of the cost of such treatment or counseling services. The court shall not be responsible for such cost.

F. When necessary to protect the victim and when authorized by the court, protective orders granted pursuant to the provisions of this section may be served upon the defendant by a peace officer, sheriff, constable, or policeman or other officer whose duty it is to preserve the peace.

G. Any protective order issued pursuant to subsection C of this section shall not be for a fixed period but shall be continuous until modified or rescinded upon motion by either party or if the court approves any consent agreement entered into by the plaintiff and defendant. If a child has been removed from the residence of a parent or custodial adult because of repeated domestic abuse committed by the child and is placed in the custody of the Tribal Indian Child Welfare Program, the parent or custodial adult may refuse the return of such child to the residence, until the child demonstrates a cessation of abusive behavior.

H. No order issued under the Domestic Violence Protection Code shall in any manner affect title to real property, purport to grant to the parties a divorce or otherwise purport to determine the issues between the parties as to child custody, visitation, child support or division of property or any other like relief obtainable under the Tribal Family and Divorce Ordinance.

Within twenty-four (24) hours of the return of service of any ex parte or final protective order, the clerk of the issuing court shall send certified copies thereof to all appropriate law enforcement agencies designated by the plaintiff. A certified copy of any modification, cancellation or consent agreement concerning a final protective order shall be sent to the clerk of the issuing court to those law enforcement agencies receiving the original orders pursuant to this section.

#### **SECTION 7. PENALTIES FOR VIOLATION:**

A. Except as otherwise provided by this section any person who has been served with an ex parte or final protective order and is in violation of such protective order, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by a term of imprisonment in the Tribal jail of not more than one (1) year, or both such fine and imprisonment.

B. Any person who after a previous conviction of a violation of a protective order is convicted of a second or subsequent offense pursuant to the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a term of imprisonment in the Tribal jail of not less than ten (10) days and not more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Five Thousand Dollars (\$5,000.00).

C. 1. Any person who has been served with an ex parte or final protective order who violates said protective order and without justifiable excuse causes physical injury or physical impairment to the plaintiff or to any other person named in said protective order shall, upon conviction, be guilty of a misdemeanor and shall be punished by a term of imprisonment in the tribal jail for not less than twenty (20) days nor more than one (1) year. In addition to the term of imprisonment, the person may be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00).

2. In determining the term of imprisonment required by this section, the jury or sentencing judge shall consider the degree of physical injury or physical impairment to the victim.
3. The provisions of this subsection shall not affect the applicability of Article 207, 208, 209, and 210 of the Tribal Criminal Violations Code.

D. The minimum sentence of imprisonment issued pursuant to the provisions of subsections B and C of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to the statutory provisions for suspended sentences, deferred sentences or probation.

E. In addition to any other penalty specified by this section, the court may require a defendant to undergo treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim or to bring about the cessation of stalking or harassment of the victim.

F. Ex parte and final protective orders shall include notice of these penalties.

G. When a minor child violates the provisions of any protective order, the court may, if the violation is to be heard in a juvenile proceeding, order the child to participate in counseling services necessary to bring about a cessation of domestic abuse against the victim and order community service hours to be performed in lieu of any fine or imprisonment authorized by this section.

#### **SECTION 8. NOTICE OF RIGHTS TO VICTIMS OF DOMESTIC ABUSE:**

Upon the preliminary investigation of any crime involving domestic abuse, it shall be the duty of the first peace officer who interviews the victim of the domestic abuse to inform the victim of the Tribal Domestic Abuse Program and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:

"As a victim of domestic abuse, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;
2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available; and
3. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for assistance and services; and,
4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order."

## **SECTION 9. NOTICE OF RIGHTS OF VICTIMS OF SEXUAL ASSAULT:**

A. A peace officer shall not discourage a victim of rape, forcible sodomy or domestic abuse from pressing charges against the assailant of the victim.

## **SECTION 10. WARRANTLESS ARRESTS:**

A peace officer may arrest without a warrant a person anywhere, including his place of residence, if the peace officer has probable cause to believe the person within the preceding four (4) hours has committed an act of domestic abuse as defined by Section 2 of this title, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this section without first observing a recent physical injury to, or an impairment of the physical condition of the alleged victim.

A. A peace officer, without a warrant, may arrest and take into custody a person if the peace officer has reasonable cause to believe that:

1. An emergency ex parte or final protective order has been issued and served upon the person, pursuant to this Code;
2. A true copy and proof of service of the order has been filed with the law enforcement agency having jurisdiction of the area in which the plaintiff or any family or household member named in the order resides;
3. The person named in the order has received notice of the order and has had a reasonable time to comply with such order; and
4. The person named in the order has violated the order is then acting in violation of the order.

B. The person named pursuant to this section shall be brought before the court within twenty-four (24) hours after arrest to answer to a charge for violation of the order, at which time the court shall do each of the following:

1. Set a time certain for a hearing on the alleged violation of the order within seventy-two (72) hours after arrest, unless extended by the court on the motion of the arrested person;
2. Set a reasonable bond pending a hearing of the alleged violation of the order; and
3. Notify the party who has procured the order and direct the party to appear at the hearing and give evidence on the charge.

## **SECTION 11. SEIZURE AND FORFEITURE OF WEAPONS**

A. Each peace officer of this state shall seize any weapon or instrument when such officer has probable cause to believe such weapon or instrument has been used to commit an act of domestic abuse as defined by this Code, provided an arrest is made, if possible, at the same time.

B. After such seizure, The Attorney General shall file a forfeiture action within ten (10) days of such seizure, or any weapon or instrument seized pursuant to this section shall be returned to the owner.

C. The seizure and forfeiture provisions as enacted by rules of the Tribal Court shall be followed for any seizure and forfeiture of property pursuant to this section. Provided, however, no weapon or instrument seized pursuant to this section or monies from the sale of any such seized weapon or instrument shall be turned over to the person from whom such property was seized if a forfeiture action has been filed within the time required by subsection B of this section, unless authorized by this section. Provided further the owner may prove at the forfeiture hearing that the conduct giving rise to the seizure was justified, and if the owner proves justification, the seized property shall be returned to the owner. Any proceeds gained from this seizure shall be placed in the Crime Victims Compensation Revolving Fund.

#### **SECTION 12. DOMESTIC VIOLENCE SERVICES:**

The Tribal Mental Health and Substance Abuse Services is the designated Tribal authority for provision and oversight of domestic violence and sexual assault services.

A. The Tribal Department of Mental Health and Substance Abuse Services is hereby authorized and directed to enter into agreements to contract for shelter and such other services as are needed for victims of domestic abuse or sexual assault.

#### **SECTION 13. CONFIDENTIALITY OF RECORDS:**

A. Except as otherwise provided by subsection B of this section, the case records, case files, case notes, client records, or similar records of a domestic violence or sexual assault program certified by the Department of Mental Health and Substance Abuse Services or of any employee or trained volunteer of such program regarding an individual who is residing or has resided in the program or who has otherwise utilized or is utilizing the services of a domestic violence or sexual assault program or counselor in such program shall be confidential and shall not be disclosed. For purposes of this paragraph, the term "client records" shall include, but not limited to, all communications, records and information regarding clients of domestic violence and sexual assault programs.

B. The records, files or notes of programs specified in subsection A of this section shall be confidential and shall not be disclosed except:

1. With the written consent of such individual, or in case of his death or disability, of his personal representative or other person authorized to sue on his behalf; or
2. By court order for good cause shown.

C. The district court shall not order the disclosure of the address of a domestic violence shelter.

#### **SECTION 14. CHILD CUSTODY:**

A. In every case involving the custody of, guardianship of or visitation with a child, the court shall consider evidence of ongoing domestic abuse which is properly brought before it. If the occurrence of ongoing domestic abuse is established by clear and convincing evidence, there shall be a rebuttable presumption that it is not in the best interests of the child to have custody, guardianship or unsupervised visitation granted to the abusive person.

B. In placing a child in the custody of an individual or in the custody of a private agency or institution, the court shall, if at all possible, select a person or an agency or institution governed by persons of the same religious faith as that of the parents of the child, or in case of a difference in religious faith of the parents, then of the religious faith of the child, or, if the religious faith of the child is not ascertainable, then the faith of either of the parents. It shall be left to the discretion of the judge to place children where their total needs will best be served. Under no circumstances shall a child be placed in the custody of an individual who is registered with any tribal, state or federal Sex Offender Registration. No individual that has been convicted of any crime involving domestic abuse or is married to or living with a person convicted of a crime involving domestic abuse shall receive custody unless that person is able to show by clear and convincing evidence that the child will not be at risk by such placement.

C. Prior to placing a child in the custody of an individual, the court shall inquire as to whether the individual has been previously convicted of a felony or a relevant misdemeanor or has any felony or relevant misdemeanor charges pending. Prior to the custody order being entered, the person shall respond by certified affidavit or through sworn testimony to the court and shall provide a criminal history record obtained from a county sheriff upon payment of Ten Dollars (\$10.00) to the sheriff's office. For purposes of this subsection, "relevant misdemeanor" may include, but shall not be limited to, assault and battery, alcohol- or drug-related offenses, crimes involving domestic abuse and other offenses deemed relevant by the court.

#### **SECTION 15. COURT ORDERED COUNSELING FOR PERPETRATORS:**

A. In addition to the other sentencing powers of the court, in the case of person convicted of any crime related to domestic abuse, as defined in Section 2 of this title, the court may require the defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. The defendant may be required to pay all or part of the cost of the treatment or counseling services; or

B. In addition to the other sentencing powers of the court, the court, in the case of a sex offender, shall require the person to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program must be approved by the probation officer who has supervisory authority over the defendant if the defendant is placed on probation, or the court, if the court retains supervisory authority over the defendant. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay.

**SECTION 16. EXPERT TESTIMONY IN CASES OF DOMESTIC ABUSE:**

In an action in a tribal court case, if a party offers evidence of domestic abuse, testimony of an expert witness concerning the effects of such domestic abuse on the beliefs, behavior and perception of the person being abused shall be admissible as evidence.

**SECTION 17. TRAINING OF JUDGES:**

A. All judges having juvenile or domestic docket responsibility may attend training pertinent to issues relating to juvenile law and child abuse and neglect and domestic abuse issues.

**SECTION 18. SERVICE TO MINOR DOMESTIC ABUSE VICTIMS:**

A. A domestic violence shelter facility may provide shelter and care to a minor mother, who is the victim of domestic abuse or is seeking relief from domestic abuse for herself or on behalf of any of her children or both herself and any of her children.

B. A domestic violence shelter facility may provide such shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor mother or her child or both the minor mother and any of her children. Such shelter or care shall not extend beyond thirty (30) days unless the facility receives an order issued by the court to continue such services of the parent or guardian of the minor mother consents to such services.

C. A complaint of contributing to delinquency of minors- punishment shall not apply to any domestic violence shelter facility and any person operating such facility who in good faith is providing shelter and care pursuant to the provisions of this section, to a minor mother and any of her children who is a runaway from her parent or legal guardian.

D. The show cause hearing shall be provided for the minor mother who is seeking relief from domestic abuse for herself or on behalf of any of the children.

**SECTION 19. HEALTH PROFESSIONALS REPORTING OF CRIMINALLY INFLICTED INJURIES:**

Any physician, surgeon, osteopathic physician, resident, intern, physician's assistant, or registered nurse, examining, attending, or treating the victim of what appears to be criminally injurious conduct shall report orally or by telephone the matter promptly to the nearest appropriate law enforcement agency to the jurisdiction wherein the criminally injurious conduct occurred.

**SECTION 20. LAW ENFORCEMENT REPORTING OF DOMESTIC VIOLENCE INCIDENTS:**

A. It shall be the duty of every law enforcement agency to keep a record of each reported incident of domestic abuse as provided in subsection B of this section and to submit a monthly report of such incidents as provided in subsection C of this section.

B. The record of each reported incident of domestic abuse shall:

1. Who the type of crime involved in the domestic abuse;
2. Show the day of the week the incident occurred; and
3. Show the time of day the incident occurred.

C. A monthly report of the recorded incidents of domestic abuse shall be submitted to the Chief of Police for the Kickapoo Tribe of Oklahoma.