

Civilian and Military Protection Orders: Which Should I Get?

Intro: A Story

Janette has a civilian job on a military base in Spokane. She recently ended a relationship with Chris. Chris is stationed there.

Against her wishes, Chris kept calling Janette and stopping by her office. Janette went to base command. She explained she wanted Chris to leave her alone.

Chris' commanding officer (CO) ordered him to stop having any contact with Janette. The CO gave Jeanette a military protection order. The CO explained that Chris will be held accountable if he bothers her.

A week later, Janette is shopping off base in the local grocery store. Chris approaches her. He asks her to give the relationship another chance. She tries to walk away. He follows her, shouting.

Bystanders call 911. The cops arrive.

Janette explains that she has a military protection order. The police look at her order. They say they cannot enforce it. They refer her to the local DV advocacy program to get a protection order from state court.

What's the problem here?

This story illustrates a common problem. There are key differences between the issuance and enforcement of protection orders by state courts (**civilian protection orders**) and those issued and enforced by the military (**military protection orders**). Knowing the differences will help you decide what to get.

Civilian and military protection orders are issued differently:

Civilian protection orders: State courts issue final protection orders after Respondent gets notice of the protection order and the chance to have a hearing. Respondent gets due process. Starting July 28, 2019, you can get the court to order Respondent to surrender weapons to local law enforcement.

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- ❖ "Due process" means at the hearing, Respondent gets to tell their side of the story and defend against Petitioner's allegations.
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Military protection orders: A commanding officer (CO) issues these. The military process allows CO's to order the service member to stop the abuse. The CO may also order the service member to do certain things or limit their access to firearms. **The service member gets no chance to respond.** The service member does not have due process protections. This is why states, tribes, and territories will not enforce military protection orders.

How do I get a civilian protection order against someone who is in the military and living and/or working on base?

You must have the person served with your protection order papers. Service of civilian orders on military installations is not easy. **Local law enforcement and service agencies do not have the authority to serve documents on military installations.** You may need to arrange for service to take place off base.

In your situation, base command and civilian law enforcement may have entered into a **memorandum of understanding (MOU)**. The MOU agrees how service of process will take place on individuals located on base. Ask local law enforcement if they have one. This will make service easier for you.

Will they enforce a civilian protection order on base?

The Department of Defense (DoD) has directed that protection orders issued by civilian courts have full force and effect on military installations.

Will they enforce a military protection order off base?

No. Civilian courts and law enforcement do not have the power to enforce military protection orders. You should report service members' violations of civilian and military protection orders to base command or military police.

Where can I get more info?

Read these:

- [Domestic Violence: Can the Legal System Help Protect Me?](#)

[Getting Your Paperwork Ready so You Can Get Help with Your Family Law Case](#)

Where can I get help?

The military's Family Advocacy Programs (FAP) promote public awareness within military and civilian communities and coordinate intervention at all levels, including law enforcement, social services, health services, and legal services. An FAP can tell you about your options through the military, as well as the civilian court system.

- **Army Resources** - <https://www.myarmyonesource.com/FamilyProgramsandServices/FamilyPrograms/FamilyAdvocacyProgram/TipsfortheHome/default.aspx>
- **Navy Resources** - www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/familyadvocacy/Pages/default.aspx
- **Air Force Resources** - There is no one website for all Air Force FAP's. Use this site to search for the installation: www.usafservices.com/Installations.aspx#ForceGridSearchBar
- **Marine Corps Resources** - usmc-mccs.org/services/support/family-advocacy/

The Battered Women's Justice Project's Military Advocacy Program provides technical help in matters related to domestic violence and military service members. They will discuss the pros and cons and help you navigate military and civilian domestic violence responses. Call (571) 384-0985.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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