



SUPREME COURT
THE JUDICIARY
REPUBLIC OF PALAU

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Amended Guidelines Relating to Actions for Restraining and Protective Orders
Subchapter II of the Family Protection Act

Unless amended or repealed, the following guidelines shall govern all actions for relief brought under Subchapter II of the Palau Family Protection Act (FPA). These guidelines shall take effect on the date stated below.

I Actions For Restraining and Protective Orders Shall Be Given Docket Priority

Actions filed under Subchapter II of the Palau Family Protection Act for restraining and protective orders shall be given docket priority and be brought immediately to the court's attention. 21 PNC § 822.

II Petition Form for Relief under Subchapter II of the FPA

Pursuant to 21 PNC § 823(c), a person seeking relief in the form of a restraining and protective order under Subchapter II of the FPA shall file a petition for such relief on forms provided by the court. The petition shall be executed under penalty of perjury and allege that: "a past act or acts of abuse may have occurred; threats of abuse make it possible that acts of abuse may be imminent; or extreme psychological abuse or malicious property damage is imminent." A copy of the Petition form is attached as Appendix A.

The petition shall be accompanied by an affidavit made under oath or a statement made under penalty of perjury stating the specific facts and circumstances from which relief is sought.

The petition forms are available at the Victims of Crime Advocate (VOCA) Office, the Ministry of Health and Human Services (MHHS), and the Office of the Clerk of Courts in Koror and Ngerulmud. The forms are also available at the Palau Judiciary's website: palausupremecourt.net

III Providing Assistance in Completing the Petition for Relief

Pursuant to 21 PNC § 823(d), the court designates the VOCA Office and MHHS, both nonjudicial agencies, to assist persons who need assistance in completing the petition form. 21 PNC § 823(d). Persons seeking a restraining or protective relief order and needing assistance in completing and filing the petition should immediately contact Ms. Eufrasia Mesungil Orrukem Rehm from the Office of Victims of Crime Advocate at 775-8622 or 775-VOCA. When warranted, a court employee may also provide the needed assistance in completing the form. However, in providing such assistance the court employee shall ensure that the contents of the petition come directly from the person completing the form and not from the court employee.

IV Service of Written Restraining and Protective Orders Under FPA

A *Respondent.* Any FPA order issued shall be personally served on the respondent or served by certified mail return receipt requested unless the respondent was present at the hearing, in which case the respondent shall be deemed to have notice of the order. 21 PNC § 828(a). Personal service shall be made immediately by a court marshal or a police officer as ordered by the court. Proof of service shall be filed on the day service is made.

B *Bureau of Public Safety.* A filed copy of the FPA order shall be delivered to the Bureau of Public Safety via email if an email address is available, or in person by a court marshal. Delivery of the order must be immediate. 21 PNC § 828(a).

C *Police Unit Near Petitioner's Residence.* An order granted for protection shall be transmitted by the clerk of courts within 24 hours to the police unit nearest the petitioner's residence. 21 PNC § 832.

D *Assistance in Executing Order.* Upon the petitioner's request, the court may order the police to serve the order and related documents upon the respondent and to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence. 21 PNC § 829.


V Ensuring Priority

Overall, the Judiciary commits to continually review and update its guidelines, procedures, or policies to ensure that a marshal, clerk, interpreter, and judge will be available to act on actions brought under Subchapter II of the FPA, regardless of the day and time. Alleged victims will have ordinary recourse to file petitions during the court's normal operating hours, as well as during emergency after-hours situations in which they will want or need immediate protection in the form of a court order.

In anticipation of emergencies, the Clerk of Courts will appoint an on-call FPA clerk and the Chief Marshal will appoint an on-call FPA Marshal to be available after normal working hours. These individuals shall ensure that actions filed under Subchapter II of the FPA outside the normal business hours shall be brought immediately to the attention of the court and that any FPA order granted shall be immediately served, delivered, and transmitted to all relevant parties.

The foregoing Guidelines are promulgated by the Supreme Court through its power to issue rules governing the administration of the courts, legal and judicial profession, and practice and procedure in civil and criminal matters under Article X, § 14 of the Palau Constitution. These amended guidelines take immediate effect and supersede any past practice, written or oral, on the subject and shall remain in effect unless amended or revoked in writing.

These Guidelines are promulgated and approved this 7th day of December 2022.



Oldiais Ngraikelau
Chief Justice
Palau Supreme Court