



SUPREME COURT
THE JUDICIARY
REPUBLIC OF PALAU

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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Unless amended or repealed, the following guidelines shall govern all actions for relief brought under Subchapter II of the Palau Family Protection Act. 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 (FPA) 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 for 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, 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 form for such relief should immediately contact Detective Lieutenant Jonnie Ngeluk of the VOCA Office at 775-1690 or her designee. 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 respondent, or served by certified mail return receipt requested, unless the respondent was present at the hearing in which case respondent shall be deemed to have notice of the order. 21 PNC § 828(a). Personal service shall be made immediately by a 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 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 petitioner's request, the court may order the police to serve the order and related documents upon 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 a judge can be available regardless of the day and time to act on actions brought under Subchapter II of the FPA. 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 emergency situations, 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.

These Guidelines are promulgated and approved this 20th day of April, 2022.



Oldiais Ngiraikelau
Chief Justice
Palau Supreme Court