



AMENDED MEMORANDUM OF UNDERSTANDING Between the Office of the Attorney General (“OAG”), Bureau of Public Safety (“BPS”), Ministry of Health and Human Services (“MHHS”), the Ministry of Education (“MOE”), and the Palau Judiciary CONCERNING THE FAMILY PROTECTION ACT (FPA)

This Amended Memorandum of Understanding (“MOU”) is entered by and between the Ministry of Justice (“MOJ”), through its subdivisions (1) Office of the Attorney General (“OAG”), (2) the Bureau of Public Safety (“BPS”), and (3) the Office of Victims of Crime Advocate (“VOCA”); the Ministry of Health and Human Services (“MHHS”), the Ministry of Education (“MOE”), and the Palau Judiciary, collectively “Parties”.

This document supersedes the original FPA MOU executed on July 14, 2014 between Parties.

RECITALS:

In recognition of the ongoing efforts to successfully implement the 2012 Family Protection Act and of the need for interagency cooperation, the Parties to this MOU each agree to the following:

Agreement:

Office of the Attorney General commits to:

- Provide training regarding the Act to law enforcement, including creating a list of questions or checklist to assist officers in fact finding;
- Be available by phone at all times to advise officers at the scene of family violence incidents to offer guidance on the law and investigation;
- Be available to meet with victims during the workday to provide general advice and information regarding victims’ rights and the services available to them;
- Be available to work with law enforcement to determine which offenders to hold in custody while preparing charging documents and to then work with the court to schedule arraignments;
- Prosecute incidents of violations of the act where there is ample evidence to prove a charge both as criminal cases and as citations (This includes criminal offenses as well as violations of temporary restraining orders and violations of course issued protective orders);
- Meet and work with victims of family violence and neglect concerning criminal case filings to learn about their concerns;
- Include requirements to do treatment as conditions in negotiated plea offers; and work with the MHHS in referring victims for individual support/ treatment.
- Offer training and assistance on obligations of MHHS personnel under the FPA, upon request.
- Attending meetings and providing reports to the FPA working group on a regular basis
- Collect data and maintain an internal database for monitoring and reporting the incidence of family violence and neglect and services provided.

The Bureau of Public Safety Acknowledges that universally there is a culture of underreporting family violence and neglect. BPS commits to help educate the public about family violence and neglect. BPS further commits to the following policy and procedures:

- When a person wishes to report a case of family violence and/or neglect, the BPS personnel to whom the case is being reported, shall take the same action he or she would with any other assault or crime;
- Under no circumstances is the victim to be dissuaded from reporting the case and action is to be taken in response to the report as soon as possible. In addition, the victim is to be asked whether he or she requires any help with the following:
 - Alternative accommodation
 - Counselling services
 - Support services
 - Medical evaluation
- The BPS shall provide training through the Office of Attorney General to all its officers to assure officers know that arrest is mandatory if children were present and that they can issue 24-hours stay away order citations if the circumstances warrant such, and that all its officers are aware of all other significant provisions under the FPA;
- If the victim wishes BPS assistance to collect clothing and personal items from the family home, this shall be provided, and BPS personnel are to stand by and ensure that no violent behaviour is exhibited.
- BPS will immediately contact the VOCA at 775-1690 upon receiving a call related to an FPA incident.
- The BPS will also inform the victim of their option to file a civil petition for order of protection. If the victim wishes to proceed with such an option, the BPS will contact the Marshal's office at 488-4979 during regular working hours. After hours, the police should contact the on-call Marshalls directly at 775-2607/ 775-7024. Should the on-call Marshal not response they are to call the back-up Marshal at 775-5013
- The BPS will provide reports on any family violence and neglect cases to the Attorney General's office within 24 hours (or next working day)
- The BPS will, in conjunction with the Attorney General's Office, develop protocols to determine which offenders to hold in custody while Attorney General's Office prepares charging documents to immediately file in court;
- Upon service of the BPS of a copy of a temporary restraining order and/or protective orders, the BPS through the chief of Patrol, will assure that each shift commander, dispatcher, and all other officers are aware of the orders. The BPS will continue to develop and perfect procedure for informing officers of the existence of Protective Order from one shift to the next and not just during working hours but including after hours;
- The BPS will give priority to protective orders.
- The BPS will maintain clear and open communication with the Marshals' Office to ensure that each agency's efforts and respective procedures collaboratively achieve the goals of the FPA.
- Attend meetings and providing updates to the FPA working group on a regular basis
- Collect data and maintain an internal database for monitoring and reporting the incidence of family violence and neglect and services provided

The Office of the Victims of Crime Advocate agrees to:

- Educate the public about family violence and neglect
- Serve as the focal point for reporting FPA incidents
- Accompany the victim to collect clothing and personal items from the family home
- Assist the victim should she or he require any help with the following:
 - Court Forms
 - Assistance Application Forms
 - Alternative accommodation
 - Counselling services
 - Support services
 - Medical evaluation;
- Conduct FPA-related data analysis to help inform FPA stakeholder group meetings and implementation plan report
- Collect data and maintain an internal database for monitoring and reporting the incidence of family violence and neglect and services provided.
- Attend meetings and providing updates to the FPA working group on an agreed to basis.

The Ministry of Health and Human Services commits to offering the following services:

- Coordinate the Implementation of the FPA; Provide public awareness on FPA
- Evaluate the need and interest in a shelter and assess crisis accommodation models.
- Create a national data and statistics database for incidents of family violence and neglect
- Provide other assessments, intervention, and treatment as ordered by the court;
- Improve and expand the offender program based on recommendations from the review and lessons learned from running previous programs.
- Provide medical reports, testimony, and advice to police and the Attorney General's Office, as requested;
- Report suspected abuse, as required by 17 PNC 1309 and 21 PNC 603
- Modify existing protocol with schools and other community organisations to include referrals for suspected family violence and cases of neglect;
- Coordinate referral and access to existing services from Belau National Hospital and other relevant agencies;
- Maintain and improve existing protocols and gathering of evidence
- Collect data and maintain an internal database of family violence and neglect and services provided
- Attend meetings and providing written reports to the FPA working group on an agreed to basis
- Provide mental health first aid and other related trainings for law enforcement and first responders when available and appropriate.

The Ministry of Education commits to:

- Develop internal protocols that outline to all staff what is expected when responding to cases of family violence and cases of neglect and ensure they reflect the agreed referral protocol (To be developed)
- Include professional development about family protection matters in annual convention for teachers and school principals, including how to identify signs of abuse (And internal protocols)

- Incorporate age-appropriate family protection-related content into the school curriculums
- Develop and Implement family protection awareness activities and child-friendly reporting mechanisms in schools
- Report suspected abuse, as required by 17 PNC 1309 and 21 PNC 603
- Establish data collection and storage mechanisms, aligned with the national data framework
- Attend meetings and providing updates to the FPA working group on an agreed to basis
- Collect data and maintain a database for monitoring and reporting the incidence of family violence and neglect and services provided.

Consistent with the relevant provisions of Subchapter II of the Family Protection Act - Domestic Abuse Restraining Orders and Protective Orders - the Palau Judiciary shall adopt guidelines to implement the following:

- giving docket priority to actions brought pursuant to 21 PNC § 822;
- ensuring that access to the court is maintained for emergency situations occurring after normal working hours;
- providing petition forms for relief and designating an employee or nonjudicial agency to assist the person in completing the form pursuant to 21 PNC § 823(d);
- insuring that restraining and protection orders, temporary or permanent, are timely and properly served on all relevant parties; and
- continuing the court's current practice of handling filed FPA actions, pending the adoption of guidelines to implement the foregoing.

IN WITNESS WHEREOF, the parties have hereto set their hand, affixing their mark in execution of this Memorandum of Understanding on the date(s) below written.


For and on behalf of the Ministry of Justice



J. Uduch Sengebau Senior
Vice President/ Minister

Date: March 11, 2022

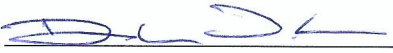
For and on behalf of the Ministry of Health and Human Services



Gaafar Uherbelau
Minister

Date: 3/11/2022


For and on behalf of the Ministry of Education



Dr. Dale Jenkins
Minister

Date: 3/4/2022

For and on behalf of the Palau Judiciary



Honora E. Remengesau Rudimch
Associate Justice

Date: 11 Mar '22