

**TITLE 26 - FAMILY**  
**CHAPTER 9 - DOMESTIC VIOLENCE PREVENTION AND PROTECTION ACT,**  
**2011**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**DOMESTIC VIOLENCE PREVENTION AND**  
**PROTECTION ACT, 2011.**

**Index**

<b>Section</b>	<b>Page</b>
§901. Short title. ....	3
§902. Purpose. ....	3
§903. Definition. ....	4
§904. Domestic Violence Offense. ....	5
§905. Domestic Violence Penalties. ....	6
§906. Power of Court to Grant a Protection Order. ....	6
§907. Mandatory Conditions of Protection Order. ....	6
§908. Permissive Conditions of a Protection Order. ....	7
§909. Temporary Protection Order. ....	8
§910. Further Hearing by a Court. ....	8
§911. Reserved. ....	9
§912. Who can apply for a Protection Order. Who can File Petition. ....	9
§913. Form and Content of Petition. ....	9
§914. Violation of Protection Order. ....	10
§915. Restitution. ....	10
§916. Reserved. ....	11
§917. Reserved. ....	11
§918. Service of Protection Orders. ....	11
§919. Reserved. ....	11
§920. Reserved. ....	11
§921. Modification and Rescission. ....	11
§922. Consent Orders. ....	11
§923. Collaborative Reporting. ....	12

§924.	Duty to Investigate and Prosecute.....	12
§925.	Emergency Assistance.....	13
§926.	Domestic Violence Prevention and Protection Fund.....	13
§927.	Central Data Collection, Monitoring, Reporting. ....	13
§928.	Effective date. ....	14

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**DOMESTIC VIOLENCE PREVENTION AND**  
**PROTECTION ACT, 2011.**

**AN ACT** to prevent domestic violence, protect complainants or survivors of domestic violence; to ensure investigation, prosecution and punishment of perpetrators of domestic violence; to provide treatment, rehabilitation of survivors and perpetrators, and other related matters.

*Commencement:*

*September 29, 2011*

*Source:*

*P.L. 2011-60*

*P.L. 2019-103*

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**§901. Short title.**

This Act may be cited as the Domestic Violence Prevention and Protection Act, 2011. .

**§902. Purpose.**

The purposes of this Chapter are:

- (1) to prevent violence between family members and others who are in domestic relationships;
- (2) to emphasize that domestic violence is not acceptable in the Republic;
- (3) to ensure the investigation of claims of domestic violence and the prosecution and punishment of persons who commit domestic violence;

- (4) to provide support for victims of domestic violence.

### §903. Definition.

As used in this Chapter:

- (1) "assault" has the same meaning as an offence defined under the Criminal Code.
- (2) "child" means an individual or person under the age of 18;
- (3) "court" means any Community Court, District Court and High Court of the Marshall Islands;
- (4) "domestic violence" means a person who is living with the subject person as a couple on a genuine domestic basis, or a person who is in a relationship with the subject person where one provides or both provide personal or financial commitment and support of a domestic nature for the benefit of the other, even if they are not living together;
- (5) "economic abuse" means:
  - (a) denying a spouse or domestic partner access to joint finances;
  - (b) failing to pay bills, provide food, provide shelter or provide for children's needs when money is available for such things; or
  - (c) prohibiting a spouse or partner from seeking or engaging in paid work or attending educational or training, or engage in other income generating activities.
- (6) "family member" means immediate family member including spouse, child and parent;
- (7) "petition" means a petition for a protection order;
- (8) "petitioner" means the person for whom a protection order is sought;
- (9) "protection order" means an order issued by the court pursuant to Section 906 of this Chapter.
- (10) "psychological abuse" means the perpetration of malicious and explicit nonphysical acts such as intimidation, harassment, damage to property and threats of physical abuse

or sexual abuse, and in relation to children , includes causing or allowing a child to see or hear physical, sexual or emotional abuse of a person with whom the child has a domestic relationship;

- (11) "respondent" means the person against whom a protection order is sought;
- (12) "spouse" includes the current spouse of the subject person, a former spouse of the subject person, and other biological parent of a child for whom the subject person is also a biological parent;
- (13) "sexual assault" includes every act of a sexual nature made illegal by the Criminal Code; and
- (14) "to stalk" means to pursue or harass or persecute another person by means of unwanted or obsessive attention.[amended by P.L.2019-103]

## **PART II- DOMESTIC VIOLENCE OFFENSE AND PENALTIES**

### **§904. Domestic Violence Offense.**

- (1) A person commits an act of domestic violence if the person::
  - (a) assaults a family member;
  - (b) psychologically abuses a family member;
  - (c) sexually assaults a family member;
  - (d) economically abuses a family member;
  - (e) continuously and unlawfully restrains the freedom of movement of a family member;
  - (f) stalks a family member;
  - (g) unlawfully behaves in an indecent manner to a family member;
  - (h) unlawfully damages or causes damage to a family member's property.
- (2) Any person who counsels or procures another to commit any of the acts under subsection (1) commits an act of domestic violence.