

AMERICAN SAMOA CIVIL PROTECTION ORDERS

Survivors across the country seek safety through civil protection orders. Courts use these vital orders to issue stay away orders, or order an abuser pay medical bills, and even make temporary custody decisions. The remedies are important, but jurisdictions often have several types of orders and the distinctions are not always clear. This resource provides a brief overview of the different types of civil protection orders in each jurisdiction, answering vital questions such as: who can apply; and who can be restrained? The orders included in this resource are limited to those where a survivor can apply themselves, other protective measures may exist in your jurisdiction—reach out to VRLC’s TA team if you have questions!

In American Samoa, there is 1 type of civil protection order:

- **Order of Protection** is available for individuals seeking protection from a family or household member (AM. SAMOA CODE ANN. §§ 47.0102 - 47.0207.).



DOMESTIC OR FAMILY VIOLENCE

<p>Who can apply?</p>	<p>The following persons may apply for protective orders: a victim of domestic or family violence; a parent, guardian, or other representative of a minor child seeking a protective order on behalf of the minor child. <i>AM. SAMOA CODE ANN. § 47.0201.</i></p> <p>Domestic or family violence means the occurrence of one or more of the following acts by a family or household member (excluding acts of self-defense):</p> <ul style="list-style-type: none"> • Attempting to cause or causing physical harm to another family or household member; • Placing a family or household member in fear of physical harm; or • Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress. <p><i>AM. SAMOA CODE ANN. § 47.0102(1).</i></p> <p>See “Who can be restrained?” for the definition of family or household member.</p> <p>Note: There is no minimum requirement of residency to petition for a protective order.</p>
<p>Can minors apply?</p>	<p>No, but a parent, guardian, or other representative of a minor child may do so on behalf of the minor child. <i>AM. SAMOA CODE ANN. § 47.0201(b).</i></p>
<p>Who can be restrained?</p>	<p>Anyone who is a family or household member of the petitioner, or of the minor child on whose behalf the protective order is sought, who has committed an act of domestic or family violence against the petitioner or the minor child may be restrained by a protective order. <i>AM. SAMOA CODE ANN. § 47.0201(a)-(b).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC OR FAMILY VIOLENCE

<p>Who can be restrained?</p>	<p>A family or household member includes:</p> <ul style="list-style-type: none"> • Adults or minors who are current or former spouses; • Adults or minors who live together or who have lived together; • Adults or minors who are dating or who have dated; • Adults or minors who are engaged in or who have engaged in a sexual relationship; • Adults or minors who are related by blood or adoption; • Adults or minors who are related or formerly related by marriage; • Persons who have a child in common; and • Minor children of a person who is in one of the relationships described above. <p><i>AM. SAMOA CODE ANN. § 47.0102(2).</i></p>
<p>What types of relief may a court order?</p>	<p>The court may grant the following relief ex parte, without notice or hearing, in response to an emergency or non-emergency petition:</p> <ol style="list-style-type: none"> 1. Prohibit the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and or family member; 2. Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly; 3. Remove and exclude the respondent from the petitioner’s residence, regardless of who owns the residence; 4. Order the respondent to stay away from the petitioner’s residence, school, or place of employment, or any specified place frequented by the petitioner and any designated family or household member; 5. Grant petitioner access to an use of an automobile or other essential personal effects regardless of ownership; 6. Prohibit the respondent from using or possessing a firearm or other weapon specified by the court; <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC OR FAMILY VIOLENCE

<p>What types of relief may a court order?</p>	<p>7. Grant temporary custody of a minor child or of minor children to the petitioner; and</p> <p>8. Order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member.</p> <p><i>AM. SAMOA CODE ANN. § 47.0203.; AM. SAMOA CODE ANN. § 47.0204(a).</i></p> <p>The court may grant the following relief – after notice and a hearing, even if the respondent doesn’t appear:</p> <ol style="list-style-type: none"> 1. Grant any of the relief listed above; 2. Specify arrangements for the respondent’s visitation with any minor child and require supervision of that visitation by a third party or deny visitation if necessary to protect the safety of the petitioner or child; 3. Order the respondent to pay attorney’s fees; 4. Order the respondent to: <ul style="list-style-type: none"> • Pay rent or make payment on a mortgage on the petitioner’s residence and pay for the support of the petitioner and minor child if the respondent is found to have a duty to support the petitioner or minor child; • Reimburse the petitioner or other person for any expenses associated with the domestic or family violence, including but not limited to medical expenses, counseling, shelter, and repair or replacement of damaged property; and • Pay the costs and fees incurred by the petitioner in seeking an order for protection. <p><i>AM. SAMOA CODE ANN. § 47.0204(c).</i></p>
<p>How long does the order last?</p>	<p>(1) Emergency Protective Order: Expires 72 hours after it is issued.</p> <p><i>AM. SAMOA CODE ANN. § 47.0203(e).</i></p> <p style="text-align: right;"><i>continued on next page</i></p>



DOMESTIC OR FAMILY VIOLENCE

<p>How long does the order last?</p>	<p>(2) Non-Emergency Order for Protection (issued ex parte or upon notice and hearing): Effective until further order of the court. <i>AM. SAMOA CODE ANN. § 47.0204(e).</i></p>
<p>Can the order be renewed?</p>	<p>As noted above, an order of protection is effective indefinitely until further order of the court. <i>AM. SAMOA CODE ANN. § 47.0204(e).</i></p>
<p>Is a hearing with the respondent required?</p>	<p>Emergency Order for Protection: An emergency order for protection may be granted “ex parte”, i.e., without the respondent being notified or present. However, an emergency order for protection lasts for only 72 hours. <i>AM. SAMOA CODE ANN. § 47.0203(a), (e).</i></p> <p>(Non-Emergency) Order for Protection: Yes – in the following two circumstances;</p> <ul style="list-style-type: none"> • If the court issues an ex parte order of protection and either party requests a hearing within 30 days, the court must schedule a hearing on the petition. The hearing must be held within 10 days of the request unless good cause is shown. • The court must schedule a hearing on the petition within 10 days after the petition is filed if the court issues an order for protection ex parte; and <ul style="list-style-type: none"> ◦ The order concerns temporary custody of a minor child; ◦ The order concerns payment in support of the petitioner, including mortgage or rent, child support, or expenses incurred due to the domestic or family violence. <p><i>AM. SAMOA CODE ANN. § 47.0205.</i></p>

HOW TO APPLY

Forms are available online at <https://www.lawhelp.org/as/forms/>.

Forms are available at courthouses. The clerk of the court or other designated person shall provide to you the necessary forms as well as clerical assistance in filling out the forms and filing the petition.

AM. SAMOA CODE ANN. § 47.0202(d).

Forms are also available from the Department of Human and Social Services and the Office of the Attorney General.

AM. SAMOA CODE ANN. § 47.0601(b).

There are no fees for filing for domestic violence protective orders.

AM. SAMOA CODE ANN. § 47.0206.

SCAN ME!



For specific questions about how to use this guide, or if you have any other questions, VRLC is here to help!

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