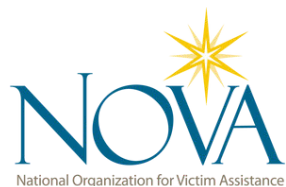




Toolkit for Serving Military-Connected Victims/Survivors of Domestic Abuse



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Helping Community Professionals and Advocates Serving Military-Connected Victims/Survivors of Domestic Abuse

INTRODUCTION

This toolkit includes a checklist and resources to provide community professionals and advocates with a guide for assessing and assisting victims/survivors of domestic abuse who have a connection to the U.S. Armed Forces.

UNDERSTANDING “MILITARY-CONNECTED”

The term “military-connected” refers to any active duty service members, reservists, national guard members, veterans, and their current or former spouse, intimate or dating partners, dependents, or someone who has shared a home or child with the aforementioned service members. The most recent data from the Department of Defense (2021) estimates there are over 1.33 million active duty members, 1.01 million reservists and national guard members, 2.55 million family members, and approximately 19 million veterans throughout the United States and U.S. territories.

Data retrieved from Military One Source, “2021 Demographics, Profile of the Military Community” <https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf> and The Pew Research Center, “The Changing Face of America’s Veteran Population” (2021) <https://www.pewresearch.org/fact-tank/2021/04/05/the-changing-face-of-americas-veteranpopulation/>.

Military-Connected Domestic Abuse Checklist

Are you military-connected?

Have you, or your current or former spouse, intimate or dating partner served in the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard (to include the Reserves or National Guard)?

If YES, are you, or your current/former spouse, intimate/dating partner currently:

1. A service member on active status (active duty, activated guard, or reserve “on orders”)?
2. A dependent of active status service member (eligible for care in the military medical system)?
3. A retired service member?

Note: Civilian non-dependents are eligible to receive an intake, risk/lethality assessments, safety planning, and a warm hand-off to civilian providers.

If YES to 1, 2, 3:

4. Are you or have you been in contact with a military Family Advocacy Program (FAP)?¹
5. Have you been told about, or requested a restricted report?²
6. Have you requested a military financial support order?³

If NO to 1, 2, 3:

4. Are you, or your current/former spouse, intimate/dating partner currently serving in the Reserves or National Guard?

If NO, go to a.

5. Have you requested a military protection order (MPO)?⁴
6. Do you have a protection or restraining order issued by a civilian court (civilian protection order (CPO))?

If YES to MPO or CPO: Have you notified FAP, base law enforcement, or the service member’s commanding officer that you have this order?⁵

- a. Have you sought assistance from Special Victims’ Counsel (SVC) or Victims’ Legal Counsel (VLC)?⁶
- b. Are you or your intimate partner currently enrolled in the Veterans Affairs (VA) healthcare system?

If YES, are you in contact with the Intimate Partner Violence Assistance Coordinator at your local VA Medical Center?

Checklist Footnotes

(1) FAP can provide advocacy and counseling services and communication with the service member's command if that is what the victim/survivor wants. Find the FAP nearest you with the **Family Advocacy Personnel Locator**. A victim can be assisted by a FAP office of a different branch of service or from a different installation than where the service member is stationed. Reserve and National Guard members and their intimate partners are not eligible for FAP services unless the service member is on federal orders or either party is eligible for military healthcare. Advocates, please explain to the survivor the benefits and limitations of restricted reports.

(2) Restricted reports allow victims to receive FAP services without notifying military law enforcement or a service member's command about an allegation. They are subject to some exceptions to include imminent threat of serious bodily injury or death, or suspected child abuse. Victims can only make restricted reports to FAP advocates, military healthcare professionals, and chaplains. An MPO is not available under restricted reporting. **See DoD Coordinated Community Response to Domestic Violence Abuse Involving DoD Military and Certain Affiliated Personnel DoD Instruction 6400.06**

(3) Commanding officers (COs) may issue military support orders requiring service members to financially support their dependents. When they do, it is often when no support order has been issued by a civilian court.

(4) See FAQs for the definition of an MPO.

(5) The Armed Forces Domestic Security Act requires that valid protection orders issued by civilian courts be given the same force and effect on military installations and property as in the issuing jurisdiction.

(6) SVCs and VLCs provide legal assistance to victims of sexual assault, domestic/dating violence, stalking, and child abuse and neglect. Special Victims' Counsel (SVC) are used by the Army, Air Force, Space Force, National Guard, and Coast Guard, and the Victims' Legal Counsel (VLC) are used by the Navy and Marine Corps.



Military Protective Orders (MPOs) and Civilian Protective Orders (CPOs) Questions & Answers (Q&A)

Q: What is a “DD Form 2873, Military Protection Order” (MPO)?

A: A [DD Fm 2873, Military Protective Order \(MPO\)](#) is an order issued by a commanding officer (CO) that restricts a service member from having contact with those persons identified in the order, usually victims of alleged abuse.

Note: Requesting an MPO will result in a restricted report becoming unrestricted.

Q: What is a civilian protection order?

A: A [civilian protection order \(CPO\)](#) is defined as any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order. The order must be issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Q: How long does an MPO last?

A: An MPO shall remain in effect until the CO terminates the order or issues a replacement order. See [10 U.S.C. § 1567](#).

Q: Can civilian law enforcement enforce an MPO?

A: Generally, civilian law enforcement cannot enforce an MPO, but can notify military authorities if they suspect it is being violated and a CO may punish a service member for violating an MPO off-base. Law enforcement may also arrest on violations of local, county, and state laws. Thus, unlike CPOs, MPOs are not afforded “full faith and credit” under the Violence Against Women Act.

Q: What happens if an active duty member violates an MPO?

A: Violations of MPOs can be prosecuted under the Uniform Code of Military Justice (UCMJ) for [failure to follow a lawful general order or regulation, or willfully disobeying a lawful order from a superior officer](#).

Q: Are the civilian law enforcement aware when there is an MPO in place?

A: COs must register all MPOs in the National Crime Information Center Protection Order File via the installation law enforcement agency. COs are also required to notify the appropriate civilian authorities of the MPO within 7 days of the issuance of the order. This will not lead to civilian enforcement of the MPO, but civilian authorities may notify the listed military Point of Contact (POC) in NCIC POF of potential violations.

Q: Can you have both a CPO and MPO?

A: Yes, in fact, Commanding Officers (COs) should “encourage the victim to seek a CPO, as **appropriate**.” The MPO could “provide the victim time to pursue a protection order through a civilian court (should they choose to do so) or should **support any existing CPO**.”

Q: Is a CPO entitled to enforcement on a military installation?

A: Pursuant to the **Armed Forces Domestic Security Act**, a CPO has the same force and effect on a military installation as such order has within the jurisdiction of the court that issued the order. Thus, the terms and conditions of the CPO must be enforced on the installation.

Q: What happens if a service member violates a CPO?

A: An active duty service member who violates a CPO may be subject to administrative and/or disciplinary action under the **Uniform Code of Military Justice**. Additionally, the CPO can be enforced in both courts and law enforcement in all jurisdictions in which the order is violated.

Q: Can a pet be included in an MPO?

A: A request to include a pet may be made under Section 7 of **DD Form 2873**. A victim may also identify the harm to the pet under Section 5 of the form.

Q: What happens if an active-duty member's status, duty station, unit, or command changes?

A: COs must report all changes in the subject's status End of Active Service (EAS), Permanent Change of Station (PCS), Permanent Change of Assignment (PCA), Temporary Duty Travel (TDY), deployment, etc. to the military law enforcement agency (LEA). When a member is temporarily or permanently reassigned, the losing CO must notify the gaining CO of the MPO. The gaining CO may continue the MPO by issuing a new DD Form 2873. The losing CO must cancel the MPO upon transfer. When a subject reaches their EAS, the losing CO must cancel the MPO.



	Military Protection Order (MPO)	Civil Protection Order (CPO)
Initiated by?	A survivor can request an MPO. Commanding Officers (CO) may initiate the process without the consent of the parties. Family Advocacy Personnel (FAP) may request an MPO on behalf of a survivor.	Survivor initiates the process. Note: A person acting on behalf of the survivor (parent or guardian) may also initiate a filing per statute.
Issued by?	A CO issues an MPO.	A local civil court issues a CPO.
Enforced?	Enforced within military installations or by military law enforcement agencies. MPOs are NOT enforceable by civilian law enforcement.	Enforced anywhere (on and off military installations), and by civilian law enforcement.
Due Process	CO can immediately, without providing prior notice and opportunity for the active-duty member to present their side of the story. Does not require survivor to appear in court.	Due process required: Notice (service of process) and opportunity to be heard (a hearing) must be provided to the respondent.
Relief	Generally, limited in nature but can be tailored to a survivor's needs.	Available relief is determined by the issuing court's jurisdiction's statutes. Generally, CPOs offer comprehensive relief, which can include: economic relief, stay away provisions, no contact, use and possession of home, property, financial support, child custody, and firearm prohibitions.
Supersedes other orders	Does not supersede CPOs; both can be in place concurrently. An MPO can be at least or more restrictive than a CPO (but an MPO's less strict conditions do not take precedence over a CPO).	Is not superseded by MPOs; both can be in place concurrently.
Duration	An MPO shall remain in effect until the CO terminates the order or issues a replacement order.	Duration is determined by the issuing court's jurisdiction's statutes.
Violation Consequences	Can result in military disciplinary actions.	Can result in civil or criminal contempt or other legal penalties.
Full Faith & Credit under the Violence Against Women Act	Not granted full faith and credit and is only enforceable by military law enforcement agencies and/or the CO.	Order is entitled to full faith and credit and is enforceable by all courts and law enforcement in all States, tribes, and U.S. territories.
Fees	No cost.	No cost for victims of DVSAS for issuance, service, registration, dismissal, enforcement, or withdrawal of a protection order.
Who can assist?	Free assistance available from the Family Advocacy Program.	Free assistance from legal services and advocacy programs for filing and representation.
Firearms Prohibitions	Does not trigger 18 U.S.C. § 922(g)(8).	May include state and federal firearm prohibitions.

Department of Defense Directives, Instructions, and Guidance on Family Advocacy and Child Abuse Incidents

- **DoD Instruction 6400.06**: Coordinated Community Response to Domestic Abuse Involving DoD Military and Certain Affiliated Personnel
- **DoD Instruction 6495.02**: Sexual Assault Prevention and Response: Program Procedures
- **DoD Instruction 6400.01**: Family Advocacy Program
- **DD Form 2893**: Victim Advocate Safety Plan
- **DoD Instruction 1342.24**: Transitional Compensation (TC) for Abused Dependents
 - The TC Program provides assistance to eligible dependents of service members when the member has been separated from the military due to domestic abuse or a child abuse offense.
- **DoDI 6400.09**: DoD Policy on Integrated Primary Prevention of Self-Directed Harm and Prohibited Abuse or Harm
- **DoD Intimate Partner Physical Injury Risk Assessment Tool – IPPI-RAT**



Tools and Resources for Advocates and Survivors

- [Strategic Assessment of Firearm Enforcement \(S.A.F.E. Tool\)](#)
- [Firearm Checklist for Advocates](#)
- [Full Faith and Credit for Protection Orders: Assisting Survivors with Enforcement Across Jurisdictional Lines](#)
- [Increasing Your Safety: Full Faith and Credit for Protection Orders](#)

Firearms and Protections Orders

- State Firearm Prohibitions: The [Armed Forces Domestic Security Act, 18 U.S.C. 1561a](#) requires the terms and conditions of a CPO to be enforced on installation including firearm prohibitions issued as part of the order.
- Federal Firearm Prohibitions: It is a violation of federal law to possess a firearm and/or ammunition while subject to a disqualifying protection order. [18 U.S.C. 922\(g\)\(8\)](#).

Official Use Exemption, [18 U.S.C. 925\(a\)\(1\)](#):

- This exemption applies to military personnel's use and possession of a firearm or ammunition whether on or off duty, as long as the officer's official duties require the possession of the firearm or ammunition.
- On the other hand, federal law would be violated if an officer subject to a disabling restraining order receives or possesses a firearm or ammunition in a personal capacity or was prohibited from possessing firearms under state law.
- Moreover, this exemption does NOT apply to military personnel convicted of a misdemeanor crime of domestic violence. [18 U.S.C. §922\(g\)\(9\)](#). For additional information see Official Use Exemption NCPOFFC Technical Assistance Bulletin.

DoD policy covers misdemeanor convictions and felony convictions for a crime of domestic violence.

- Personal firearms will be surrendered, transferred, or disposed of if state federal law requirements are met.
- Military personnel will be prevented from possessing, accessing, or transporting government issued firearms if federal law requirements are met.
- There is no official use exemption.
- Exceptions:
 - Major military weapons systems
 - Crew-served military weapons and ammunition (e.g., tanks, missiles, aircraft).

Additional Resources

Installation Mental Health Resources (may vary upon location):

- Social Work Services
- Chaplain
- Military One Source
- VA Mental Health Resources

Military One Source: <https://www.militaryonesource.mil/>

Department of Defense Sexual Assault Prevention and Response (SAPR):
<https://www.sapr.mil>

United States Armed Forces Legal Assistance (find a legal office):
<https://legalassistance.law.af.mil/>

Department of Defense Domestic Abuse/Family Advocacy Program (by state): <https://www.militaryonesource.mil/leaders-service-providers/child-abuse-anddomestic-abuse/victim-advocate-locator/>

The Battered Women's Justice Project (BWJP): <https://bwjp.org/>

National Organization for Victim Assistance: <https://www.trynova.org/>

National Center on Protection Orders and Full Faith & Credit:
<https://bwjp.org/our-work/national-center-on-protection-orders-and-full-faith-credit/>



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