

ORIGINAL

2022 OK 88



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

CHELSEY ANN WREN, on behalf of
minor family member T.D.C.,

Plaintiff/Appellee,

v.

ROBERT LEE YATES,

Defendant/Appellant.

Rec'd (date)	11-8-22
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FILED
SUPREME COURT
STATE OF OKLAHOMA

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JOHN D. HADDEN
CLERK

No. 119,642

) **FOR OFFICIAL PUBLICATION**

COMBS, J., with whom KAUGER, J., joins, concurring specially:

¶ 1 As with *Milne v. Hudson*, 2022 OK 84, --- P.3d ---, this case comes down to the plain language of the state statute and the tribal statute, neither of which conditions the issuance of a protective order upon the parties' status as Native American or non-Native American. The state statute provides:

§ 60.2 Protective order—Petition—Complaint requirement for certain stalking victims—Fees

A. A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim or rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years [to] seek relief under the provision of the Protection from Domestic Abuse Act.

1. The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred. . . .

22 O.S.Supp.2020, § 60.2 (amended 2022). Similarly, the tribal statute provides:

SECTION 5-1201.2 PROTECTIVE ORDER; PETITION

A. The [tribal] Court shall have full civil jurisdiction to issue and enforce Protective Orders *involving any person in matters arising in the Indian Country of the Chickasaw Nation* or otherwise within the authority of the Court.

B. The following persons may seek relief under the provision of this Section by filing a petition for Protective Order with the Court:

1. any victim of Domestic Abuse who is age sixteen (16) years or older;
2. any victim of Stalking who is age sixteen (16) years or older;
3. any victim of Harassment who is age sixteen (16) years or older; or
4. *any adult or emancipated Child who is a Family or Household Member of a victim who is a Child or incompetent, on behalf of such victim.*

.....

Chickasaw Nation Code § 5-1201.2 (last amended Feb. 22, 2021), <https://code.chickasaw.net/Title-05.aspx> (emphasis added). Only the location of the offending conduct or the location of one party's residence matters. Where that location can be classified as *both* state *and* tribal territory, both courts have jurisdiction—that is, *concurrent jurisdiction*—to issue a protective order.