

State and Territorial Full Faith and Credit Statutes

National Center on Protection Orders and Full Faith & Credit, *Full Faith and Credit Statutes*, BATTERED WOMEN'S JUSTICE PROJECT (June 30, 2024)

This project was supported by Grant No. 15JOVW-23-GK-05133-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



PROTECTION ORDERS

NATIONAL CENTER ON PROTECTION
ORDERS AND FULL FAITH & CREDIT

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Full Faith and Credit for Protection Orders

About this Matrix:

The full faith and credit provision of the Violence Against Women Act (VAWA), [18 U.S.C. § 2265](#), requires states, tribes, and territories to honor and enforce qualifying protection orders issued by other jurisdictions. This means a protection order that is issued in one jurisdiction is enforceable in *all* other states, tribal lands, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, the Northern Mariana Islands, and Guam. The protection order must also meet the statute's jurisdictional and due process requirements. The issuing court must have (1) personal and (2) subject matter jurisdiction to issue the order and the respondent must have (3) notice and (4) an opportunity to be heard within the time required by the law of the issuing jurisdiction. 18 U.S.C. § 2265(b).

The full faith and credit provision of VAWA is not self-implementing. Since the passing of VAWA, every state with the exception of New Jersey have enacted FFC enabling language. New Jersey's Attorney General's office has issued guidance and police protocols on full faith and credit.

Honoring Orders from Canada: Currently, eight states (California, Delaware, Hawaii, Minnesota, Nevada, North Dakota, Washington State, and Wisconsin) recognize Canadian protection orders.

Military Protection Orders: Protection orders issued by the military (generally issued by a commanding officer without providing the service member due process) are not entitled to full faith and credit in civilian courts, however, five jurisdictions: Alaska, Arkansas, California, Illinois, and Texas recognized military protection under certain circumstances.

Uniform Interstate Enforcement of Domestic Violence Protection Order Act (UIEDVPOA): In 2000, the National Conference of Commissioners on Uniform State Laws (NCCUSL) introduced the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act (UIEDVPOA). It was last revised in 2002. To date, 21 states and territories have adopted all or some portion of the UIEDVPOA: Alabama, California, Delaware, D.C., Idaho, Indiana, Kansas, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virgin Islands, West Virginia, and Wisconsin.

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CHART KEY:

* Indicates a jurisdiction that has adopted the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (UIEDVPOA).

++ Indicates a jurisdiction that recognizes and enforces military protection orders.

Indicates a jurisdiction that recognizes Canadian protection orders.

ALABAMA

STATUTE

GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

ALABAMA* (UIEDVPOA)

Ala. Code §§

30-5B-2
30-5B-3
30-5B-4
30-5B-5
30-5B-6
30-5-4

Section 30-5B-2– Definitions.

As used in this chapter, the following words have the following meanings:

(1) Court. — A circuit or district court authorized by statute to issue or modify a protective order.

(2) Foreign protection order. — A protection order issued by a tribunal of another state.

(3) Issuing state. — The state whose tribunal issues a protection order.

(4) Mutual foreign protection order. — A foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(5) Protected individual. — An individual protected by a protection order.

(6) Protection order. — An injunction or other order, issued by a tribunal under the domestic violence or family violence laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.

(7) Respondent. — The individual against whom enforcement of a protection order is sought.

(8) State. — A state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(9) Tribunal. — A court, agency, or other entity authorized by law to issue or modify a protection order.

ALA. CODE § 30-5B-2

Section 30-5B-3- Judicial enforcement of order.

a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a court of this state. The court shall enforce the terms of the order, including terms that provide relief that a court of this state would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.

(b) A court of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A court of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(d) A court of this state may not enforce under this chapter a provision of a foreign protection order with respect to support.

(e) A foreign protection order is valid if it meets all of the following criteria:

(1) Identifies the protected individual and the respondent.

(2) Is currently in effect.

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state.

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Section 30-5B-5- Registration of order.

(a) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall present a certified copy of the order to any circuit or district court clerk in the state and complete an affidavit as provided in subsection (d).

(b) The court clerk shall enter, as expeditiously as possible, all necessary information into the State Judicial Information System which shall be electronically transmitted by the Administrative Office of Courts to the Alabama Criminal Justice Information System. After the order is registered, a copy of the order stamped filed by the court clerk shall be provided by the clerk's office to the person registering the order.

(c) The Criminal Justice Information Center, as Alabama's central registry of protection orders, shall enter, as expeditiously as possible, an order upon electronic submission from the State Judicial Information System of information concerning a valid protection order filed with a circuit or district court clerk. The Criminal Justice Information Center shall correct inaccurate information upon receipt of notice of inaccuracies or corrections, and shall remove from the registry protection orders not currently in effect.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(e) A foreign protection order registered under this chapter shall be entered by the State Judicial Information System, Criminal Justice Information System, and the National Crime Information

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal that issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

(f) A foreign protection order valid on its face is prima facie evidence of its validity.

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state.

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal that issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

(f) A foreign protection order valid on its face is prima facie evidence of its validity.

(g) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(h) A court of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if both of the following criteria are met:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

ALA. CODE § 30-5B-3

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Center in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order.

Ala. Code § 30-5B-5

Section 30-5-4 - Rights unaffected by departure — Duty to disclose other proceedings — Effect of pending proceedings — Scope of protection orders.

(d) If child custody, visitation, or support have been ordered previously by a court of this state or any other state prior to the filing of an action under this chapter, the terms of the previous court order concerning these matters may be incorporated into a protection order as long as the provisions of the Uniform Child Custody Jurisdiction and Enforcement Act, Chapter 3B, and the Uniform Interstate Family Support Act, Chapter 3A, are followed if an order was issued in another state.

(f) Any protection order issued by the court of another state shall be accorded full faith and credit and enforced as if it were an order of this state.

ALA. CODE § 30-5-4(d), (f)

Section 30-5A-2 – Definitions.

As used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) Domestic violence protection order. A domestic violence protection order is any protection from abuse order issued pursuant to the Protection from Abuse Act, Sections 30-5-1 to 30-5-11, inclusive. The term includes the following:

Section 30-5B-4 - Nonjudicial enforcement of order.

(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this chapter.

ALA. CODE § 30-5B-4

Section 30-5B-6- Immunity.

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

- a.** A restraining order, injunctive order, or order of release from custody which has been issued in a circuit, district, municipal, or juvenile court in a domestic relations or family violence case;
 - b.** An order issued by municipal, district, or circuit court which places conditions on the pre-trial release on defendants in criminal cases, including provisions of bail pursuant to Section 15-13-190;
 - c.** An order issued by another state or territory which may be enforced under Sections 30-5B-1 through 30-5B-10. Restraining or protection orders not issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, must specify that a history of violence or abuse exists for the provisions of this chapter to apply.
- (2) Violation.** The knowing commission of any act prohibited by a domestic violence protection order or any willful failure to abide by its terms.

ALA. CODE § 30-5A-2*

*** Amended and renumbered as § 13A-6-141**

In the absence of negligence, or wantonness, or willful misconduct, this state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in an effort to comply with this chapter.

ALA. CODE § 30-5B-6

ALASKA

STATUTE

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

ALASKA++

ALASKA STAT. §§

18.66.140

18.66.150

18.66.160

18.66.170

18.66.180

18.65.867

Section 18.66.140 - Filing and enforcement of protective orders issued in other states.

- (a) A certified copy of an unexpired protective order issued in another jurisdiction may be filed with the clerk of court in any judicial district in this state.
- (b) A protective order issued in another jurisdiction has the same effect and must be recognized and enforced in the same manner as a protective order issued by a court of this state, regardless of whether the protective order issued in another jurisdiction is filed as described in (a) of this section, if the protective order is
- (1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;
 - (2) related to domestic violence; and
 - (3) entitled to full faith and credit under 18 U.S.C. 2265.
- (c) When a protective order is filed with the court under this section, the court shall have the order delivered to the appropriate local law enforcement agency for entry into the central registry of protective orders under AS 18.65.540.
- (d) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

Alaska Stat. § 18.66.140

Section 18.66.150 - Forms for petitions and orders; fees.

- (a) The Alaska Court System, after consulting with the Council on Domestic Violence and Sexual Assault and other interested persons and organizations, shall prepare forms for petitions, protective orders, and instructions for their use by a person seeking a protective order under this chapter. The forms must conform to the Alaska

Section 18.66.170 - Notification of Law Enforcement Agencies.

When a court issues or accepts for filing a protective order under this chapter, it shall send a copy of the order to the appropriate local law enforcement agency. Each law enforcement agency shall establish procedures to inform peace officers of protective orders. Peace officers shall use every reasonable means to enforce a protective order issued or filed under this chapter.

Alaska Stat. § 18.66.170

Section 18.66.180 - Civil liability

A person may not bring a civil action for damages against the state, its officers, agents, or employees, or a law enforcement agency, its officers, agents, or employees for any failure to comply with the provisions of this chapter.

Alaska Stat. § 18.66.180

Section 18.65.867- Enforcement and recognition of protective orders issued in other jurisdictions.

- (a) A protective order issued in another jurisdiction has the same effect and must be recognized and enforced in the same manner as a protective order issued by a court of this state if the protective order is
- (1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;
 - (2) related to stalking or sexual assault that is not a crime involving domestic violence; and
 - (3) entitled to full faith and credit under 18 U.S.C. 2265.
- (b) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

ALASKA

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Rules of Civil Procedure, except that information on the forms may be filled in by legible handwriting.

(b) In addition to other information required, a petition for a protective order must include a statement of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent. While a protective order is in effect or a petition for protective order is pending, both the petitioner and respondent have a continuing duty to inform the court of pending civil actions or domestic violence criminal actions involving either the petitioner or the respondent.

(c) The office of the clerk of each superior and district court shall make available to the public under AS 18.66.100 — 18.66.180 the forms a person seeking a protective order under AS 18.66.100 — 18.66.180 may need and instructions for the use of the forms. The clerk shall provide assistance in completing the forms and filing the forms.

(d) Filing fees may not be charged in any action seeking only the relief provided in this chapter.

Alaska Stat. § 18.66.150

Section 18.66.160 - Service of process.

(a) Unless, on the record in court, the person has already been provided a copy of the court's order, process issued under this chapter shall be promptly served and executed. If process is to be served upon a person believed to be present or residing in a municipality, as defined in AS 29.71.800, or in an unincorporated community, process shall be served by a peace officer of that municipality or unincorporated community who has jurisdiction within the area of service. If a peace officer of the municipality or unincorporated community who has jurisdiction is not available, a

Alaska Stat. § 18.65.867.

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superior court, district court, or magistrate may designate any other peace officer to serve and execute process. A state peace officer shall serve process in any area that is not within the jurisdiction of a peace officer of a municipality or unincorporated community. A peace officer shall use every reasonable means to serve process issued under this chapter. A judge may not order a peace officer to serve a petition that has been denied by the court.

(b) Service of process under **(a)** of this section does not preclude a petitioner from using any other available means to serve process issued under this chapter.

(c) Fees for service of process may not be charged in a proceeding seeking only the relief provided in this chapter.

ALASKA STAT. § 18.66.160

ARIZONA

STATUTE

GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

ARIZ. REV. STAT. § 13-3602

Section 13-3602 – Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction; definition.

V. A valid protection order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this state for as long as the order is effective in the issuing jurisdiction. For the purposes of this subsection:

- 1.** A protection order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to another person. A protection order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a pendente lite order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.
- 2.** A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, a United States territory or an Indian tribe and within a reasonable time after the order was issued.

Section 13-3602 –Order of protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction; definition.

Q. The supreme court shall maintain a central repository for orders of protection. Within twenty-four hours after the affidavit, declaration, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall enter the order and proof of service into the supreme court's central repository for orders of protection. The supreme court shall register the order with the national crime information center. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of two years from the date of service of the order on the defendant.

R. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an order issued pursuant to this section shall be referred to an appropriate law enforcement agency. The provisions for release under section 13-3883, subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made pursuant to this section. For the purposes of this section, any court in this state has jurisdiction to enforce a valid

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- 3.** A mutual protection order that is issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:
- (a)** The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order.
 - (b)** The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.
- 4.** A peace officer may presume the validity of and rely on a copy of a protection order that is issued by another state, a United States territory or an Indian tribe if the order was given to the officer by any source. A peace officer may also rely on the statement of any person who is protected by the order that the order remains in effect. A peace officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

ARIZ. REV. STAT. § 13-3602(V)

order of protection that is issued in this state and that has been violated in any jurisdiction in this state.

S. A person who is arrested pursuant to subsection R of this section may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for any other additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant. The agency with custody of the defendant shall make reasonable efforts to contact the victim and other specifically designated persons in the order of protection, if known to the custodial agency, who requested notification immediately on release of the arrested person from custody.

T. The remedies provided in this section for enforcement of the orders of the court are in addition to any other civil and criminal remedies available. The superior court shall have exclusive jurisdiction to issue orders of protection in all cases if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. A municipal court or justice court shall not issue an order of protection if it appears from the petition that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties. After issuance of an order of protection, if the municipal court or justice court determines that an action for maternity or paternity, annulment, legal separation or dissolution of marriage is pending between the parties, the municipal court or justice court shall stop

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further proceedings in the action and forward all papers, together with a certified copy of docket entries or any other record in the action, to the superior court where they shall be docketed in the pending superior court action and shall proceed as though the petition for an order of protection had been originally brought in the superior court. Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action. No order of protection shall be invalid or determined to be ineffective merely because it was issued by a lower court at a time when an action for maternity or paternity, annulment, legal separation or dissolution of marriage was pending in a higher court. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section 22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal. For the purposes of this subsection, “pending” means, with respect to an action for annulment, legal separation or dissolution of marriage or for maternity or paternity, either that:

- 1.** An action has been commenced but a final judgment, decree or order has not been entered.
- 2.** A post-decree proceeding has been commenced but a judgment, decree or order finally determining the proceeding has not been entered.

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U. A peace officer who makes an arrest pursuant to this section or section 13-3601 is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice.
ARIZ. REV. STAT. § 13-3602(Q)-(U)

ARKANSAS

STATUTE

GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

ARKANSAS ++

ARK. CODE ANN. §§

9-15-302
9-15-303
5-53-134
12-12-215

Section 9-15-302 - Full faith and credit.

(a) An order of protection shall be afforded full faith and credit by the courts of this state and shall be enforced by law enforcement as if it were issued in this state if the order of protection:

- (1) Meets the requirements of subsection (b) or subsection (c) of this section and is issued by a court of another state, a federally recognized Indian tribe, or a territory; or
- (2) Is a military order of protection as defined under § 5-53-134(f)(1).

(b) An order of protection issued by a court of another state, a federally recognized Indian tribe, or a territory meets the requirements of this section if:

- (1) The court had jurisdiction over the parties and matters under the laws of the other state, the federally recognized Indian tribe, or the territory; and
- (2)
 - (A) Reasonable notice and opportunity to be heard was given to the person against whom the order was sought sufficient to protect that person's right to due process.
 - (B) In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by the laws or rules of the other state, the federally recognized Indian tribe, or the territory and, in any event, within a reasonable time after the order is issued sufficient to protect the due process rights of the party against whom the order is enforced.

(c) An order of protection issued against both the petitioner and the respondent by a court of another state, a federally recognized Indian

Section 9-15-302 - Full faith and credit.

(e)

(1)

(A) When enforcing an out-of-state order of protection, a law enforcement officer shall determine if there is probable cause to believe that an out-of-state order of protection exists.

(B) A law enforcement officer may rely upon:

- (i) An out-of-state order of protection that has been provided to the officer by any source; or
- (ii)

- (a) The statement of any person protected by an out-of-state order of protection that the order exists; and
- (b) Verification by the clerk of the court of the other state, the federally recognized Indian tribe, or the territory in writing, by telephone, or by facsimile transmission or other electronic transmission.

(2)

(A) When enforcing an out-of-state order of protection, a law enforcement officer shall determine if there is probable cause to believe that the terms of the order have been violated.

(B) The law enforcement officer may rely upon:

- (i) Any events he or she witnessed;

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tribe, or a territory shall not be enforceable against the petitioner unless:

- (1) The respondent filed a cross or counter petition, complaint, or other written pleading seeking an order of protection;
- (2) The issuing court made specific findings against both the petitioner and the respondent; and
- (3) The issuing court determined that each party was entitled to an order.

(d)

- (1) A person seeking recognition and enforcement of an out-of-state order of protection under this section may present a copy of the order of protection to the local law enforcement office in the city or county where enforcement of the order may be necessary.
- (2) After receiving a copy of the order of protection, the local law enforcement office shall enter the order into the Arkansas Crime Information Center's protection order registry file.
- (3) There shall be no fee for entering the out-of-state order of protection.
- (4) The law enforcement office shall not notify the party against whom the order has been issued that an out-of-state order of protection has been entered in this state.
- (5) Entry of the out-of-state order of protection into the center's protection order registry file shall not be required for enforcement of the order of protection in this state.

(e)

- (1)
 - (A) When enforcing an out-of-state order of protection, a law enforcement officer shall determine if there is

(ii) The statement of any person who claims to be a witness; or

(iii) Any other evidence.

- (3) A law enforcement officer shall not refuse to enforce the terms of the order of protection on the grounds that the order has not been filed with the local law enforcement office or entered into the center's protection order registry file unless the law enforcement officer has a reasonable belief that the order is not authentic on its face.

ARK. CODE ANN. § 9-15-302(e)

Section 9-15-303 - Immunity from liability.

- (a) Law enforcement officers and law enforcement agencies shall be immune from civil or criminal liability if acting in good faith in an effort to comply with this subchapter.
- (b) A military order of protection as defined under § 5-53-134(f)(1) shall be enforced by law enforcement of this state according to the provisions of this chapter.

ARK. CODE ANN. § 9-15-303

Section 5-53-134 - Violation of an order of protection.

(a)

- (1) A person commits the offense of violation of an order of protection if:
 - (A) A circuit court or other court with competent jurisdiction has issued a temporary order of protection or an order of protection against the person pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.;

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probable cause to believe that an out-of-state order of protection exists.

(B) A law enforcement officer may rely upon:

(i) An out-of-state order of protection that has been provided to the officer by any source; or

(ii)

(a) The statement of any person protected by an out-of-state order of protection that the order exists; and

(b) Verification by the clerk of the court of the other state, the federally recognized Indian tribe, or the territory in writing, by telephone, or by facsimile transmission or other electronic transmission.

(2)

(A) When enforcing an out-of-state order of protection, a law enforcement officer shall determine if there is probable cause to believe that the terms of the order have been violated.

(B) The law enforcement officer may rely upon:

(i) Any events he or she witnessed;

(ii) The statement of any person who claims to be a witness; or

(iii) Any other evidence.

(3) A law enforcement officer shall not refuse to enforce the terms of the order of protection on the grounds that the order has not been filed with the local law enforcement office or entered into the center's protection order registry file unless the law enforcement officer has a reasonable belief that the order is not authentic on its face.

(B) The person has received actual notice or notice pursuant to the Arkansas Rules of Civil Procedure of a temporary order of protection or an order of protection pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.; and

(C) The person knowingly violates a condition of an order of protection issued pursuant to the Domestic Abuse Act of 1991, § 9-15-101 et seq.

(2) A person commits the offense of violation of an out-of-state order of protection if:

(A) The court of another state, a federally recognized Indian tribe, or a territory with jurisdiction over the parties and matters has issued a temporary order of protection or an order of protection against the person pursuant to the laws or rules of the other state, federally recognized Indian tribe, or territory;

(B) The person has received actual notice or other lawful notice of a temporary order of protection or an order of protection pursuant to the laws or rules of the other state, the federally recognized Indian tribe, or the territory;

(C) The person knowingly violates a condition of an order of protection issued pursuant to the laws or rules of the other state, the federally recognized Indian tribe, or the territory; and

(D) The requirements of § 9-15-302 concerning the full faith and credit for an out-of-state order of protection have been met.

(3)

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ARK. CODE ANN. § 9-15-302

Section 5-53-134 - Violation of an order of protection.

(f) As used in this section:

- (1) “Military order of protection” means an official command directed at a service member for the purpose of preventing violent and threatening acts against a person who:
 - (A) Is the current or former spouse of the service member;
 - (B) Is or was a child, stepchild, parent, stepparent, sibling, guardian, or ward of the service member;
 - (C) Is residing or cohabitating or in the past has resided or cohabitated with the service member;
 - (D) Has or had a child in common with the service member;
 - (E) Is or has been in a dating relationship with the service member as defined by § 9-15-103;
 - (F) Has had an intimate sexual relationship with the service member; or
 - (G) Has made allegations against the service member of violations of the punitive article of sexual assault as defined by § 12-64-852; and
- (2) “Service member” means a person serving in:
 - (A) Any branch or reserve component of the United States Armed Forces; or
 - (B) The National Guard of any state.

ARK. CODE ANN. § 5-53-134

Section 12-12-215 – Registry of orders of protection.

(A) A service member commits the offense of violation of a military order of protection if:

- (i) The commanding general, a military judge, or a special courts-martial convening authority as authorized by § 12-64-406(b) issues a military order of protection against the service member;
- (ii) The service member receives actual notice or other lawful notice of the military order of protection as authorized under United States Department of Defense Instruction 6400.06, as it existed on January 1, 2017; and
- (iii) The service member knowingly violates a condition of the military order of protection.

(B) A prosecution against a service member for the offense of violation of a military order of protection does not prohibit the commanding general or military commander who issued the military order of protection from pursuing appropriate disciplinary action against the service member under the Military Code of Arkansas.

(c)

(1) A law enforcement officer may arrest and take into custody without a warrant a person whom the law enforcement officer has probable cause to believe:

- (A) Is subject to an order of protection issued under the laws of this state; and
- (B) Has violated the terms of the order of protection, even if the violation did not take place in the presence of the law enforcement officer.

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(a) In addition to other duties as provided, the Arkansas Crime Information Center shall maintain a registry of all orders of protection and temporary orders of protection issued by a court of this state or registered in this state.

(b)

(1) Upon receipt of an authorized order of protection, temporary order of protection, or any modification or cancellation of such orders, a court clerk shall immediately forward a copy to the county sheriff of the county for service.

(2) The county sheriff shall immediately enter or cause to be entered such orders and any subsequent modifications or cancellations into the center system.

(3) If the county sheriff does not have a center terminal and entries are made by another agency that does have a center terminal, that agency shall make such entries immediately upon receipt of information from the county sheriff.

(4) Only orders which are consistent with § 9-15-302(b) may be entered into the center system.

(c) Information contained in the registry shall be determined by the Supervisory Board for the Arkansas Crime Information Center. Orders of protection and temporary orders of protection required to be entered into the center system shall include, at a minimum, the full name and date of birth of the subject of the order for proper identification.

(d) Information contained in the registry shall be deemed confidential and shall be available at all times only to courts, law enforcement, and prosecuting attorneys.

ARK. CODE ANN. § 12-12-215

(2) Under § 9-15-302, a law enforcement officer or law enforcement agency may arrest and take into custody without a warrant a person whom the law enforcement officer or law enforcement agency has probable cause to believe:

(A) Is subject to:

(i) An order of protection issued under the laws or rules of another state, a federally recognized Indian tribe, or a territory; or

(ii) A military order of protection; and

(B) Has violated the terms of the order of protection issued under the laws or rules of the other state, federally recognized Indian tribe, or territory, or the military order of protection, even if the violation did not take place in the presence of the law enforcement officer.

(3)

(A) If a service member is in the custody of a law enforcement agency as authorized in subdivision (c)(2) of this section, the law enforcement agency shall notify the office of the Adjutant General of the Arkansas National Guard within twenty-four (24) hours from the time the service member was placed in the custody of the law enforcement agency.

(B)

(i) The Arkansas National Guard shall take custody of the service member within forty-eight (48) hours from the time the service member was placed in the custody of the law enforcement agency.

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(ii) However, if the Arkansas National Guard does not take custody of the service member as required by subdivision (c)(3)(B)(i) of this section, the law enforcement agency shall release the service member.

(e) Any law enforcement officer acting in good faith and exercising due care in making an arrest for domestic abuse in an effort to comply with this subchapter shall have immunity from civil or criminal liability.

ARK. CODE ANN. § 5-53-134(a), (c), (e)

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CALIFORNIA* # (UIEDVPOA)

CAL. FAM. CODE

§§6401
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Section 6401 – Definitions.

In this part:

- (1)** “Foreign protection order” means a protection order issued by a tribunal of another state.
- (2)** “Issuing state” means the state whose tribunal issues a protection order.
- (3)** “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (4)** “Protected individual” means an individual protected by a protection order.
- (5)** “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or antistalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.
- (6)** “Respondent” means the individual against whom enforcement of a protection order is sought.
- (7)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band, or any branch of the United States military, that has jurisdiction to issue protection orders.
- (8)** “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

CAL. FAM. CODE § 6401

Section 6402 – Enforcement of valid foreign protection order in state tribunal.

- (a)** A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.
- (b)** A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (c)** A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (d)** A foreign protection order is valid if it meets all of the following criteria:
 - (1)** Identifies the protected individual and the respondent.
 - (2)** Is currently in effect.

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Section 6404 – Registration of foreign protection order.

(a) A foreign protection order shall, upon request of the person in possession of the order, be registered with a court of this state in order to be entered in the California Restraining and Protective Order System established under Section 6380. The Judicial Council shall adopt rules of court to do the following:

(1) Set forth the process whereby a person in possession of a foreign protection order may voluntarily register the order with a court of this state for entry into the California Restraining and Protective Order System.

(2) Require the sealing of foreign protection orders and provide access only to law enforcement, the person who registered the order upon written request with proof of identification, the defense after arraignment on criminal charges involving an alleged violation of the order, or upon further order of the court.

(b) A fee shall not be charged for the registration of a foreign protection order. The court clerk shall provide all Judicial Council forms required by this part to a person in possession of a foreign protection order free of charge.

CAL. FAM. CODE § 6404

Section 6451– Definitions.

In this part:

(a) “Canadian domestic violence protection order” means a judgment or part of a judgment or order issued in English in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic violence and prohibits a respondent from doing any of the following:

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state.

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if both of the following are true:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

Cal. Fam. Code § 6402

Section 6403 – Enforcement of foreign protection order by law enforcement officer.

(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is

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- (1) Being in physical proximity to a protected individual or following a protected individual.
- (2) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order.
- (3) Being within a certain distance of a specified place or location associated with a protected individual.
- (4) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.
- (b) “Domestic protection order” means an injunction or other order issued by a tribunal that relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to, another individual.
- (c) “Issuing court” means the court that issues a Canadian domestic violence protection order.
- (d) “Law enforcement officer” means an individual authorized by law of this state to enforce a domestic protection order.
- (e) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (f) “Protected individual” means an individual protected by a Canadian domestic violence protection order.
- (g) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (h) “Respondent” means an individual against whom a Canadian domestic violence protection order is issued.
- (i) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any

currently in effect constitutes, in and of itself, probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice for the purposes of this section.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part.

CAL. FAM. CODE § 6403

Section 6405 – Liability of peace officer acting on foreign protection order; Enforcement where there are multiple orders.

(a) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a peace officer who makes an arrest pursuant to a foreign protection

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territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe. **(j)** “Tribunal” means a court, agency, or other entity authorized by law to establish, enforce, or modify a domestic protection order.

Cal. Fam. Code § 6451

Section 6452 – Enforcement of Canadian domestic violence protection order by law enforcement officer.

(a) If a law enforcement officer determines under subdivision (b) or (c) that there is probable cause to believe a valid Canadian domestic violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order of a tribunal of this state. Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement.

(b) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(c) If a record of a Canadian domestic violence protection order is not presented as provided in subdivision (b), a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic violence protection order exists.

(d) If a law enforcement officer determines that an otherwise valid Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent

order that is regular upon its face, if the peace officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(b) If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the peace officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has precedence in enforcement, and one of the orders issued is a no-contact order, as described in Section 6320, the peace officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the peace officer shall enforce the criminal order issued last.

(c) Nothing in this section shall be deemed to exonerate a peace officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

Cal. Fam. Code § 6405

Section 6409 - Application of part.

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with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order. Verbal notice of the terms of the order is sufficient for purposes of this subdivision.

(e) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

Cal. Fam. Code § 6452

Section 6454 – Registration of Canadian domestic violence protection order.

(a) An individual may register a Canadian domestic violence protection order in this state. To register the order, the individual must present a certified copy of the order to a court of this state to be entered into the California Restraining and Protective Order System established under Section 6380, pursuant to procedures set forth in Section 6404.

(b) A fee shall not be charged for the registration of a Canadian domestic violence protection order under this section.

(c) Registration in this state or filing under law of this state other than this part of a Canadian domestic violence protection order is not required for its enforcement under this part.

Cal. Fam. Code § 6454

This part applies to protection orders issued before January 1, 2002, and to continuing actions for enforcement of foreign protection orders commenced before January 1, 2002. A request for enforcement of a foreign protection order made on or after January 1, 2002, for violations of a foreign protection order occurring before January 1, 2002, is governed by this part.

Cal. Fam. Code § 6409

Section 6453 –Enforcement of Canadian domestic violence protection order in state tribunal.

(a) A tribunal of this state may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application of any of the following:

(1) A protected party or other person authorized by law of this state other than this part to seek enforcement of a domestic protection order.

(2) A respondent.

(b) In a proceeding under subdivision (a), the tribunal of this state shall follow the procedures of this state for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order as described in subdivision (a) of Section 6451.

(c) A Canadian domestic violence protection order is enforceable under this section if all of the following apply:

(1) The order identifies a protected individual and a respondent.

(2) The order is valid and in effect.

(3) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court.

(4) The order was issued after either of the following:

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- (A) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order.
- (B) In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.
- (d) A Canadian domestic violence protection order valid on its face is prima facie evidence of its enforceability under this section.
- (e) A claim that a Canadian domestic violence protection order does not comply with subdivision (c) is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal of this state determines that the order is not enforceable, the tribunal of this state shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and Section 6452 and may not be registered under Section 6454.
- (f) This section applies to enforcement of a provision of a Canadian domestic violence protection order against a party to the order in which each party is a protected individual and respondent only if both of the following apply:
- (1) The party seeking enforcement of the order filed a pleading requesting the order from the issuing court.
- (2) The court made detailed findings of fact indicating that both parties acted as a primary aggressor and that neither party acted primarily in self-defense.

Cal. Fam. Code § 6453

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Section 6455 – Liability of law enforcement officer enforcing Canadian domestic violence protection order.

(a) There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, a law enforcement officer who makes an arrest pursuant to a Canadian domestic violence protection order that is regular upon its face, if the law enforcement officer, in making the arrest, acts in good faith and has reasonable cause to believe that the person against whom the order is issued has notice of the order and has committed an act in violation of the order.

(b) Nothing in this section shall be deemed to exonerate a law enforcement officer from liability for the unreasonable use of force in the enforcement of the order. The immunities afforded by this section shall not affect the availability of any other immunity that may apply, including, but not limited to, Sections 820.2 and 820.4 of the Government Code.

Cal. Fam. Code § 6455

Section 6457– Enforcement if there are multiple orders.

If there is more than one order issued and one of the orders is an emergency protective order that has precedence in enforcement pursuant to paragraph (1) of subdivision (c) of Section 136.2 of the Penal Code, the law enforcement officer shall enforce the emergency protective order. If there is more than one order issued, none of the orders issued is an emergency protective order that has precedence in enforcement, and one of the orders issued is a no-contact order, as described in Section 6320, the law enforcement officer shall enforce the no-contact order. If there is more than one civil order regarding the same parties and neither an emergency protective order that has precedence

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in enforcement nor a no-contact order has been issued, the law enforcement officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties and neither an emergency protective order that has precedence in enforcement nor a no-contact order has been issued, the law enforcement officer shall enforce the criminal order issued last.

Cal. Fam. Code § 6457

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Colo. Rev. Stat. § 13-14-110

Section 13-14-110 - Foreign protection orders.

(1) Definitions. As used in this section, “foreign protection order” means any protection or restraining order, injunction, or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary or final orders, other than child support or custody orders, issued by a civil or criminal court of another state, an Indian tribe, or a United States territory or commonwealth.

(2) Full faith and credit. Courts of this state shall accord full faith and credit to a foreign protection order as if the order were an order of this state, notwithstanding section 14-11-101, C.R.S., and article 53 of this title, if the order meets all of the following conditions:

(a) The foreign protection order was obtained after providing the person against whom the protection order was sought reasonable notice and an opportunity to be heard sufficient to protect his or her due process rights. If the foreign protection order is an ex parte injunction or order, the person against whom it was obtained must have been given notice and an opportunity to be heard within a reasonable time after the order was issued sufficient to protect his or her due process rights.

(b) The court that issued the order had jurisdiction over the parties and over the subject matter; and

(c) The order complies with section 13-14-106 (3).

(3) Process. A person entitled to protection under a foreign protection order may, but is not required to, file such order in the district or county court by filing with such court a certified copy of such order, which must be entered into the central registry of

Section 13-14-110 - Foreign protection orders.

(4) Enforcement. Filing of the foreign protection order in the central registry or otherwise domesticating or registering the order pursuant to article 53 of this title or section 14-11-101, C.R.S., is not a prerequisite to enforcement of the foreign protection order. A peace officer shall presume the validity of, and enforce in accordance with the provisions of this article, a foreign protection order that appears to be an authentic court order that has been provided to the peace officer by any source. If the protected party does not have a copy of the foreign protection order on his or her person and the peace officer determines that a protection order exists through the central registry, the national crime information center as described in 28 U.S.C. sec. 534, or through communication with appropriate authorities, the peace officer shall enforce the order. A peace officer may rely upon the statement of any person protected by a foreign protection order that it remains in effect. A peace officer who is acting in good faith when enforcing a foreign protection order is not civilly liable or criminally liable pursuant to section 18-6-803.5 (5), C.R.S.

Colo. Rev. Stat. § 13-14-110(4)

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protection orders created in section 18-6-803.7, C.R.S. The certified order must be accompanied by an affidavit in which the protected person affirms to the best of his or her knowledge that the order has not been changed or modified since it was issued. There shall be no filing fee charged. It is the responsibility of the protected person to notify the court if the protection order is subsequently modified.

Colo. Rev. Stat. § 13-14-110(1)-(3)

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Conn. Gen. Stat.

§§46b-15a

51-5c

53a-107

53a-217

53a-223b

Section 46b-15a - Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.

(a) For the purposes of this section, “foreign order of protection” means any protection order, as defined in 18 USC 2266, as from time to time amended, or similar restraining or protective order issued by a court of another state, the District of Columbia, a commonwealth, territory or possession of the United States or an Indian tribe.

(b) A valid foreign order of protection that is consistent with 18 USC 2265, as from time to time amended, shall be accorded full faith and credit by a court of this state and may be enforced as if it were the order of a court in this state. A foreign order of protection shall be presumed valid if such order appears authentic on its face. The fact that a foreign order of protection has not been entered into the automated registry of protective orders maintained pursuant to section 51-5c, the Connecticut on-line law enforcement communication teleprocessing system maintained by the Department of Emergency Services and Public Protection or the National Crime Information Center (NCIC) computerized index of criminal justice information shall not be grounds for refusing to enforce such order in this state.

(f) A foreign order of protection may be registered in this state by sending to the Superior Court in this state: (1) A letter or other document requesting registration; (2) two copies, including one certified copy, of the foreign order of protection sought to be registered and a statement under penalty of perjury that, to the best of the knowledge and belief of the petitioner, the order has not been modified; and (3) the name and address of the person seeking

Section 46b-15a - Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.

(c) A law enforcement officer shall enforce a foreign order of protection in accordance with its terms and the law of this state, and shall arrest any person suspected of violating such order and charge such person with a violation of section 53a-223b. Nothing in this subsection shall affect the responsibility of a law enforcement officer to make an arrest pursuant to section 46b-38b.

(d) It shall be an affirmative defense in any action seeking enforcement of a foreign order of protection or any criminal prosecution involving the violation of a foreign order of protection that such order is not consistent with or entitled to full faith and credit pursuant to 18 USC 2265, as from time to time amended.

(e) A child custody provision in a foreign order of protection may be enforced in this state if such provision (1) complies with the Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and Enforcement Act, and (2) is consistent with the Parental Kidnapping Prevention Act of 1980, 28 USC 1738A, as from time to time amended.

Conn. Gen. Stat. § 46b-15a(c)-(e)

Section 53a-107 - Criminal trespass in the first degree: Class A misdemeanor.

(a) A person is guilty of criminal trespass in the first degree when:

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registration, except if the disclosure of such name and address would jeopardize the safety of such person.

(g) On receipt of the documents required in subsection (f) of this section, the registering court shall: (1) Cause the foreign order of protection to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form; and (2) cause the foreign order of protection to be entered in the automated registry of protective orders maintained pursuant to section 51-5c, together with any accompanying information required or permitted to be contained in the registry of protective orders pursuant to the procedures adopted by the Chief Court Administrator under section 51-5c.

Conn. Gen. Stat. § 46b-15a(a)-(b), (f)-(g)

Section 51-5c - Automated registry of protective orders. Policies and procedures for operation of registry.

(a) The Chief Court Administrator shall establish and maintain an automated registry of protective orders that shall contain (1) protective or restraining orders issued by courts of this state, including, but not limited to, orders issued pursuant to sections 46b-15, 46b-16a, 46b-38c, 53a-40e, 54-1k, 54-82q and 54-82r, and (2) foreign orders of protection that have been registered in this state pursuant to section 46b-15a. The registry shall clearly indicate the date of commencement, the termination date, if specified, and the duration of any order contained therein. The Chief Court Administrator shall adopt policies and procedures for the operation of the registry, which shall include policies and procedures governing the disclosure of information in the registry to the judges of the Superior Court and employees of the Judicial Department.

(b)

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(3) such person enters or remains in a building or any other premises in violation of a **foreign order of protection**, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person; or (4) knowing that such person is not licensed or privileged to do so, such person enters or remains on public land after an order to leave or not to enter personally communicated to such person by an authorized official of the state or a municipality, as the case may be.

(b) Criminal trespass in the first degree is a class A misdemeanor.

Conn. Gen. Stat. § 53a-107(a)(3), (b)

Section 53a-217 - Criminal possession of firearm, ammunition or electronic defense weapon: Class C felony.

(a) A person is guilty of criminal possession of a firearm, ammunition or an electronic defense weapon when such person possesses a firearm, ammunition or an electronic defense weapon and

(4) knows that such person is subject to

(B) a **foreign order of protection**, as defined in section 46b-15a, that has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another person.

Conn. Gen. Stat. § 53a-217(a)(4)(B)

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(1) The following information contained in the registry of protective orders shall not be subject to disclosure and may be accessed only in accordance with this section, unless otherwise ordered by the court: (A) Any information that would identify a person protected by an order contained in the registry; (B) any information that is confidential pursuant to state or federal law, including, but not limited to, any information that is confidential pursuant to a court order; and (C) any information entered in the registry pursuant to an ex parte order prior to a hearing by a court having jurisdiction over the parties and the subject matter.

(2) Any judge of the Superior Court or any employee of the Judicial Department who is authorized by policies and procedures adopted by the Chief Court Administrator pursuant to subsection (a) of this section shall have access to such information. The Chief Court Administrator may grant access to such information to personnel of the Department of Emergency Services and Public Protection, the Department of Correction, the Board of Pardons and Paroles, the Psychiatric Security Review Board, the Division of Criminal Justice, any municipal or tribal police department within this state or any other agency, organization or person determined by the Chief Court Administrator, pursuant to policies and procedures adopted by the Chief Court Administrator, to have a legitimate interest in the information contained in the registry. Any person who obtains such information pursuant to this subdivision may use and disclose the information only in the performance of such person's duties.

(3) Except as provided in subsection (c) of this section, the information contained in the registry shall be provided to and may be accessed through the Connecticut on-line law enforcement communications teleprocessing system maintained by the Department of Emergency Services and Public Protection. Nothing

Section 53a-223b - Criminal violation of a restraining order: Class D or Class C felony.

(a) A person is guilty of criminal violation of a restraining order when

(1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or (B) **a foreign order of protection**, as defined in section 46b-15a, has been issued against such person in a case involving the use, attempted use or threatened use of physical force against another, and

(2) such person, having knowledge of the terms of the order, (A) does not stay away from a person or place in violation of the order, (B) contacts a person in violation of the order, (C) imposes any restraint upon the person or liberty of a person in violation of the order, or (D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order.

(b) No person who is listed as a protected person in such restraining order or **foreign order of protection** may be criminally liable for

(1) soliciting, requesting, commanding, importuning or intentionally aiding in the violation of the restraining order or foreign order of protection pursuant to subsection (a) of section 53a-8, or

(2) conspiracy to violate such restraining order or foreign order of protection pursuant to section 53a-48.

(c) No person who is listed as a respondent in a restraining order issued pursuant to section 46b-15 or a **foreign order of protection** issued pursuant to section 46b-15a and against whom there is an order of no contact with the protected party or parties may be criminally liable for a violation of such order if such person causes a document filed in a family relations

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in this section shall be construed to permit public access to the Connecticut on-line law enforcement communications teleprocessing system.

(c) Any person protected by an order contained in the registry of protective orders may make a request in writing, on a form prescribed by the Chief Court Administrator, that the registry not disclose such protected person's name and address except to the law enforcement agency for the town in which (1) such protected person resides, (2) such protected person is employed, or (3) the person subject to the order resides.

(d) Any person who has reason to believe that information concerning such person which is contained in the registry of protective orders is not consistent with a valid court order may submit a written request for verification of such information to the clerk of the superior court for the judicial district in which such order was issued. If the clerk finds that such information contained in the registry is not consistent with such order, the clerk shall promptly cause such information to be removed from the registry.

(e) The orders and other information required or permitted to be contained in the registry of protective orders may be entered in the registry in any written or electronic form approved by the Chief Court Administrator. For the purposes of this section, an order is contained in the registry if the information contained in such order and information concerning the issuance of such order is entered in the registry in a manner approved by the Chief Court Administrator pursuant to this subsection.

Conn. Gen. Stat. § 51-5c

matter, as defined in section 46b-1, to be served on the protected party or parties in accordance with the law by mail or through a third party who is authorized by statute to serve process.

Conn. Gen. Stat. § 53a-223b(a)-(c)

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Del. Code Ann.

tit. 10,
§1049A
§1049B
§1049C
§1049D
§1049H
§1049J
1049K
1049I
1049L

Section 1049A- Definitions.

In this part:

- (1)** “Court” means the Family Court of the State of Delaware.
- (2)** “Foreign protection order” means a protection order issued by a tribunal of another state.
- (3)** “Issuing state” means the state whose tribunal issues a protection order.
- (4)** “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both protected individuals seeking enforcement of the order and the respondents.
- (5)** “Protected individual” means an individual protected by a protection order.
- (6)** “Protection order” means an injunction or other order issued by a tribunal under the domestic violence or family violence laws of the issuing state to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual. The term includes an injunction or other order issued under the antistalking laws of the issuing state.
- (7)** “Respondent” means the individual against whom enforcement of a protection order is sought.
- (8)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

Section 1049B- Judicial enforcement of order.

- (a)** A person authorized by the law of this State to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in the Court. The Court shall enforce the terms of the order, including terms that provide relief that the Court would lack power to provide but for this section. The Court shall enforce the order whether the order was obtained by independent action or in another proceeding if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the Court shall follow the procedures of this State for the enforcement of protection orders.
- (b)** The Court may not enforce a foreign protection order issued by the tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (c)** The Court shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (d)** A foreign protection order is valid if it:
 - (1)** Identifies the protected individual and the respondent;
 - (2)** Is currently in effect;
 - (3)** Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

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(9) “Tribunal” means a court, agency or other entity authorized by law to issue or modify a protection order.

Del. Code Ann. tit. 10, § 1049A

Section 1049D - Registration of order.

(a) Any individual may register a foreign protection order in this State. To register a foreign protection order an individual shall present a certified copy of the order to the Court.

(b) Upon receipt of a foreign protection order, the Court shall register the order in accordance with this section. After the order is registered, the Court shall furnish to the individual registering the order a certified copy of the registered order.

(c) The Court shall register an order upon presentation of a copy of a protection order which has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this State.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that to the best of the protected individual’s knowledge, the order is currently in effect.

(e) A foreign protection order registered under this part may be entered in any existing state or federal registry of protection orders in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order.

Del. Code Ann. tit. 10, § 1049D

Section 1049H – Definitions.

As used in this part:

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order, or in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) The Court may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

Del. Code Ann. tit. 10, § 1049B

Section 1049C- Nonjudicial enforcement of order.

Pursuant to the provisions of § 1046 of this title, a law-enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this State. Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order.

Del. Code Ann. tit. 10, § 1049C

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(1) “Canadian domestic-violence protection order” means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence and prohibits a respondent from doing 1 or more of the following:

- a.** Being in physical proximity to a protected individual or following a protected individual.
- b.** Directly or indirectly contacting or communicating with a protected individual or other individual described in the order.
- c.** Being within a certain distance of a specified place or location associated with a protected individual.
- d.** Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

(2) “Court” means the Family Court of this State.

(3) “Domestic protection order” means an injunction or other order issued by the Court which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.

(4) “Issuing court” means the court that issues a Canadian domestic-violence protection order.

(5) “Law-enforcement officer” means an individual authorized by law of this State other than this part to enforce a domestic protection order.

(6) “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(7) “Protected individual” means an individual protected by a Canadian domestic-violence protection order.

Section 1049E - Immunity.

This State or a local governmental agency or a law-enforcement officer, prosecuting attorney, clerk of court or any state or local governmental official acting in an official capacity is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this part.

Del. Code Ann. tit. 10, § 1049E

Section 1049J- Enforcement of Canadian domestic-violence protection order by the Court.

(a) The Court may issue an order enforcing or refusing to enforce a Canadian domestic-violence protection order on application of 1 of the following:

(1) A person authorized by law of this State other than this part to seek enforcement of a domestic protection order.

(2) A respondent.

(b) In a proceeding under subsection (a) of this section, the Court shall follow the procedures of this State for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic-violence protection order as described in § 1049H of this title.

(c) A Canadian domestic-violence protection order is enforceable under this section if all of the following apply:

- (1)** The order identifies a protected individual and a respondent.
- (2)** The order is valid and in effect.

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(8) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(9) “Respondent” means an individual against whom a Canadian domestic-violence protection order is issued.

(10) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally-recognized Indian tribe.

Del. Code Ann. tit. 10, § 1049H

Section 1049K – Registration of Canadian domestic-violence protection order.

(a) An individual may register a Canadian domestic-violence protection order in this State. To register the order, the individual must present a certified copy of the order to the Court.

(b) On receipt of a certified copy of a Canadian domestic-violence protection order, the Court shall register the order in accordance with this section.

(c) An individual registering a Canadian domestic-violence protection order under this section shall file an affidavit stating that, to the best of the individual’s knowledge, the order is valid and in effect.

(d) After a Canadian domestic-violence protection order is registered under this section, the Court shall provide the individual registering the order a certified copy of the registered order.

(e) A Canadian domestic-violence protection order registered under this section may be entered in a state or federal registry of protection orders in accordance with law.

(3) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court.

(4) The order was issued after 1 of the following:

a. The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order.

b. In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(d) A Canadian domestic-violence protection order valid on its face is prima facie evidence of its enforceability under this section.

(e) A claim that a Canadian domestic-violence protection order does not comply with subsection (c) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the Court determines that the order is not enforceable, the Court shall issue an order that the Canadian domestic-violence protection order is not enforceable under this section and § 1049I of this title and may not be registered under § 1049K of this title.

(f) This section applies to enforcement of a provision of a Canadian domestic-violence protection order against a party to the order in which each party is a protected individual and respondent only if both of the following apply:

(1) The party seeking enforcement of the order filed a pleading requesting the order from the issuing court.

(2) The issuing court made specific findings that entitled the party to the enforcement sought.

Del. Code Ann. tit. 10, § 1049J

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(f) An inaccurate, expired, or unenforceable Canadian domestic-violence protection order may be corrected or removed from the registry of protection orders maintained in this State in accordance with law of this State other than this part.

(g) A fee may not be charged for the registration of a Canadian domestic-violence protection order under this section.

(h) Registration in this State or filing under law of this State other than this part of a Canadian domestic-violence protection order is not required for its enforcement under this part.

Del. Code Ann. tit. 10, § 1049K

Section 1049I – Enforcement of Canadian domestic-violence protection order by law-enforcement officer.

(a) If a law-enforcement officer determines under subsection (b) or (c) of this section that there is probable cause to believe a valid Canadian domestic-violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic-violence protection order as if the terms were in an order of the Court. Presentation to a law-enforcement officer of a certified copy of a Canadian domestic-violence protection order is not required for enforcement.

(b) Presentation to a law-enforcement officer of a record of a Canadian domestic-violence protection order that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(c) If a record of a Canadian domestic-violence protection order is not presented as provided in subsection (b) of this section, a law-enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic-violence protection order exists.

(d) If a law-enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order,

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notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(e) If a law-enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

Del. Code Ann. tit. 10, § 1049I

Section 1049L – Immunity.

This State or a state agency, local governmental agency, law-enforcement officer, prosecuting attorney, clerk of court, or state or local governmental official acting in an official capacity is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic-violence protection order or the detention or arrest of an alleged violator of a Canadian domestic-violence protection order if the act or omission was a good faith effort to comply with this part.

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D.C. Code §§

16-1041
16-1044
16-1005
16-1042
16-1043
16-1045

Section 16-1041 – Definitions.

For purposes of this subchapter, the term:

- (1) “District” means the District of Columbia.
- (2) “Foreign protection order” means a protection order issued by a tribunal of another State.
- (3) “Issuing State” means the State whose tribunal issues a protection order.
- (4) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (5) “Protected individual” means an individual protected by a protection order.
- (6) “Protection order” means an injunction or other order, whether temporary or final, issued by a tribunal for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to, another individual.
- (7) “Respondent” means the individual against whom enforcement of a protection order is sought.
- (8) “State” means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term “State” includes an Indian tribe or band that has jurisdiction to issue protection orders.
- (9) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

D.C. Code § 16-1041

Section 16-1005 - Hearing; evidence; protection order.

(f)

(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent’s failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

(g)

(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable as a misdemeanor.

(2) Upon conviction, violation of a temporary protection order, civil protection order, or a valid foreign protection order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

(g-1)

(1) No person shall be found to violate a temporary protection order, civil protection order, or valid foreign protection order as described in subsection (f)(1) or (g)(1) of this section, unless the person was personally served with or received actual notice of the temporary protection order, civil protection order, or valid foreign protection order.

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Section 16-1044 - Registration of order.

(a) The Superior Court of the District of Columbia is authorized, subject to appropriations, to create a registry in the District of Columbia for foreign protection orders and protection orders issued in the District of Columbia.

(b) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:

(1) Present a certified copy of the order to the Superior Court; and

(2) File an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(c) When a registry is created pursuant to subsection (a) of this section, upon receipt of a foreign protection order, the Superior Court shall register the order in accordance with this section. After the order is registered, the Superior Court shall furnish to the individual registering the order a certified copy of the registered order. The Superior Court shall not notify or require notification of the respondent that the protection order has been registered in the District unless requested to do so by the party protected by the order.

(d) The Superior Court shall register an order upon presentation of a copy of a protection order that has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of the District.

(e) A foreign protection order registered under this subchapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(2) Enforcement proceedings under subsection (f) or (g) of this section in which the respondent is a child, as that term is defined in § 16-2301(3), shall be governed by subchapter I of Chapter 23 of this title.

(h) For purposes of establishing a violation under subsections (f) and (g) of this section, an oral or written statement made by a person located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

(i) Violations of protection orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f), (g), or (g-1) of this section.

D.C. Code § 16-1005(f)-(i)

Section 16-1005 - Judicial enforcement of order.

(a) A person authorized by the law of the District to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of the District. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of the District would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of or for the benefit of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal

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(f) A fee may not be charged for the registration of a foreign protection order, nor may a fee be charged for service of a foreign order in the District of Columbia.

D.C. Code § 16-1044

shall follow the procedures of the District for the enforcement of protection orders.

(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

(d) A foreign protection order is valid if it:

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect or was in effect at the time of the violation;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

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- (1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and
- (2) The tribunal of the issuing State made specific findings in favor of the respondent.

D.C. Code § 16-1042

Section 16-1043 - Nonjudicial enforcement of order.

(a) A law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of the District. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) Registration or filing of an order in the District is not required for the enforcement of a valid foreign protection order pursuant to this subchapter.

D.C. Code § 16-1043

Section 16-1045 - Immunity.

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The District and its officers and employees, a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with this subchapter.

D.C. Code § 16-1045

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Fla. Stat. Ann.

§§741.315
741.31
901.15

Section 741.315 - Recognition of foreign protection orders.

(1) As used in this section, the term “court of a foreign state” means a court of competent jurisdiction of a state of the United States, other than Florida; the District of Columbia; an Indian tribe; or a commonwealth, territory, or possession of the United States.

(2) Pursuant to 18 U.S.C. s. 2265, an injunction for protection against domestic violence issued by a court of a foreign state must be accorded full faith and credit by the courts of this state and enforced by a law enforcement agency as if it were the order of a Florida court issued under s. 741.30, s. 741.31, s. 784.046, s. 784.047, s. 784.0485, or s. 784.0487, and provided that the court had jurisdiction over the parties and the matter and that reasonable notice and opportunity to be heard was given to the person against whom the order is sought sufficient to protect that person’s right to due process. Ex parte foreign injunctions for protection are not eligible for enforcement under this section unless notice and opportunity to be heard have been provided within the time required by the foreign state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.

(3) Notwithstanding s. 55.505 or any other provision to the contrary, neither residence in this state nor registration of foreign injunctions for protection shall be required for enforcement of this order by this state and failure to register the foreign order shall not be an impediment to its enforcement. The following registration procedure shall be available to protected persons who hold orders from a court of a foreign state.

(a) A protected person shall present a certified copy of a foreign order of protection to any sheriff in this state and request that the

Section 741.315 - Recognition of foreign protection orders.

(4)

(a) Law enforcement officers shall enforce foreign orders of protection as if they were entered by a court of this state. Upon presentation of a foreign protection order by a protected person, a law enforcement officer shall assist in enforcement of all of its terms, pursuant to federal law, except matters related to child custody, visitation, and support. As to those provisions only, enforcement may be obtained upon domestication of the foreign order pursuant to ss. 55.501-55.509 unless the foreign order is a “pickup order” or “order of bodily attachment” requiring the immediate return of a child.

(b) Before enforcing a foreign protection order, a law enforcement officer should confirm the identity of the parties present and review the order to determine that, on its face, it has not expired. Presentation of a certified or true copy of the protection order shall not be required as a condition of enforcement, provided that a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought.

(c) A law enforcement officer shall use reasonable efforts to verify service of process.

(d) Service may be verified as follows:

1. By petitioner: Petitioner may state under oath that to the best of petitioner’s knowledge, respondent was served with the order of protection because petitioner was present at time of service; respondent told petitioner he or she was served; another named person told petitioner respondent was served; or

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GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

same be registered in the injunction registry. However, nothing in this section shall operate to preclude the enforcement of any order of protection determined by the law enforcement officer to be valid even if the protected person does not have a certified copy of the foreign protection order. It is not necessary that the protected person register the foreign order in the protected person's county of residence. Venue is proper throughout the state. The protected person must swear by affidavit, that to the best of the protected person's knowledge and belief, the attached certified copy of the foreign order, docket number , issued in the state of on is currently in effect as written and has not been superseded by any other order and that the respondent has been given a copy of it.

(b) The sheriff shall examine the certified copy of the foreign order and register the order in the injunction registry, noting that it is a foreign order of protection. If not apparent from the face of the certified copy of the foreign order, the sheriff shall use best efforts to ascertain whether the order was served on the respondent. The Florida Department of Law Enforcement shall develop a special notation for foreign orders of protection. The sheriff shall assign a case number and give the protected person a receipt showing registration of the foreign order in this state. There shall be no fee for registration of a foreign order.

(c) The foreign order may also be registered by local law enforcement agencies upon receipt of the foreign order and any accompanying affidavits in the same manner described in paragraphs (a) and (b).

Fla. Stat. Ann. § 741.315(1)-(3)

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

respondent told petitioner he or she knows of the content of the order and date of the return hearing.

2. By respondent: Respondent states under oath that he or she was or was not served with the order.

(e) Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.

(f) A law enforcement officer acting in good faith under this section and the officer's employing agency shall be immune from all liability, civil or criminal, that might otherwise be incurred or imposed by reason of the officer's or agency's actions in carrying out the provisions of this section.

(g) Law enforcement shall not require petitioner to sign a registration affidavit as a condition of enforcement.

(h) A foreign order of protection shall remain in effect until the date of expiration on its face; or, if there is no expiration date on its face, a foreign order of protection shall remain in effect until expiration. If the order of protection states on its face that it is a permanent order, then there is no date of expiration.

(5) Any person who acts under this section and intentionally provides a law enforcement officer with a copy of an order of protection known by that person to be false or invalid, or who denies having been served with an order of protection when that person has been served with such order, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) In the event 18 U.S.C. s. 2265 is held to be unconstitutional, this section shall be null and void.

Fla. Stat. Ann. § 741.315(4)-(6)

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

Section 741.31- Violation of an injunction for protection against domestic violence.

(4)

(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a **foreign protection order** accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;
 2. Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
 3. Committing an act of domestic violence against the petitioner;
 4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
 5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
 6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
 7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
 8. Refusing to surrender firearms or ammunition if ordered to do so by the court
- commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except as provided in paragraph (c).

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

(b)

1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

(c) A person who has two or more prior convictions for violation of an injunction or foreign protection order, and who subsequently commits a violation of any injunction or foreign protection order against the same victim, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s.775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt which is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.

(5) Whether or not there is a criminal prosecution under subsection (4), the court shall order the respondent to attend a batterers' intervention program if it finds a willful violation of a domestic violence injunction, unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why a batterers' intervention program would be inappropriate.

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

(6) Any person who suffers an injury and/or loss as a result of a violation of an injunction for protection against domestic violence may be awarded economic damages for that injury and/or loss by the court issuing the injunction. Damages includes costs and attorneys' fees for enforcement of the injunction.

Fla. Stat. Ann. § 741.31(4)-(6)

Section 901.15 – When arrest by an officer without a warrant is lawful.[Effective July 1, 2024]

A law enforcement officer may arrest a person without a warrant when:

(6) There is probable cause to believe that the person has committed a criminal act according to s. 790.233 or according to s. 741.31, s. 784.047, or s. 825.1036 which violates an injunction for protection entered pursuant to s. 741.30, s. 784.046, or s. 825.1035 or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.

(7) There is probable cause to believe that the person has committed an act of domestic violence, as defined in s. 741.28, or dating violence, as provided in s. 784.046. The decision to arrest shall not require consent of the victim or consideration of the relationship of the parties. It is the public policy of this state to strongly discourage arrest and charges of both parties for domestic violence or dating violence on each other and to encourage training of law enforcement and prosecutors in these areas. A law enforcement officer who acts in good faith and exercises due care in making an arrest under this subsection, under s. 741.31(4) or s. 784.047, or pursuant to a foreign order of

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protection accorded full faith and credit pursuant to s. 741.315,
is immune from civil liability that otherwise might result by
reason of his or her action.

Fla. Stat. Ann. § 901.15(6)-(7)

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Ga. Code Ann.

§§19-13-51
19-13-54
19-13-56
19-13-4

Section 19-13-51 – Definitions

As used in this article, the term:
(1) “Court” means judges in the classes of courts identified in Title 15 and any other person while acting as such a judge pursuant to designation as otherwise authorized by law.

(2) “Foreign court” means a court of competent jurisdiction in any state other than this state or any territory or tribal jurisdiction in the United States.

(3) “**Foreign protective order**” means any temporary order of protection, order of protection, restraining order, injunction, pretrial release order, or sentencing order that prohibits contact, acts of family violence, or stalking issued by a foreign court.

(4) “Law enforcement officer” means any agent or officer of this state, or a political subdivision or municipality thereof, who, as a full-time or part-time employee, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws and whose duties include the preservation of public order, the protection of life and property, or the prevention, detection, or investigation of crime. Such term also includes the following: state or local officer, sheriff, deputy sheriff, dispatcher, 9-1-1 operator, police officer, prosecuting attorney, member of the State Board of Pardons and Paroles, a hearing officer of the State Board of Pardons and Paroles, and a community supervision officer of the Department of Community Supervision.

(5) “Modification” means any amendment, dismissal, or continuance.

(6) “Prosecuting attorney” means each attorney elected to represent a judicial circuit in this state and any assistant or deputy district attorney, or solicitor, in each judicial circuit in this state.

Section 19-13-56 - Liability of court or law enforcement personnel.

(a) The state and any local or state law enforcement officer, court official, or official of the registry shall be held harmless for any delay or failure to file a protective order or modification thereof, to transmit information contained in a protective order or modification thereof, or to enter such information in the registry.

(b) The state and any local or state law enforcement officer, court official, or official of the registry shall be held harmless for acting in reliance upon information registered in the registry or information received for the purpose of entry in the registry.

Ga. Code Ann. § 19-13-56

Section 19-13-4 - Protective orders and consent agreements; contents; delivery to sheriff; expiration; enforcement.

(b) A copy of the order shall be issued by the clerk of the superior court to the sheriff of the county wherein the order was entered and shall be retained by the sheriff as long as that order shall remain in effect.

(d) A protective order issued pursuant to this Code section shall apply and shall be effective throughout this state. It shall be the duty of every superior court and of every sheriff, every deputy sheriff, and every state, county, or municipal law enforcement officer within this state to enforce and carry out the terms of any valid protective order issued by any court under the provisions of this Code section.

Ga. Code Ann. § 19-13-4(b), (d)

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

(7) “Protective order” means:

(A) An ex parte, temporary, six-month, permanent, restraining, pretrial release, or sentencing order issued by a judge in this state that prohibits contact or that is pursuant to Article 7 of Chapter 5 of Title 16 or this chapter; and

(B) A foreign protective order.

(8) “Registry” means the Georgia Protective Order Registry.

Ga. Code Ann. § 19-13-51

Section 19-13-54 - Foreign protective orders.

(a) A petitioner who obtains a foreign protective order may file that order by filing a certified copy of the foreign protective order with any clerk of court of the superior court in this state.

(b) Filing shall be without fee or cost.

(c) The clerk of court shall provide the petitioner with a receipt bearing proof of submission of the foreign protective order for entry in the registry.

(d) The clerk of court shall transmit to the registry a copy of the foreign protective order in the same manner as provided in Code Section 19-13-53.

(e) Foreign protective orders shall not be required to be contained on a standardized form or forms in order to be entered in the registry.

(f) Filing and registry of the foreign protective order in the registry shall not be prerequisites for enforcement of the foreign protective order in this state.

Ga. Code Ann. § 19-13-54

HAWAII

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

HAW. REV. STAT.

ANN. §§

586-21
586-22
586-23
586-24
586-25
586-26

Section 586-21 - Foreign protective orders.

Any valid protective order, as defined in title 18 United States Code section 2266, issued by a court or tribunal of another state, tribe, or territory of the United States, or issued by a court or tribunal of Canada and recognized under chapter 586C, shall be accorded full faith and credit by the courts of this State and shall be enforced as if it were an order issued in this State.

Haw. Rev. Stat. Ann. § 586-21

Section 586-22 - Valid protective order.

(a) A protective order issued by another state, tribe, or territory shall be considered valid if:

- (1) The issuing court or tribunal had jurisdiction over the parties and matter under the laws of the state, tribe, or territory; and
- (2) The respondent received notice and an opportunity to be heard before the foreign protective order was issued; provided that, in the case of an ex parte order, notice and opportunity to be heard were provided within a reasonable period of time, sufficient to protect the respondent's right to due process.

(b) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of an out-of-state protective order.

Haw. Rev. Stat. Ann. § 586-22

Section 586-23 - Filing of foreign protective order.

A certified copy of a foreign protective order, accompanied by a sworn affidavit that the order remains in effect and has not been vacated or modified, may be filed with the court; provided that no filing fee shall be required. Filing of a foreign protective order with

Section 586-24 - Enforcement of foreign protective orders.

(a) A law enforcement officer shall enforce a foreign protective order that appears to be authentic on its face. For purposes of this section, "authentic on its face" means the protective order contains the names of both parties and remains in effect.

(b) If a paper copy of the order is unavailable and the officer verifies the existence and status of the order through a national or state centralized registry for protective orders or through communication with appropriate authorities in the issuing state, tribe, or territory, the officer shall enforce the order.

(c) A law enforcement officer shall make an arrest for a violation of a foreign protective order in the same manner as for violations of protective orders issued in this State.

Haw. Rev. Stat. Ann. § 586-24

Section 586-25 - Good faith immunity.

Any law enforcement officer acting in good faith shall be immune from civil or criminal liability in any action arising in connection with enforcement of a valid foreign protective order or a foreign protective order that appears to be authentic on its face pursuant to this part.

Haw. Rev. Stat. Ann. § 586-25

Section 586-26 - Penalties.

Any violation of a foreign protective order entitled to full faith and credit under this part is a misdemeanor. The court shall sentence a person convicted under this section as follows:

- (1) For a first conviction for violation of the protective order, the person shall serve a mandatory minimum jail sentence of forty-

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the court shall not be required for enforcement of the foreign protective order in this State.

Haw. Rev. Stat. Ann. § 586-23

eight hours but not more than thirty days and be fined not less than \$150 nor more than \$500; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine; and

(2) For a second and any subsequent conviction for violation of the protective order, the person shall serve a mandatory minimum jail sentence of thirty days and be fined not less than \$250 nor more than \$1,000; provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

Haw. Rev. Stat. Ann. § 586-26

IDAHO

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

IDAHO* (UIEDVPOA)

Idaho Code §§

39-6306A
39-6309
39-6312
39-6314

Section 39-6306A - Uniform interstate enforcement of domestic violence protection orders act.

(2) Definitions. As used in this section:

(a) “Issuing state” means the state whose tribunal issues a protection order.

(b) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(c) “Protected individual” means an individual protected by a protection order.

(d) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(e) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

(5) Registration of Order.

(a) Any individual may register a foreign protection order in this state pursuant to section 39-6311, Idaho Code. To register a foreign protection order, an individual shall present a copy of a protection order which has been certified by the issuing state to a court of this state in order to be entered in the Idaho law enforcement telecommunications system pursuant to section 39-6311, Idaho Code.

(b) An individual registering a foreign protection order shall file with the court an affidavit by the protected individual stating that, to the best of the protected individual’s knowledge, the order is currently in effect.

Section 39-6306A - Uniform interstate enforcement of domestic violence protection orders act.

(3) Judicial Enforcement of Order.

(a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(d) A foreign protection order is valid if it:

- (i) Identifies the protected individual and the respondent;
- (ii) Is currently in effect;

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GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

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(c) A fee may not be charged for the registration of a foreign protection order.

(d) A foreign protection order registered under this section may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

Idaho Code § 39-6306A(2), (5)

(iii) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

(iv) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(i) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(ii) The tribunal of the issuing state made specific findings in favor of the respondent.

(4) Nonjudicial Enforcement of Order.

(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a foreign protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of

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this subsection, the foreign protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a foreign protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this section.

(6) Immunity. This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this section.

Idaho Code § 39-6306A(3)-(4),(6)

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GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

Section 39-6309 - Issuance of order — Assistance of peace officer — Designation of appropriate law enforcement agency.

When an order is issued or a foreign protection order is recognized under this chapter upon request of the petitioner, the court may order a peace officer to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution of the protection order. A certified copy of the order shall be prepared by the clerk for transmittal to the appropriate law enforcement agency as specified in section 39-6311, Idaho Code. Orders issued or foreign protection orders recognized under this chapter shall include an instruction to the appropriate law enforcement agency to execute, serve, or enforce the order.

Idaho Code § 39-6309

Section 39-6312 - Violation of order - Penalties.

(1) Whenever a protection order is granted and the respondent or person to be restrained had notice of the order, a violation of the provisions of the order or of a provision excluding the person from a residence shall be a misdemeanor punishable by not to exceed one (1) year in jail and a fine not to exceed five thousand dollars (\$5,000), ten dollars (\$10.00) of which shall be deposited to the credit of the domestic violence project account created in section 39-5212, Idaho Code.

(2) A peace officer may arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order, if the person restrained had notice of the order.

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COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

(3) The person against whom a protection order has been issued by an out-of-state court is presumed to have notice of the order if the victim presents to the officer proof of service of the order.

Idaho Code § 39-6312

Section 39-6314. Peace officers - Immunity.

No peace officer may be held criminally or civilly liable for actions or omissions in the performance of the duties of his office under this chapter, including the enforcement of out-of-state protection orders, if the peace officer acts in good faith and without malice.

Idaho Code § 39-6314

ILLINOIS

STATUTE

GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

720 Ill. Comp.

Stat. Ann.

5/12-3.4

5/12-3.8

725 Ill. Comp.

Stat. Ann.

5/112A-23

5/112A-26

5/112A-28

5/112A-31

750 Ill. Comp.

Stat. Ann.

60/222.5

Section 5/12-3.4 - Violation of an order of protection.

(a) A person commits violation of an order of protection if:

(1) He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214],

(ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14) or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory,

(iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-4]; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 [750 ILCS 60/101 et seq.] or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face.

Section 5/112A-23- Enforcement of protective orders.

(a) When violation is crime. A violation of any protective order, whether issued in a civil, quasi-criminal proceeding or by a military judge, shall be enforced by a criminal court when:

(1) The respondent commits the crime of violation of a domestic violence order of protection pursuant to Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/12-3.4 or 720 ILCS 5/12-30], by having knowingly violated:

(i) remedies described in paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 112A-14 of this Code [725 ILCS 5/112A-14],

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/214], in a valid order of protection, which is authorized under the laws of another state, tribe, or United States territory, or

(iii) any other remedy when the act constitutes a crime against the protected parties as defined by the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/1-1 et. seq.].

Prosecution for a violation of a domestic violence order of protection shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the domestic violence order of protection; or

(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/10-5], by having knowingly violated:

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For purposes of this Section, an “order of protection” may have been issued in a criminal or civil proceeding.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(c) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/305] apply to actions taken under this Section.

(d) Violation of an order of protection is a Class A misdemeanor. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2 [720 ILCS 5/12-3.2]) or violation of an order of protection (Section 12-3.4 or 12-30 [renumbered as this section]) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1 [720 ILCS 5/9-1]), attempt to commit first degree murder (Section 8-4 [720 ILCS 5/8-4]), aggravated domestic battery (Section 12-3.3 [720 ILCS 5/12-3.3]), aggravated battery (Section 12-3.05 [720 ILCS 5/12-3.05] or 12-4 [renumbered as 720 ILCS 5/12-3.05]), heinous battery (Section 12-4.1 [now repealed]), aggravated battery with a firearm (Section 12-4.2 [now repealed]), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5 [now repealed]), aggravated battery of a child (Section 12-4.3 [now repealed]), aggravated battery of an unborn child (subsection (a-5)

(i) remedies described in paragraph (5), (6), or (8) of subsection (b) of Section 112A-14 of this Code, or

(ii) a remedy, which is substantially similar to the remedies authorized under paragraph (1), (5), (6), or (8) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid domestic violence order of protection, which is authorized under the laws of another state, tribe, or United States territory.

(3) The respondent commits the crime of violation of a civil no contact order when the respondent violates Section 12-3.8 of the Criminal Code of 2012 [720 ILCS 5/12-3.8]. Prosecution for a violation of a civil no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(4) The respondent commits the crime of violation of a stalking no contact order when the respondent violates Section 12-3.9 of the Criminal Code of 2012 [720 ILCS 5/12-3.9]. Prosecution for a violation of a stalking no contact order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the stalking no contact order.

(b) When violation is contempt of court. A violation of any valid protective order, whether issued in a civil or criminal proceeding or by a military judge, may be enforced through civil or criminal contempt procedures, as appropriate, by any court with jurisdiction, regardless where the act or acts which violated the protective order were committed, to the extent consistent with the venue provisions of this Article. Nothing in this Article shall preclude any Illinois court from enforcing any valid protective order issued in another state. Illinois courts may enforce

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of Section 12-3.1 [720 ILCS 5/12-3.1], or Section 12-4.4 [now repealed]], aggravated battery of a senior citizen (Section 12-4.6 [now repealed]), stalking (Section 12-7.3 [720 ILCS 5/12-7.3]), aggravated stalking (Section 12-7.4 [720 ILCS 5/12-7.4]), criminal sexual assault (Section 11-1.20 [720 ILCS 5/11-1.20] or 12-13 [renumbered as 720 ILCS 5/11-1.20]), aggravated criminal sexual assault (Section 11-1.30 [720 ILCS 5/11-1.30] or 12-14 [renumbered as 720 ILCS 5/11-1.30]), kidnapping (Section 10-1 [720 ILCS 5/10-1]), aggravated kidnapping (Section 10-2 [720 ILCS 5/10-2]), predatory criminal sexual assault of a child (Section 11-1.40 [720 ILCS 5/11-1.40] or 12-14.1 [renumbered as 720 ILCS 5/11-1.40]), aggravated criminal sexual abuse (Section 11-1.60 [720 ILCS 5/11-1.60] or 12-16 [renumbered as 720 ILCS 5/11-1.60]), unlawful restraint (Section 10-3 [720 ILCS 5/10-3]), aggravated unlawful restraint (Section 10-3.1 [720 ILCS 5/10-3.1]), aggravated arson (Section 20-1.1 [720 ILCS 5/20-1.1]), aggravated discharge of a firearm (Section 24-1.2 [720 ILCS 5/24-1.2]), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-3]. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections [730 ILCS 5/5-9-1] or to make restitution to the victim

protective orders through both criminal prosecution and contempt proceedings, unless the action which is second in time is barred by collateral estoppel or the constitutional prohibition against double jeopardy.

(1) In a contempt proceeding where the petition for a rule to show cause sets forth facts evidencing an immediate danger that the respondent will flee the jurisdiction, conceal a child, or inflict physical abuse on the petitioner or minor children or on dependent adults in petitioner's care, the court may order the attachment of the respondent without prior service of the rule to show cause or the petition for a rule to show cause. Bond shall be set unless specifically denied in writing.

(2) A petition for a rule to show cause for violation of a protective order shall be treated as an expedited proceeding.

(e) The enforcement of a protective order in civil or criminal court shall not be affected by either of the following:

(1) The existence of a separate, correlative order entered under Section 112A-15 of this Code [725 ILCS 5/112A-15].

(2) Any finding or order entered in a conjoined criminal proceeding.

(f) Circumstances. The court, when determining whether or not a violation of a protective order has occurred, shall not require physical manifestations of abuse on the person of the victim.

725 Ill. Comp. Stat. Ann. 5/112A-23(a)-(b), (e)-(f)

Section 5/112A-26 - Arrest without warrant.

(a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing any crime, including but not limited to violation of a domestic violence order of

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under Section 5-5-6 of the Unified Code of Corrections [730 ILCS 5/5-5-6].

(e) (Blank).

(f) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code [720 ILCS 5/5-1 et seq.], is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

720 Ill. Comp. Stat. Ann. 5/12-3.4

Section 5/12-3.8 - Violation of a civil no contact order.

(a) A person commits violation of a civil no contact order if:

(2) the violation occurs after the offender has been served notice of the contents of the order under the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-1 et seq.], or any substantially similar statute of another state, tribe, or United States territory, or otherwise has acquired actual knowledge of the contents of the order.

A civil no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory. There shall be a presumption of validity when an order is certified and appears authentic on its face.

(a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign civil no contact order.

720 Ill. Comp. Stat. Ann. 5/12-3.8(a)(2), (a-5)

protection, under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/12-3.4 or 720 ILCS 5/12-30], violation of a civil no contact order, under Section 11-1.75 of the Criminal Code of 2012 [720 ILCS 5/11-1.75], or violation of a stalking no contact order, under Section 12-7.5A of the Criminal Code of 2012 [720 ILCS 5/12-7.5A], even if the crime was not committed in the presence of the officer.

(b) The law enforcement officer may verify the existence of a protective order by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by petitioner or respondent.

725 Ill. Comp. Stat. Ann. 5/112A-26

Section 5/112A-31 - Limited law enforcement liability.

Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Article shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.

725 Ill. Comp. Stat. Ann. 5/112A-31

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Section 5/112A-28 Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Illinois State Police, daily, in the form and detail the Illinois State Police requires, copies of any recorded protective orders issued by the court, and any **foreign protective orders**, including, but not limited to, an **order** of protection issued by a military judge, filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court. Each protective order shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court.

(b) The Illinois State Police shall maintain a complete and systematic record and index of all valid and recorded protective orders issued or filed under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of abuse or violation of a protective order of any recorded prior incident of abuse involving the abused party and the effective dates and terms of any recorded protective order.

(c) The data, records and transmittals required under this Section shall pertain to:

- (1)** any valid emergency, interim or plenary domestic violence order of protection, civil no contact or stalking no contact order issued in a civil proceeding; and
- (2)** any valid ex parte or final protective order issued in a criminal proceeding or authorized under the laws of **another state, tribe, or United States territory**.

725 Ill. Comp. Stat. Ann. 5/112A-28

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Section 60/222.5 - Filing an order of protection issued in another state or other jurisdiction.

(a) A person entitled to protection under an order of protection issued by the court of another state, tribe, or United States territory or military judge may file a certified copy of the order of protection with the clerk of the court in a judicial circuit in which the person believes that enforcement may be necessary.

(a-5) The Illinois National Guard shall file a certified copy of any military order of protection with the clerk of the court in a judicial circuit in which the person entitled to protection resides or if the person entitled to protection is not a State resident, in a judicial circuit in which it is believed that enforcement may be necessary.

(b) The clerk shall:

(1) treat the foreign order of protection, including, but not limited to, an order of protection issued by a military judge, in the same manner as a judgment of the circuit court for any county of this State in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act [735 ILCS 5/12-650 et. seq.], except that the clerk shall not mail notice of the filing of the foreign order to the respondent named in the order; and

(2) on the same day that a foreign order of protection is filed, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Illinois State Police records as set forth in Section 222 of this Act [750 ILCS 60/222].

(c) Neither residence in this State nor filing of a foreign order of protection, including, but not limited to, an order of protection issued by a military judge, shall be required for enforcement of the order by this State. Failure to file the foreign order shall not be an impediment to its treatment in all respects as an Illinois order of protection.

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(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.
(e) The sheriff shall inform the Illinois State Police as set forth in Section 302 of this Act [750 ILCS 60/302].
750 Ill. Comp. Stat. Ann. 60/222.5

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Ind. Code Ann.
§§34-6-2-121.6
34-26-5-16
34-26-5-17

Section 34-6-2-121.6 - Protection order.

(a) “Protection order” or “order for protection”, for purposes of sections 48.5, 121.4, and 130.7 [IC 34-6-2-48.5, IC 34-6-2-121.4, and IC 34-6-2-130.7] of this chapter and IC 34-26-5, means an injunction or other order issued by a tribunal of the issuing state or Indian tribe to prevent an individual from:

- (1)** engaging in violent or threatening acts against;
- (2)** engaging in harassment of;
- (3)** engaging in contact or communication with; or
- (4)** being in physical proximity to;

another person, including temporary and final orders issued by civil and criminal courts.

(b) The term does not include a support or child custody order issued under the dissolution and child custody laws of a state or Indian tribe, except to the extent that the order qualifies as a protection order under subsection (a) and is entitled to full faith and credit under a federal law other than 18 U.S.C.S. 2265.

(c) The term applies to an order regardless of whether the order is obtained by filing an independent action or as a pendente lite order in another proceeding if any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Ind. Code Ann. § 34-6-2-121.6

Section 34-26-5-17 - Foreign protection orders.

(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a protection order that is consistent with this section shall be accorded full faith

Section 34-26-5-17 - Foreign protection orders.

(a) A foreign protection order is facially valid if it:

- (1)** identifies the protected person and the respondent;
- (2)** is currently in effect;
- (3)** was issued by a state or tribal court with jurisdiction over the:

- (A)** parties; and
- (B)** subject matter;

under the law of the issuing state or Indian tribe; and

(4) was issued after a respondent was given reasonable notice and an opportunity to be heard sufficient to protect the respondent’s right to due process. In the case of an ex parte order, notice and opportunity to be heard must be provided within the time required by state or tribal law and within a reasonable time after the order is issued sufficient to protect the respondent’s due process rights.

(b) A facially valid foreign protection order is prima facie evidence of its validity. The protection order may be inscribed on a tangible medium or stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of an order for protection is not required for enforcement.

(c) Except as provided in subsection (d), a protection order that is facially valid and issued by a court of a state (issuing state) or Indian tribe shall be accorded full faith and credit by Indiana courts.

(d) A mutual foreign protection order is not entitled to full faith and credit if the order is issued by a state or tribal court against a person who has petitioned, filed a complaint, or otherwise filed

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and credit notwithstanding a failure to register or file the order in Indiana. However, if a petitioner wishes to register a foreign protection order in Indiana, all Indiana courts of record shall accommodate the request. The office of judicial administration shall develop a form to be used by courts, clerks, and law enforcement agencies when a petitioner makes a request to register a foreign protection order. Except for a protective order issued to the Indiana protective order registry established by IC 5-2-9-5.5, the courts, clerks of the courts, and sheriffs or law enforcement agencies maintaining depositories shall employ the same procedures required under IC 5-2-9-6 for entering, modifying, extending, or terminating a foreign protection order as those used for a protection order and a no contact order originating in Indiana.

(h) After a foreign protective order is registered, the clerk shall enter the order in the Indiana protective order registry established by IC 5-2-9-5.5.

Ind. Code Ann. § 34-26-5-17(a)-(e),(h)

Section 34-26-5-16 – Fees.

Fees for:

- (1)** filing;
- (2)** service of process;
- (3)** witnesses; or
- (4)** subpoenas;

may not be charged for a proceeding seeking relief or enforcement as provided in this chapter, including a proceeding concerning a **foreign protection order** as described in section 17 [IC 34-26-5-17] of this chapter. This section may not be construed to prevent the collecting of costs from a party against whom an order for protection

a written pleading for protection against a family or household member, unless:

- (1)** a separate petition or motion was filed by a respondent;
- (2)** the issuing court has reviewed each motion separately and granted or denied each on its individual merits; and
- (3)** separate orders were issued and the issuing court made specific findings that each party was entitled to an order.

(f) A facially valid foreign protection order shall be enforced by a law enforcement officer and a state court as if it were an order originating in Indiana. The order must be enforced if the foreign protection order contains relief that the state courts lack the power to provide in an order for protection issued in Indiana.

(g) An Indiana law enforcement officer:

- (1)** may not require notification, registration, or filing of a facially valid foreign order for protection as a prerequisite to enforcement of an order;
- (2)** if a foreign protection order is not presented, may consider other information to determine under a totality of the circumstances whether there is probable cause to believe that a valid foreign order for protection exists; and
- (3)** who determines that an otherwise valid foreign protection order cannot be enforced because a respondent has not been notified or served with the order, shall:
 - (A)** inform the respondent of the order;
 - (B)** serve the order on the respondent;
 - (C)** ensure that the order and service of the order are entered into the state depository;

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is sought if the court finds a claim to be meritorious and issues an order for protection under this chapter.

Ind. Code Ann. § 34-26-5-16

(D) allow the respondent a reasonable opportunity to comply with the order before enforcing the order; and

(E) ensure the safety of the protected person while giving the respondent the opportunity to comply with the order.

Ind. Code Ann. § 34-26-5-17(a)-(d), (f)-(g)

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Iowa Code § 236.19

Section 236.19(1)-(2), (5) - Foreign protective orders - registration – enforcement.

- 1.** As used in this section, “foreign protective order” means a protective order entered by a court of another state, Indian tribe, or United States territory that would be an order or court-approved consent agreement entered under this chapter, a temporary or permanent protective order or order to vacate the homestead under chapter 598, or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Iowa.
- 2.** A certified or authenticated copy of a permanent foreign protective order may be filed with the clerk of the district court in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present.
 - a.** The clerk shall file foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.
 - b.** The clerk shall provide copies of the order as required by section 236.5, except that notice shall not be provided to the respondent without the express written direction of the person in whose favor the order was entered.
- 5.** Filing and service costs in connection with foreign protective orders are waived as provided in section 236.3.

Iowa Code § 236.19(1)-(2), (5)

Section 236.19(3)-(4) - Foreign protective orders - registration – enforcement.

- 3.**
 - a.** A valid foreign protective order has the same effect and shall be enforced in the same manner as a protective order issued in this state whether or not filed with a clerk of court or otherwise placed in a registry of protective orders.
 - b.** A foreign protective order is valid if it meets all of the following:
 - (1)** The order states the name of the protected individual and the individual against whom enforcement is sought.
 - (2)** The order has not expired.
 - (3)** The order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction.
 - (4)** The order was issued in accordance with the respondent’s due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and opportunity to be heard within a reasonable time after the order was issued.
 - c.** Proof that a foreign protective order failed to meet all of the factors listed in paragraph “b” shall be an affirmative defense in any action seeking enforcement of the order.
- 4.** A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

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- a.** The fact that a foreign protective order has not been filed with the clerk of court or otherwise placed in a registry shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.
- b.** A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order shall be immune from civil and criminal liability in any action arising in connection with such enforcement.

Iowa Code § 236.19(3)-(4)

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KANSAS* (UIEDVPOA)

Kan. Stat. Ann.

§§60-31b02
60-31b03
60-31b04
60-31b05
60-31b06
60-31b07
60-31b08
60-31b09
60-3112

Section 60-31b02 - Definitions.

In this act, these terms mean the following:

(a) “Foreign protection order” means a protection order issued by a tribunal of another state.

(b) “Issuing state” means the state whose tribunal issues a protection order.

(c) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.

(d) “Protected individual” means an individual protected by a protection order.

(e) “Protection order” means an injunction or other temporary or final order issued, by a tribunal under the domestic violence, family violence or anti-stalking laws of the issuing state, broadly construed, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.

(f) “Respondent” means the individual against whom enforcement of a protection order is sought.

(g) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(h) “Tribunal” means a court, agency or other entity authorized by law to issue or modify a protection order.

Kan. Stat. Ann. § 60-31b02

Section 60-31b03 - Judicial Enforcement of Order.

(a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid protection order in a court of this state. The court shall enforce the terms of the protection order, including terms that provide relief that a court of this state would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.

(b) A court of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of that order.

(c) A court of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

(d) A foreign protection order is valid if it:

- (1)** Identifies the protected individual and the respondent;
- (2)** is currently in effect;
- (3)** was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
- (4)** was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued

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Section 60-31b05 - Registration of order.

(a) Any individual may, but is not required, to register a foreign protection order in this state. To register a foreign protection order, an individual shall present a certified copy of the order to the sheriff in the county where the protection order will be enforced. Pursuant to K.S.A. 60-3112, and amendments thereto, the sheriff shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order, if it has not already been entered, into the national criminal information center and other appropriate databases.

(b) A fee shall not be charged for the registration of a foreign protection order.

(c) No sheriff's department accepting or registering a foreign protection order under this section may notify or require notification of the party against whom the protection order was filed of its filing or registration unless the individual protected by the protection order requests that the sheriff's department do so and the respondent has not already been notified of such filing or registration.

Kan. Stat. Ann. § 60-31b05

Section 60-31b07 - Other remedies.

A protected individual who pursues remedies under this act is not precluded from pursuing other legal or equitable remedies against the respondent.

Kan. Stat. Ann. § 60-31b07

the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A court of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) the tribunal of the issuing state made specific findings in favor of the respondent.

Kan. Stat. Ann. § 60-31b03

Section 60-31b04 - Nonjudicial enforcement of order.

(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a

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Section 60-31b08 - Uniformity of application and construction.

In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Kan. Stat. Ann. § 60-31b08

Section 60-31b09 - Severability clause.

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application. To this end, the provisions of this act are severable

Kan. Stat. Ann. § 60-31b09

Section 60-3112 - Entering protection orders into the national criminal information center protection order file.

(a) All temporary, amended, final and other protection from abuse orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or protection orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, shall be entered into the national criminal information center protection order file. All emergency protection from abuse orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and such emergency orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, may be entered into the national criminal information center protection order file. A copy of these orders shall

certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act.

Kan. Stat. Ann. § 60-31b04

Section 60-31b06 - Immunity.

This state, a local governmental agency, a law enforcement officer, a prosecuting attorney, or any state or local governmental official acting in an official capacity is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with this act.

Kan. Stat. Ann. § 60-31b06

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be delivered by the clerk of the court to the sheriff of the county where the order is issued or registered. The sheriff's office shall immediately enter the order into the national criminal information center and other appropriate databases after all mandatory identifiers are available. If the order is a **foreign protective order**, the sheriff's office shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order into the national criminal information center and other appropriate databases. Any modification of an order shall be forwarded immediately by the clerk of the court to the sheriff's office with jurisdiction to enforce the modified order. The sheriff's office shall ensure the accuracy of the entries and the court shall ensure the validity of the orders.

(b) All emergency and temporary orders which have been entered into the national criminal information center file shall be canceled upon the expiration of the time period set out in the court order, or, if no time period is set, no later than one year from the entry date. All other orders which have been entered into the national criminal information center protection order file shall be cleared as an active record from the computer system when:

(1) The order expires according to the terms of such order;
(2) a Kansas court notifies the law enforcement agency which has jurisdiction over the entry of the order that such order has been dismissed; or

(3) a **foreign protective order** has been invalidated by either a Kansas court or a foreign court with jurisdiction over such order.

(c) This section shall be part of and supplemental to the protection from abuse act.

Kan. Stat. Ann. § 60-3112

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Ky. Rev. Stat.

Ann. §§

403.720

403.7521

403.7524

403.7527

403.7529

403.751

403.7535

Section 403.720(4), (7) – Definitions for KRS 403.715 to 403.785

(4) “Foreign protective order” means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was issued on the basis of domestic violence and abuse;

(7) “Order of protection” means an emergency protective order or a domestic violence order and includes a foreign protective order;

Ky. Rev. Stat. Ann. § 403.720(4), (7)

Section 403.7521. Foreign protective orders - Rebuttable presumption of validity - Enforcement - Civil and criminal proceedings mutually exclusive.

(1) All foreign protective orders shall have the rebuttable presumption of validity. The validity of a foreign protective order shall only be determined by a court of competent jurisdiction. Until a foreign protective order is declared to be invalid by a court of competent jurisdiction, it shall be given full faith and credit by all peace officers and courts in the Commonwealth.

(2) All peace officers shall treat a foreign protective order as a legal document valid in Kentucky, and shall make arrests for a violation thereof in the same manner as for a violation of an order of protection issued in Kentucky.

(3) The fact that a foreign protective order has not been entered into the Law Information Network of Kentucky shall not be grounds for a peace officer not to enforce the provisions of the order unless it is readily apparent to the peace officer to whom the order is presented that the order has either expired according to a date shown on the order, or that the order’s provisions clearly do not prohibit the

Section 403.7529 – Authentication of foreign protective order.

(1) Upon ex parte review of the foreign protective order and the affidavit filed pursuant to KRS 403.7527, and after determining the order is entitled to full faith and credit in this Commonwealth pursuant to 18 U.S.C. sec. 2265, the court shall declare the order to be authenticated and record the finding on the affidavit.

(2) If the court declares the order to be authenticated, the court shall:

(a) Direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with, if applicable; and

(b) Order its enforcement in any county of the Commonwealth in the same manner as an domestic violence order of this state issued pursuant to KRS 403.740.

(3) The clerk shall notify the person who filed the foreign protective order of the decision of the court and provide the person a certified copy of the affidavit declaring the authentication of the order.

Ky. Rev. Stat. Ann. § 403.7529

Section 403.7535 - Duty to notify court of change in foreign protective order.

(1) A person who has filed a foreign protective order in a court in Kentucky is under a continuing obligation to inform the court of any expiration, vacation, modification, or other change in the

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conduct being complained of. Officers acting in good faith shall be immune from criminal and civil liability.

(4) If the order has expired or its provisions do not prohibit the conduct being complained of, the officer shall not make an arrest unless the provisions of a Kentucky statute have been violated, in which case the peace officer shall take the action required by Kentucky law.

(5) Civil proceedings and criminal proceedings for violation of a foreign protective order for the same violation of the protective order shall be mutually exclusive. Once either proceeding has been initiated, the other shall not be undertaken, regardless of the outcome of the original proceeding.

Ky. Rev. Stat. Ann. § 403.7521

Section 403.7524 - Statement to assist out-of-state court in determining whether order issued under KRS 403.715 to 403.785 is entitled to full faith and credit.

(1) In order to assist a court of another state in 403.715 to 403.785 is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265:

(a) All domestic violence orders shall include a statement certifying that the issuing court had jurisdiction over the parties and the matter, and that reasonable notice and opportunity to be heard has been given to the person against whom the order is sought sufficient to protect that person's right to due process; and

(b) All emergency protective orders shall include a statement certifying that notice and opportunity to be heard has been provided within the time required by state law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

order which the person filing the order has received from the issuing foreign court.

(2) A person who has filed a foreign protective order in a court in Kentucky shall, within two (2) working days of the occurrence of any event specified in subsection (1) of this section, notify the clerk of the court in which the foreign protective order was filed of the fact of the changed order and present the clerk with a copy of the order for authentication as provided in this chapter. The clerk shall immediately notify the Law Information Network of Kentucky entering agency of the modification.

(3) No court in Kentucky and no peace officer in Kentucky shall be expected to enforce a provision of a foreign protective order which has been the subject of any action specified in subsection (1) of this section, unless proper notice has been given in accordance with this section.

(4) Intentional failure of a person who has filed a foreign protective order to make the notifications required by this section in the manner required by this section shall constitute contempt of court and may be grounds for an appropriate civil action brought by any person damaged by the intentional act of omission by the person failing to act.

Ky. Rev. Stat. Ann. § 403.7535

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(2) The Administrative Office of the Courts shall prescribe the form to be used for the purposes of this section.

Ky. Rev. Stat. Ann. § 403.7524

Section 403.7527 - Filing of foreign protective order and affidavit; certification by issuing court official; entry into Law Information Network of Kentucky.

(1) A copy of a foreign protective order may be filed in the office of the clerk of any court of competent jurisdiction of this state. A foreign protective order so filed shall have the same effect and shall be enforced in the same manner as an order of protection issued by a court of this state.

(2)

(a) At the time of the filing of the foreign protective order, the person filing the order shall file with the clerk of the court an affidavit on a form prescribed and provided by the Administrative Office of the Courts. The affidavit shall set forth the name, city, county, and state or other jurisdiction of the issuing court. The person shall certify in the affidavit the validity and status of the foreign protective order, and attest to the person's belief that the order has not been amended, rescinded, or superseded by any orders from a court of competent jurisdiction. All foreign protective orders presented with a completed and signed affidavit shall be accepted and filed.

(b) The affidavit signed by the applicant shall have space where the reviewing judge shall place information necessary to allow the order's entry into the Law Information Network of Kentucky in the same manner as a Kentucky order.

(3)

(a) If the person seeking to file the order presents a copy of the foreign order which is current by the terms of the order and has

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been certified by the clerk or other authorized officer of the court which issued it, the circuit clerk shall present it to the District Judge or Circuit Judge, who shall read the order and enter on the affidavit the information necessary to allow the order's entry into the Law Information Network of Kentucky. The order shall not be subject to further verification and shall be accepted as authentic, current, and subject to full faith and credit.

(b) If the order presented is current by the terms of the order but is not certified in the manner specified in paragraph (a) of this subsection, the circuit clerk shall present the order and the affidavit to the District Judge or Circuit Judge, who shall read the order and enter on the affidavit the information necessary to allow the order's entry into the Law Information Network of Kentucky. The order shall be subject to full faith and credit in the same manner as a Kentucky order of protection, but shall be subject to verification by the circuit clerk. The order shall be valid for a period of fourteen (14) days and may be renewed once for a period of fourteen (14) days if the circuit clerk has not received a certified copy of the order from the issuing jurisdiction. The clerk shall treat the foreign protective order in the same manner as an order of protection issued pursuant to KRS 403.740, except that no service on the adverse party shall be required pursuant to 18 U.S.C. sec. 2265.

(c) Upon the filing of an uncertified foreign protective order, the circuit clerk shall, within two (2) business days, contact the issuing court to request a certified copy of the order. If the certified copy of the order is received by the circuit clerk within the initial fourteen (14) day period, the clerk shall cause the information that certification has been received to be entered into the Law Information Network of Kentucky and shall notify the applicant for the order of the fact of its certification. A facsimile copy of a certified

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foreign protective order shall be grounds for the issuance of an order of protection.

(d) If the clerk has not received a certified copy of the foreign protective order within ten (10) days, the clerk shall notify the court and the applicant that the order has not been received. The notice to the applicant, on a form prepared by the Administrative Office of the Courts, shall state that the foreign protective order will be extended for another fourteen (14) days, but will be dismissed at the expiration of that time. If the clerk informs the judge in writing that the certified foreign protective order has been requested but has not yet been received, the judge shall extend the foreign protective order for a period of fourteen (14) days. If certification of the foreign protective order is not received within twenty-eight (28) days, the foreign protective order shall expire and shall not be reissued. If the applicant meets the qualifications for the issuance of a Kentucky domestic violence order, the court may, upon proper application and showing of evidence, issue a Kentucky order in accordance with this chapter.

(4) The right of a person filing a foreign protective order to bring an action to enforce the order instead of proceeding under this chapter remains unimpaired.

Ky. Rev. Stat. Ann. § 403.7527

Section 403.751 - Entry of summons or order of protection issued pursuant to KRS 403.715 to 403.785 into Law Information Network of Kentucky.

(2) The circuit clerk, in cooperation with the court, shall cause a copy of each summons or order issued pursuant to KRS 403.715 to 403.785, or **foreign protective order**, fully completed and authenticated pursuant to KRS 403.715 to 403.785, to be

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forwarded, by the most expedient means reasonably available and within twenty-four (24) hours following its filing with the clerk, to the appropriate agency designated for entry of orders of protection into the Law Information Network of Kentucky and to the agency assigned service. Any order or court record superseding, modifying, or otherwise affecting the status of an earlier summons or order shall likewise be forwarded by the circuit clerk to the appropriate Law Information Network of Kentucky entering agency and to the agency assigned service, if service is required. The clerk and the court shall comply with all provisions and guidelines of the Law Information Network of Kentucky for entry of the records.

(3) Each agency designated for entry of summonses and orders issued pursuant to KRS 403.715 to 403.785, or **foreign protective orders** authenticated pursuant to this chapter, into the Law Information Network of Kentucky shall, consistent with the provisions and guidelines of the Law Information Network of Kentucky, enter the records immediately upon receipt of copies forwarded to the agency in accordance with subsection (2) of this section.

Ky. Rev. Stat. Ann. § 403.751

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La. Stat. Ann. §§

46:2136

46:2142

13:4241

13:4242

13:4243

13:4245

13:4248

14:79

Section 46:2136 – Protective orders; content; modification; service.

B. A protective order may be rendered pursuant to this Part if the court has jurisdiction over the parties and subject matter and either of the following occurs:

(1) The parties enter into a consent agreement.

(2) Reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process.

C. Any protective order issued within this state or outside this state that is consistent with Subsection B of this Section shall be accorded full faith and credit by the courts of this state and enforced as if it were the order of the enforcing court.

La. Stat. Ann. § 46:2136

Section 13:4241 – Definition.

In this Part “foreign judgment” means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this state.

La. Stat. Ann. § 13:4241

Section 13:4242 – Filing and status of foreign judgments.

A copy of any foreign judgment authenticated in accordance with an act of congress or the statutes of this state may be annexed to and filed with an ex parte petition complying with Code of Civil Procedure Article 891 and praying that the judgment be made executory in a court of this state. The foreign judgment shall be treated in the same manner as a judgment of a court of this state. It shall have the same effect and be subject to the same procedures,

Section 46:2142 – Immunity.

Any law enforcement officer reporting in good faith, exercising due care in the making of an arrest or providing assistance pursuant to the provisions of R.S. 46:2140 and 2141 shall have immunity from any civil liability that otherwise might be incurred or imposed because of the report, arrest, or assistance provided.

La. Stat. Ann. § 46:2142

Section 13:4243 – Notice of filing.

A. At the time of the filing of the petition and foreign judgment, the judgment creditor shall file with the court an affidavit setting forth the name and last known address of the judgment debtor and the judgment creditor.

B. Promptly upon the filing of the petition, the foreign judgment, and the affidavit, the clerk shall send a notice by certified mail to the judgment debtor at the address given and shall make a note of the mailing in the record. The notice shall include the name and address of the judgment creditor and his attorney, if any. In addition, the judgment creditor may mail a notice of the filing to the judgment debtor and may file proof of mailing with the clerk. Failure to mail notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

C. No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until thirty days after the mailing of the notice of the filing of the foreign judgment.

La. Stat. Ann. § 13:4243

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and defenses, for reopening, vacating, or staying as a judgment of a court of this state and may be enforced in the same manner.

La. Stat. Ann. § 13:4242

Section 13:4245 – Fees.

Fees for filing and enforcing a foreign judgment shall be as provided by law.

La. Stat. Ann. § 13:4245

Section 13:4248 - Foreign protective orders.

A. A copy of any foreign protective order authenticated in accordance with an act of congress or the statutes of this state may be annexed to and filed with an ex parte petition praying that the protective order be made executory in this state. The address of the petitioner may remain confidential with the court.

B. At an ex parte hearing, the court shall make the protective order executory in this state, cause to have prepared a Uniform Abuse Prevention Order, as provided in R.S. 46:2136.2(C), shall sign such order, and shall forward it to the clerk of court for filing, all without delay.

C. The clerk of the issuing court shall transmit the order to the Louisiana Protective Order Registry, R.S. 46:2136.2(A), by facsimile transmission, mail, or direct electronic input, where available. The order shall be mailed and transmitted as expeditiously as possible, but no later than the end of the next business day after the order is filed with the clerk of court.

La. Stat. Ann. § 13:4248

Section 14:79 - Violation of protective orders.

A.

(2) Violation of protective orders shall also include the willful disobedience of an order of protection issued by a foreign state.

(3) Violation of protective orders shall also include the willful disobedience of the following:

(a) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a criminal defendant stay away from a specific person or persons as a condition of that defendant's release on bond.

(b) An order issued by any state, federal, parish, city, or municipal court judge, magistrate judge, commissioner or justice of the peace that a defendant convicted of a violation of any state, federal, parish, municipal, or city criminal offense stay away from any specific person as a condition of that defendant's release on probation.

La. Stat. Ann. § 14:79(A)(2), (A)(3)(a)-(b)

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Me. Rev. Stat. Ann. tit. 14 §§

8002
8003
8004
8006

tit. 15§321

Section 8002 – Definition.

In this Act “foreign judgment” means any judgment, decree, or order of a court of the United States or of any other court which is entitled to full faith and credit in this State.

Me. Rev. Stat. Ann. tit. 14, § 8002

Section 8003 - Filing and status of foreign judgments.

A copy of any foreign judgment authenticated in accordance with the Act of Congress or the statutes of this State may be filed in the office of the clerk of any District Court or of any Superior Court of this State. The clerk shall treat the foreign judgment in the same manner as a judgment of the District Court or Superior Court of this State. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of the District Court or the Superior Court of this State and may be enforced or satisfied in like manner.

Me. Rev. Stat. Ann. tit. 14, § 8003

Section 8004 - Notice of filing.

2. Notification of judgment debtor by clerk. Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor’s lawyer, if any, in this State. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk

Section 321 - Protective orders in crimes between family members.

6. Penalty. Violation of a protective order or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe, when the person has prior actual notice of the order, is a Class D crime. Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

Me. Rev. Stat. Ann. tit. 15, § 321

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shall not effect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

3. Thirty day waiting period. No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until 30 days after the date the judgment is filed.

4. Foreign protection orders. Subsections 2 and 3 do not apply if the foreign judgment is an order that qualifies as a protection order as defined by 18 United States Code, Section 2266 or is the equivalent of a protection from abuse order under Title 19-A, Part 4 or a protection from harassment order under Title 5, chapter 337-A.

Me. Rev. Stat. Ann. tit. 14, § 8004

Section 8006 – Fees.

1. Filing a foreign judgment. Except as provided in subsection 2, a person filing a foreign judgment shall pay to the clerk of courts the fee then provided for the entry of an action. Fees for docketing, transcription or other enforcement proceedings are as provided for judgments of the District Court or Superior Court.

2. Exception. A fee may not be charged for the registration, docketing, transcription or other enforcement proceedings of a foreign judgment or order that qualifies as a protection order as defined by 18 United States Code, Section 2266 or is the equivalent of a protection from abuse order under Title 19-A, Part 4 or a protection from harassment order under Title 5, chapter 337-A.

Me. Rev. Stat. Ann. tit. 14, § 8006

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Md. Code Ann.
Fam. Law
§ 4-508.1
Cts & Jud. Proc.
§ 5-610.1

Section 4-508.1 - Out-of-state protective orders.

(a)

(1) In this section, “order for protection” means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) “Order for protection” does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506(d) of this subtitle.

Md. Code Ann. , Fam. Law § 4-508.1(a)-(b)

Section 4-508.1 - Out-of-state protective orders.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(d) A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

(e) It is the intent of the General Assembly that an order for protection issued by a court of this State shall be accorded full faith and credit by a court of another state to the extent required by federal law.

Md. Code Ann. , Fam. Law § 4-508.1(c)-(e)

Section 5-610.1 - Law enforcement officer enforcing out-of-state order for protection from domestic violence.

A law enforcement officer enforcing an out-of-state order for protection from domestic violence in accordance with § 4-508.1 of the Family Law Article shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner.

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Md. Code Ann. , Cts & Jud. Proc. § 5-610.1

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GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

Mass. Ann. Laws

ch. 209A§§

1

5A

6

7

Section 1 - Definitions. [Effective until September 18, 2024]

As used in this chapter the following words shall have the following meanings:

“Abuse”, the occurrence of one or more of the following acts between family or household members:

- (a) attempting to cause or causing physical harm;
- (b) placing another in fear of imminent serious physical harm;
- (c) causing another to engage involuntarily in sexual relations by force, threat or duress.

“Court”, the superior, probate and family, district or Boston municipal court departments of the trial court, except when the petitioner is in a dating relationship when “Court” shall mean district, probate, or Boston municipal courts.

“Family or household members”, persons who:

- (a) are or were married to one another;
- (b) are or were residing together in the same household;
- (c) are or were related by blood or marriage;
- (d) having a child in common regardless of whether they have ever married or lived together; or
- (e) are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

- (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of

Section 6 - Powers and Duties of Law Officers; Notice of Rights.

Whenever any law officer has reason to believe that a family or household member has been abused or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. The officer shall take, but not be limited to the following action:

(7) arrest any person a law officer witnesses or has probable cause to believe has violated a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section eighteen, thirty-four B or thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, section three, three B, three C, four or five of this chapter, or sections fifteen or twenty of chapter two hundred and nine C or similar protection order issued by another jurisdiction. When there are no vacate, restraining, or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:

- (a) has committed a felony;
- (b) has committed a misdemeanor involving abuse as defined in section one of this chapter;
- (c) has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five.

The safety of the victim and any involved children shall be paramount in any decision to arrest. Any officer arresting both parties must submit a detailed, written report in addition to an incident report, setting forth the grounds for dual arrest.

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time elapsed since the termination of the relationship.

“Law officer”, any officer authorized to serve criminal process.

“Protection order issued by another jurisdiction”, any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

“Vacate order”, court order to leave and remain away from a premises and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff’s belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff’s right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property. A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff’s workplace. When issuing an order to vacate the plaintiff’s workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

Mass. Ann. Laws ch. 209A, § 1

No law officer investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy as established by the secretary of public safety.

Whenever any law officer investigates an incident of domestic violence, the officer shall immediately file a written incident report in accordance with the standards of the officer’s law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the department of criminal justice information services.

The victim shall be provided a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail bails any person arrested under the provisions of this chapter, he shall make reasonable efforts to inform the victim of such release prior to or at the time of said release.

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Section 5A - Protection Orders Issued By Another Jurisdiction.

Any protection order issued by another jurisdiction, as defined in section one, shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order in the superior court department or the Boston municipal court department or any division of the probate and family or district court departments by filing with the court a certified copy of such order which shall be entered into the statewide domestic violence record keeping system established pursuant to the provisions of section seven of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two and maintained by the office of the commissioner of probation. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the register or clerk of such court shall provide a certified copy of the protection order issued by the other jurisdiction. A law enforcement officer may presume the validity of, and enforce in accordance with section six, a copy of a protection order issued by another jurisdiction which has been provided to the law enforcement officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law enforcement officers may rely on such statement by the person protected by such order.

Mass. Ann. Laws ch. 209A, § 5A

When any person charged with or arrested for a crime involving abuse under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be given at no cost a certified copy of the no-contact order.

Mass. Ann. Laws ch. 209A, § 6(7)

Section 7 – Search of Domestic Violence Records; Outstanding Warrants; Service of Order, Complaint and Summons; Enforcement; Violations.

When considering a complaint filed under this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, **a judge shall** make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, **the judge shall** notify the appropriate law enforcement officials of such finding and such

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officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders under sections eighteen, thirty-four B, and thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four and five of this chapter, or sections fifteen and twenty of chapter two hundred and nine C, the defendant to vacate, refrain from abusing the plaintiff or to have no contact with the plaintiff or the plaintiff's minor child, **the register or clerk-magistrate shall** transmit two certified copies of each such order and one copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve one copy of each order upon the defendant, together with a copy of the complaint, order and summons and notice of any suspension or surrender ordered pursuant to section three B of this chapter. **Law enforcement agencies shall** establish adequate procedures to ensure that, when effecting service upon a defendant pursuant to this paragraph, a law enforcement officer shall, to the extent practicable: (i) fully inform the defendant of the contents of the order and the available penalties for any violation of an order or terms thereof and (ii) provide the defendant with informational resources, including, but not limited to, a list of certified batterer intervention programs, substance abuse counseling, alcohol abuse counseling and financial counseling programs located within or near the court's jurisdiction. The law enforcement agency shall promptly make its return of service to the court. **Law enforcement officers shall** use every reasonable means to enforce such abuse prevention orders. **Law enforcement agencies shall** establish procedures adequate to insure that an

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officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. **The court shall** notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

...

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, or as a condition of a continuance without a finding, **the court shall** order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. **The court shall not** order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program as

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required by the terms of his probation. If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.

...

In addition to, but not in lieu of, such orders for treatment, if the defendant has a substance abuse problem, **the court may** order appropriate treatment for such problem. All ordered treatment shall last until the end of the probationary period or until the treatment program decides to discharge the defendant, whichever comes first. When the defendant is not in compliance with the terms of probation, **the court shall** hold a revocation of probation hearing. To the extent possible, the defendant shall be responsible for paying all costs for court ordered treatment. Where a defendant has been found in violation of an abuse prevention order under this chapter or a protection order issued by another jurisdiction, **the court may**, in addition to the penalties provided for in this section after conviction, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence, place of employment, and the complainant's child's school, and

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order that the defendant to wear a global positioning satellite tracking device designed to transmit and record the defendant's location data. If the defendant enters a court defined exclusion zone, the defendant's location data shall be immediately transmitted to the complainant, and to the police, through an appropriate means including, but not limited to, the telephone, an electronic beeper or a paging device. The global positioning satellite device and its tracking shall be administered by the department of probation. If a court finds that the defendant has entered a geographic exclusion zone, it shall revoke his probation and the defendant shall be fined, imprisoned or both as provided in this section. Based on the defendant's ability to pay, **the court may** also order him to pay the monthly costs or portion thereof for monitoring through the global positioning satellite tracking system.

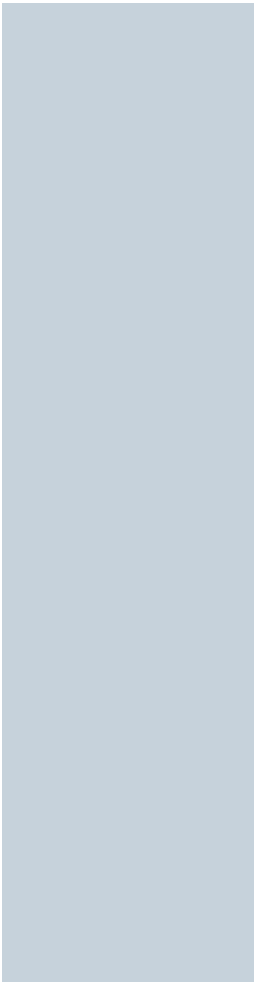
In each instance where there is a violation of an abuse prevention order or a protection order issued by another jurisdiction, **the court may** order the defendant to pay the plaintiff for all damages including, but not limited to, cost for shelter or emergency housing, loss of earnings or support, out-of-pocket losses for injuries sustained or property damaged, medical expenses, moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees. Any such violation may be enforced in the superior, the district or Boston municipal court departments. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. **The superior, probate and family, district and Boston municipal court departments may** each enforce by civil contempt procedure a violation of its own court order.

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The provisions of section eight of chapter one hundred and thirty-six shall not apply to any order, complaint or summons issued pursuant to this section.

Mass. Ann. Laws ch. 209A, § 7(selections)

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Mich. Comp. Laws Serv. §§600.2950h

600.2950i
600.2950j
600.2950k
600.2950l
600.2950m
764.15b
764.15c
769.1f

Section 600.2950h - Definitions.

As used in this section and sections 2950i, 2950j, 2950k, 2950l, and 2950m:

- (a)** “Foreign protection order” means an injunction or other order issued by a court of another state, Indian tribe, or United States territory for the purpose of preventing a person’s violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person. Foreign protection order includes temporary and final orders issued by civil and criminal courts (other than a support or child custody order issued pursuant to state divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other federal law), whether obtained by filing an independent action or by joining a claim to an action, if a civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.
- (b)** “LEIN” means the law enforcement information network regulated under the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.
- (c)** “NCIC protection order file” means the national crime information center protection order file maintained by the United States department of justice, federal bureau of investigation.

Mich. Comp. Laws Serv. § 600.2950h

Section 600.2950j - Foreign protection orders; subject to full faith and credit enforcement; child custody or support provision.

Section 600.2950i - Foreign protection order; validity; affirmative defenses.

(1) A foreign protection order is valid if all of the following conditions are met:

- (a)** The issuing court had jurisdiction over the parties and subject matter under the laws of the issuing state, tribe, or territory.
- (b)** Reasonable notice and opportunity to be heard is given to the respondent sufficient to protect the respondent’s right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided to the respondent within the time required by state or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent’s due process rights.

(2) All of the following may be affirmative defenses to any charge or process filed seeking enforcement of a foreign protection order:

- (a)** Lack of jurisdiction by the issuing court over the parties or subject matter.
- (b)** Failure to provide notice and opportunity to be heard.
- (c)** Lack of filing of a complaint, petition, or motion by or on behalf of a person seeking protection in a civil foreign protection order.

Mich. Comp. Laws Serv. § 600.2950i

Section §600.2950l - Foreign protection order.

(1) Law enforcement officers, prosecutors, and the court shall enforce a foreign protection order other than a conditional release order or probation order issued by a court in a criminal

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(1) A valid foreign protection order shall be accorded full faith and credit by the court and shall be subject to the same enforcement procedures and penalties as if it were issued in this state.

(2) A child custody or support provision within a valid foreign protection order shall be accorded full faith and credit by the court and shall be subject to the same enforcement procedures and penalties as any provision within a personal protection order issued in this state. This subsection shall not be construed to preclude law enforcement officers' compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

Mich. Comp. Laws Serv. § 600.2950j

Section 600.2950k - Foreign protection order; issuance against petitioner and respondent; conditions; “spouse or intimate partner” defined.

(1) A foreign protection order sought by a petitioner against a spouse or intimate partner and issued against both the petitioner and respondent is entitled to full faith and credit against the respondent and is enforceable against the respondent.

(2) A foreign protection order sought by a petitioner against a spouse or intimate partner and issued against both the petitioner and respondent is not entitled to full faith and credit and is not enforceable against the petitioner unless both of the following conditions are met:

(a) The respondent filed a cross- or counter-petition, complaint, or other written pleading seeking the foreign protection order.

(b) The issuing court made specific findings against both the petitioner and the respondent and determined that each party was entitled to relief.

proceeding in the same manner that they would enforce a personal protection order issued in this state under section 2950 or 2950a or section 2(h) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, unless indicated otherwise in this section.

(2) A foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding shall be enforced pursuant to section 2950m of this act, section 15(1)(g) of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15, the uniform criminal extradition act, 1937 PA 144, MCL 780.1 to 780.31, or the uniform rendition of accused persons act, 1968 PA 281, MCL 780.41 to 780.45.

(3) A law enforcement officer may rely upon a copy of any protection order that appears to be a foreign protection order and that is provided to the law enforcement officer from any source if the putative foreign protection order appears to contain all of the following:

(a) The names of the parties.

(b) The date the protection order was issued, which is prior to the date when enforcement is sought.

(c) The terms and conditions against respondent.

(d) The name of the issuing court.

(e) The signature of or on behalf of a judicial officer.

(f) No obvious indication that the order is invalid, such as an expiration date that is before the date enforcement is sought.

(4) The fact that a putative foreign protection order that an officer has been shown cannot be verified on L.E.I.N. or the NCIC national protection order file is not grounds for a law enforcement officer to refuse to enforce the terms of the

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(3) For purposes of this section, “spouse or intimate partner” means all of the following:

- (a) Spouse.
- (b) Former spouse.
- (c) An individual with whom petitioner has had a child in common.
- (d) An individual residing or having resided in the same household as petitioner.
- (e) An individual with whom petitioner has or has had a dating relationship as that term is defined in section 2950.

Mich. Comp. Laws Serv. § 600.2950k

Section 764.15c - Investigation or intervention in domestic violence dispute; providing victim with notice of rights; report; retention and filing of report; development of standard domestic violence incident report form; definitions.

(7) As used in this section:

- (c) “Domestic violence incident” means an incident reported to a law enforcement agency involving allegations of 1 or both of the following:
 - (i) A violation of a personal protection order issued under section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, or a violation of a valid foreign protection order.
 - (ii) A crime committed by an individual against his or her spouse or former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual who resides or has resided in the same household.

putative foreign protection order, unless it is apparent to the officer that the putative foreign protection order is invalid. A law enforcement officer may rely upon the statement of petitioner that the putative foreign protection order that has been shown to the officer remains in effect and may rely upon the statement of petitioner or respondent that respondent has received notice of that order.

(5) If a person seeking enforcement of a foreign protection order does not have a copy of the foreign protection order, the law enforcement officer shall attempt to verify through L.E.I.N., or the NCIC protection order file, administrative messaging, contacting the court that issued the foreign protection order, contacting the law enforcement agency in the issuing jurisdiction, contacting the issuing jurisdiction’s protection order registry, or any other method the law enforcement officer believes to be reliable, the existence of the foreign protection order and all of the following:

- (a) The names of the parties.
- (b) The date the foreign protection order was issued, which is prior to the date when enforcement is sought.
- (c) Terms and conditions against respondent.
- (d) The name of the issuing court.
- (e) No obvious indication that the foreign protection order is invalid, such as an expiration date that is before the date enforcement is sought.

(6) If subsection (5) applies, the law enforcement officer shall enforce the foreign protection order if the existence of the order and the information listed under subsection (5) are verified, subject to subsection (9).

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(d) “Foreign protection order” means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(f) “Valid foreign protection order” means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.

Mich. Comp. Laws Serv. § 700.15c(7)(c)-(d), (f)

(7) If a person seeking enforcement of a foreign protection order does not have a copy of the foreign protection order, and the law enforcement officer cannot verify the order as described in subsection (5), the law enforcement officer shall maintain the peace and take appropriate action with regard to any violation of criminal law.

(8) When enforcing a foreign protection order, the law enforcement officer shall maintain the peace and take appropriate action with regard to any violation of criminal law. The penalties provided for under sections 2950 and 2950a and chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, may be imposed in addition to a penalty that may be imposed for any criminal offense arising from the same conduct.

(9) If there is no evidence that the respondent has been served with or received notice of the foreign protection order, the law enforcement officer shall serve the respondent with a copy of the foreign protection order, or advise the respondent about the existence of the foreign protection order, the name of the issuing court, the specific conduct officer shall attempt to verify through L.E.I.N., or the NCIC protection order file, administrative messaging, contacting the court that issued the foreign protection order, contacting the law enforcement agency in the issuing jurisdiction, contacting the issuing jurisdiction’s protection order registry, or any other method the law enforcement officer believes to be reliable, the existence of the foreign protection order and all of the following:

(a) The names of the parties.

(b) The date the foreign protection order was issued, which is prior to the date when enforcement is sought.

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(c) Terms and conditions against respondent.

(d) The name of the issuing court.

(e) No obvious indication that the foreign protection order is invalid, such as an expiration date that is before the date enforcement is sought.

(6) If subsection (5) applies, the law enforcement officer shall enforce the foreign protection order if the existence of the order and the information listed under subsection (5) are verified, subject to subsection (9).

(7) If a person seeking enforcement of a foreign protection order does not have a copy of the foreign protection order, and the law enforcement officer cannot verify the order as described in subsection (5), the law enforcement officer shall maintain the peace and take appropriate action with regard to any violation of criminal law.

(8) When enforcing a foreign protection order, the law enforcement officer shall maintain the peace and take appropriate action with regard to any violation of criminal law. The penalties provided for under sections 2950 and 2950a and chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, may be imposed in addition to a penalty that may be imposed for any criminal offense arising from the same conduct.

(9) If there is no evidence that the respondent has been served with or received notice of the foreign protection order, the law enforcement officer shall serve the respondent with a copy of the foreign protection order, or advise the respondent about the existence of the foreign protection order, the name of the issuing court, the specific conduct enjoined, the penalties for violating the order in this state, and, if the officer is aware of the penalties

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in the issuing jurisdiction, the penalties for violating the order in the issuing jurisdiction. The officer shall enforce the foreign protection order and shall provide the petitioner, or cause the petitioner to be provided, with proof of service or proof of oral notice. The officer also shall provide the issuing court, or cause the issuing court to be provided, with a proof of service or proof of oral notice, if the address of the issuing court is apparent on the face of the foreign protection order or otherwise is readily available to the officer. If the foreign protection order is entered into L.E.I.N. or the NCIC protection order file, the officer shall provide the L.E.I.N. or the NCIC protection order file entering agency, or cause the L.E.I.N. or NCIC protection order file entering agency to be provided, with a proof of service or proof of oral notice. If there is no evidence that the respondent has received notice of the foreign protection order, the respondent shall be given an opportunity to comply with the foreign protection order before the officer makes a custodial arrest for violation of the foreign protection order. The failure to comply immediately with the foreign protection order is grounds for an immediate custodial arrest. This subsection does not preclude an arrest under section 15 or 15a of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under section 14 of chapter XIIA of the code of criminal procedure, 1927 PA 175, MCL 712A.14.

(10) A law enforcement officer, prosecutor, or court personnel acting in good faith are immune from civil and criminal liability in any action arising from the enforcement of a foreign protection order. This immunity does not in any manner limit or imply an absence of immunity in other circumstances.

Mich. Comp. Laws Serv. § 600.2950l

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Section 600.2950m - Foreign protection order; violation as misdemeanor; penalty.

A person who violates a foreign protection order that is a conditional release order or a probation order issued by a court in a criminal proceeding is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of \$500.00, or both.

Mich. Comp. Laws Serv. § 600.2950m

Section 764.15b – Arrest without warrant for violation of personal protection order; conditions.

(1) A peace officer, without a warrant, may arrest and take into custody an individual when the peace officer has or receives positive information that another peace officer has reasonable cause to believe all of the following apply:

(a) A personal protection order has been issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or is **a valid foreign protection order.**

(b) The individual named in the personal protection order is violating or has violated the order. An individual is violating or has violated the order if that individual commits 1 or more of the following acts the order specifically restrains or enjoins the individual from committing:

(i) Assaulting, attacking, beating, molesting, or wounding a named individual.

(ii) Removing minor children from an individual having legal custody of the children, except as otherwise

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authorized by a custody or parenting time order issued by a court of competent jurisdiction.

(iii) Entering onto premises.

(iv) Engaging in conduct prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

(v) Threatening to kill or physically injure a named individual.

(vi) Purchasing or possessing a firearm.

(vii) Interfering with petitioner's efforts to remove petitioner's children or personal property from premises that are solely owned or leased by the individual to be restrained or enjoined.

(viii) Interfering with petitioner at petitioner's place of employment or education or engaging in conduct that impairs petitioner's employment or educational relationship or environment.

(ix) Any other act or conduct specified by the court in the personal protection order.

(c) If the personal protection order was issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, the personal protection order states on its face that a violation of its terms subjects the individual to immediate arrest and either of the following:

(i) If the individual restrained or enjoined is 18 years of age or older, to criminal contempt of court and, if found guilty of criminal contempt, to imprisonment for not more than 93 days and to a fine of not more than \$500.00.

(ii) If the individual restrained or enjoined is less than 18 years of age, to the dispositional alternatives listed in section 18 of

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chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

(5) The family division of circuit court in each county of this state has jurisdiction to conduct contempt proceedings based upon a violation of a personal protection order described in this section issued by the circuit court in any county of this state or upon a violation of **a valid foreign protection order**. The court of arraignment shall notify the court that issued the personal protection order or foreign protection order that the issuing court may request that the defendant be returned to that court for violating the personal protection order or foreign protection order. If the court that issued the personal protection order or foreign protection order requests that the defendant be returned to that court to stand trial, the county of the requesting court shall bear the cost of transporting the defendant to that county.

(6) The family division of circuit court has jurisdiction to conduct contempt proceedings based upon a violation of a personal protection order issued under section 2(h) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, by the family division of circuit court in any county of this state or **a valid foreign protection order** issued against a respondent who is less than 18 years of age at the time of the alleged violation of the foreign protection order in this state. The family division of circuit court that conducts the preliminary inquiry shall notify the court that issued the personal protection order or foreign protection order that the issuing court may request that the respondent be returned to that county for violating the personal protection order or foreign protection order. If the court that issued the personal protection order or foreign protection order

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requests that the respondent be returned to that court to stand trial, the county of the requesting court shall bear the cost of transporting the respondent to that county.

(9) As used in this section:

(a) “Foreign protection order” means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(b) “Personal protection order” means a personal protection order issued under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, and, unless the context indicates otherwise, includes a valid foreign protection order.

(c) “Valid foreign protection order” means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.

Mich. Comp. Laws Serv. § 764.15b(1), (5)-(6), (9)

Section 769.1f - Expenses for which court may order person convicted to reimburse state or local unit of government; payment; reimbursement as condition of probation or parole; enforcement of order; expenses for emergency response; definitions.

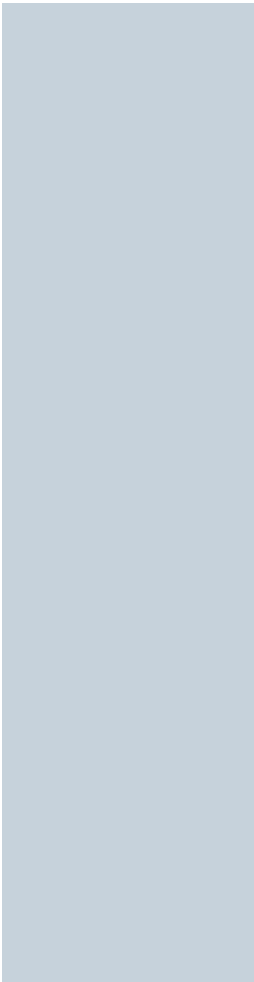
(1) As part of the sentence for a conviction of any of the following offenses, in addition to any other penalty authorized by law, the court may order the person convicted to reimburse the state or a local unit of government for expenses incurred in relation to that incident including, but not limited to, expenses

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for an emergency response and expenses for prosecuting the person, as provided in this section:

(i) A finding of guilt for criminal contempt for a violation of a personal protection order issued under section 2950 or 2950a of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or for a violation of a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950i.

Mich. Comp. Laws Serv. § 769.1f(1)(i)

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Minn. Stat. §§

518B.01(19a)
518B.01(14)
518F.02

Section 518B.01 – Domestic Abuse Act

Subd. 19a - Entry and enforcement of foreign protective orders.

(a) As used in this subdivision, “foreign protective order” means an order for protection entered by a court of another state; an order by an Indian tribe or United States territory that would be a protective order entered under this chapter; a Canadian order for protection as defined in section 518F.02; a temporary or permanent order or protective order to exclude a respondent from a dwelling; or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Minnesota.

(b) A person for whom a foreign protection order has been issued or the issuing court or tribunal may provide a certified or authenticated copy of a foreign protective order to the court administrator in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present, for filing and entering of the same into the state order for protection database.

(c) The court administrator shall file and enter foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

(d) The court administrator shall provide copies of the order as required by this section.

Section 518B.01

Subd. 19a - Entry and enforcement of foreign protective orders.

(e) A valid foreign protective order has the same effect and shall be enforced in the same manner as an order for protection issued in this state whether or not filed with a court administrator or otherwise entered in the state order for protection database.

(f) A foreign protective order is presumed valid if it meets all of the following:

- (1)** the order states the name of the protected individual and the individual against whom enforcement is sought;
- (2)** the order has not expired;
- (3)** the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and
- (4)** the order was issued in accordance with the respondent’s due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.

(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the

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(k) Filing and service costs in connection with foreign protective orders are waived.

Minn. Stat. § 518B.01(19a)(a)-(d), (k)

Section 518F.02 – Definitions.

Subd. 1. Terms. For the purposes of this chapter, the following terms have the meanings given them.

Subd. 2. Canadian order for protection. “Canadian order for protection” means a civil protection order, judgment or part of a judgment, or other order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction that relates to domestic abuse, would be a protective order under this chapter, and prohibits a respondent from:

- (1) committing acts of domestic abuse;
- (2) being in physical proximity to a protected individual or following a protected individual;
- (3) having contact with the petitioner whether in person, by telephone, mail, or e-mail or messaging, through a third party, or by any other means;
- (4) being within a certain distance of a specified place or location associated with a protected individual; or
- (5) molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

Subd. 3. Domestic abuse. “Domestic abuse” has the meaning given in section 518B.01, subdivision 2, paragraph (a).

Subd. 4. Issuing court. “Issuing court” means the court that issues a Canadian order for protection.

Subd. 5. Order for protection. “Order for protection” means an order issued under section 518B.01.

foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

(i) The fact that a foreign protective order has not been filed with the court administrator or otherwise entered into the state order for protection database shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

(j) A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order is immune from civil and criminal liability in any action arising in connection with the enforcement.

Minn. Stat. § 518B.01(19a)(e)-(j)

Section 518B.01

Subd. 14. Violation of an order for protection.

(a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or

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Subd. 6. Peace officer. “Peace officer” has the meaning given in section 626.84, subdivision 1, paragraph (c).

Subd. 7. Person. “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

Subd. 8. Protected individual. “Protected individual” means an individual protected by a Canadian order for protection.

Subd. 9. Record. “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 10. Respondent. “Respondent” means an individual against whom a Canadian order for protection is issued.

Minn. Stat. § 518F.02

execution of the jail sentence and the defendant refuses or fails to comply with the court’s treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates this subdivision:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or

(2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the

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court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short-form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

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(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor.

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The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection. A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from

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possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under possesses a firearm and used it in any way during the

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commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Minn. Stat. §518B.01(14)

Section 518B.01

Subd. 18 – Notices.

(a)

(3) a peace officer must arrest without warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order for protection restraining the person or excluding the person from a residence; and

(4) pursuant to the Violence Against Women Act of 1994, United States Code, title 18, section 2265, the order is enforceable in all 50 states, the District of Columbia, tribal lands, and United States territories, that violation of the order may also subject the respondent to federal charges and punishment under United States Code, title 18, sections 2261 and 2262, and that if a final order is entered against the respondent after the hearing, the respondent may be prohibited from possessing, transporting, or accepting a firearm under the 1994 amendment to the Gun Control Act, United States Code, title 18, section 922(g)(8).

Minn. Stat. §518B.01(18)(a)(3)-(4)

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Miss. Code Ann. §§

93-22-3

93-22-5

93-22-7

93-22-9

93-22-11

93-22-21

93-21-16

Section 93-22-3 – Definitions.

The following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

- (a)** “Foreign protection order” means a protection order issued by a tribunal of another state.
- (b)** “Issuing state” means the state whose tribunal issues a protection order.
- (c)** “Mutual foreign protection order” means a foreign protection order that includes provisions issued in favor of both the protected individual seeking enforcement of the order and the respondent.
- (d)** “Protected individual” means an individual protected by a protection order.
- (e)** “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence laws, family violence laws or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual.
- (f)** “Respondent” means the individual against whom enforcement of a protection order is sought.
- (g)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an American Indian tribe or band that has jurisdiction to issue protection orders.

Section 93-22-5 - Judicial enforcement of order.

- (1)** A tribunal of this state shall enforce the terms of a valid foreign protection order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. A tribunal of this state shall enforce a valid foreign protection order issued by a tribunal, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. A tribunal of this state may not enforce an order issued by a tribunal that does not recognize the standing of a protected individual to seek enforcement of the order. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.
- (2)** A tribunal of this state shall enforce the provisions of a valid foreign protection order which governs custody and visitation. The custody and visitation provisions of the order must have been issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (3)** A tribunal of this state may not enforce under this chapter an order or provision of an order with respect to support.
- (4)** A protection order is valid if it:
 - (a)** Identifies the protected individual and the respondent;
 - (b)** Is in effect at the time enforcement is being sought;

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(h) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

Miss. Code Ann. § 93-22-3

Section 93-21-16 - Full faith and credit for certain protective orders issued in other jurisdictions.

(1) A protective order from another jurisdiction issued to protect the applicant from abuse as defined in Section 93-21-3, or a protection order as defined in Section 93-22-3, issued by a tribunal of another state, or a similar order by a state military court as defined in Section 33-13-151, shall be accorded full faith and credit by the courts of this state and enforced in this state as provided for in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(2) For purposes of enforcement by Mississippi law enforcement officers a protective order from another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, is presumed to be valid if it meets the requirements of Section 93-22-7.

(3) For purposes of judicial enforcement of a protective order issued in another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, an order is presumed valid if it meets the requirements of Section 93-22-5(4). It is an affirmative defense in any action seeking enforcement of a protective order issued in another jurisdiction, or a protection order as defined in Section 93-22-3 and issued by a tribunal of another state, that any criteria for the validity of the order is absent.

Miss. Code Ann. § 93-21-16

(c) Was issued by a tribunal that had jurisdiction over the parties and matter under the law of the issuing state; and

(d) Was issued after the respondent was provided with reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and afforded an opportunity to be heard within a reasonable time after the issuing of the order, consistent with the rights of the respondent to due process.

(5) A person authorized under the law of this state to seek enforcement of a foreign protection order establishes a prima facie case for its validity by presenting an order valid on its face.

(6) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(7) A tribunal of this state may enforce the provisions of a mutual foreign protection order which favor a respondent only if:

(a) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(b) The tribunal of the issuing state made specific findings in favor of the respondent.

Miss. Code Ann. § 93-22-5

Section 93-22-7 - Nonjudicial enforcement of order.

(1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated,

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Section 93-22-9 - Registration of order.

(1) It is not required that any foreign protection order be registered in Mississippi; however, any individual may register a foreign protection order in this state on behalf of the individual or any protected person. To register a foreign protection order, an individual shall present a certified copy of the order to the chancery clerk's office of any county in this state.

(2) Upon presentation of a protection order, the chancery clerk shall enter the order into the Mississippi Protection Order Registry as provided in Section 93-21-25.

(3) At the time of registration, an individual registering a foreign protection order shall file an affidavit by the protected individual that, to the best of the individual's knowledge, the order is in effect at the time of the registration.

(4) The failure to register a foreign protection order pursuant to the provisions of this section shall have no effect on the validity or enforceability of the order by Mississippi law enforcement or courts.

Miss. Code Ann. § 93-22-9

shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent, and on its face is in effect at the time enforcement is being sought, constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(2) If the protection order is not presented, the officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(3) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order under the provisions of this chapter.

Miss. Code Ann. § 93-22-7

Section 93-22-11 – Immunity.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local

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governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission is done in good faith in an effort to comply with this chapter.

Miss. Code Ann. § 93-22-11

Section 93-21-21 - Knowing violation of protection orders, court-approved consent agreements or bond conditions issued by Mississippi or foreign courts is misdemeanor or contempt; penalties.

(1) Upon a knowing violation of (a) a protection order or court-approved consent agreement issued pursuant to this chapter, (b) a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, or a similar order by a state 1 court as defined in Section 33-13-151, or (c) a bond condition imposed pursuant to Section 99-5-37, the person violating the order or condition commits a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both.

Miss. Code Ann. § 93-22-21

MISSOURI

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Mo. Rev. Stat. §§

455.010
455.067
455.083
455.085
455.090

Section 455.010 – Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following terms shall mean:

- (8) “Full order of protection”, an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard;
- (9) “Order of protection”, either an ex parte order of protection or a full order of protection;

Mo. Ann. Stat. § 455.010(8)-(9)

Section 455.067 - Foreign order of protection to be given full faith and credit — registration of order, content, procedure.

1. Any order of protection issued by any other state, tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be given full faith and credit throughout the state in all courts, and by all law enforcement officials and agencies, and all public officials and shall be enforceable in the same manner as any order of protection issued by a court in this state.

2. A person entitled to protection under a foreign order of protection as described in subsection 1 of this section may file a certified copy of the foreign order of protection and an affidavit or sworn statement from the petitioner that the copy of the foreign order is a true and accurate copy and has not been altered in the circuit court having jurisdiction. If the foreign order of protection terminates prior to the expiration date on the order, the petitioner shall notify the circuit court. A foreign order of protection as

Section 455.083 - Law enforcement officer may rely on copy of protection order.

A law enforcement officer in this state may rely upon a copy of any order of protection issued under sections 455.010 to 455.085 or a certified foreign order of protection which has been provided to the peace officer from any source, in determining action to be taken pursuant to sections 455.080 and 455.085.

Mo. Ann. Stat. § 455.083

Section 455.085 – Arrest for violation of order — penalties — good faith immunity for law enforcement officials.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

Mo. Ann. Stat. § 455.085(2), (4)

Section 455.090 - Jurisdiction, duration – enforceability of orders.

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described in subsection 1 of this section shall be enforceable in this state so long as it is in effect in the issuing state.

3. Filing of the foreign order of protection shall be without fee or cost.

4. Registration and a Missouri court order recognizing a foreign order of protection shall not be required for the enforcement of a certified foreign order of protection in this state.

Mo. Ann. Stat. § 455.067

1. The court shall retain jurisdiction over the full order of protection issued under this chapter for its entire duration. The court may schedule compliance review hearings to monitor the respondent's compliance with the order.

2. The terms of the order of protection issued under this chapter are enforceable by all remedies available at law for the enforcement of a judgment, and the court may punish a respondent who willfully violates the order of protection to the same extent as provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

Mo. Ann. Stat. § 455.090

MONTANA

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Mont. Code Ann.

§§40-15-402

40-15-403

40-15-404

40-15-405

40-15-406

Section 40-15-402 – Definitions.

As used in this part, the following definitions apply:

- (1) “Foreign protection order” means a protection order issued by a court of another state.
- (2) “Issuing state” means the state whose court issues a protection order.
- (3) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (4) “Protected individual” means an individual protected by a protection order.
- (5) “Protection order” means an injunction or other order issued by a court under the domestic violence, family violence, sexual assault, or stalking laws of the issuing state to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual.
- (6) “Respondent” means the individual against whom enforcement of a protection order is sought.
- (7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

Mont. Code Ann. § 40-15-402

Section 40-15-405 - Registration of order.

Section 40-15-403 – Judicial enforcement of order.

- (1) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a court of this state. The court shall enforce the terms of the order, including terms that provide relief that a court of this state would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.
- (2) A court of this state may not enforce a foreign protection order issued by a court of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (3) A court of this state shall enforce the provisions of a valid foreign protection order that govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (4) A court of this state may not enforce under this part a provision of a foreign protection order with respect to support.
- (5) A foreign protection order is valid if it:
 - (a) identifies the protected individual and the respondent;
 - (b) is currently in effect;
 - (c) was issued by a court that had jurisdiction over the parties and subject matter under the law of the issuing state; and

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- (1) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:
- (a) present a certified copy of the order to the department of justice; or
 - (b) present a certified copy of the order to a clerk of any court or to any local law enforcement agency and request that the order be registered with the department of justice.
- (2) Upon receipt of a foreign protection order, the department of justice shall register the order in accordance with this section. After the order is registered, the department of justice shall furnish to the individual registering the order a certified copy of the registered order.
- (3) The department of justice shall register an order upon presentation of a copy of a protection order that has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.
- (4) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.
- (5) A foreign protection order registered under this part must be entered into the database of the national crime information center of the United States department of justice and may be entered in any existing state or other federal registry of protection orders, in accordance with applicable law.
- (6) A fee may not be charged for the registration of a foreign protection order.

Mont. Code Ann. § 40-15-405

- (d) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the court issued the order or, in the case of an order ex parte, the respondent was given notice and had an opportunity to be heard before the order was issued or had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.
- (6) A foreign protection order valid on its face is prima facie evidence of its validity.
- (7) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.
- (8) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if:
 - (a) the respondent filed a written pleading seeking a protection order from the court of the issuing state; and
 - (b) the court of the issuing state made specific findings in favor of the respondent.

Mont. Code Ann. § 40-15-403

Section 40-15-404 - Nonjudicial enforcement of order.

- (1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a court of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may

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have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(2) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(3) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part.

Mont. Code Ann. § 40-15-404

Section 40-15-406 - Immunity.

This state or a local governmental agency or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity is immune from civil liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this part.

Mont. Code Ann. § 40-15-406

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Section 42-931 - Foreign protection order; enforcement.

A valid foreign protection order related to domestic or family abuse issued by a tribunal of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Neb. Rev. Stat. Ann. § 42-931

Section 42-933 - Terms, defined.

For purposes of the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act:

- (1) Foreign protection order means a protection order issued by a tribunal of another state;
- (2) Issuing state means the state whose tribunal issues a protection order;
- (3) Mutual foreign protection order means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;
- (4) Protected individual means an individual protected by a protection order;
- (5) Protection order means an injunction or other temporary or final order, issued by a tribunal under the domestic violence, family violence, or antistalking laws, broadly construed, of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual;
- (6) Respondent means the individual against whom enforcement of a protection order is sought;

Section 42-928 - Protection order; restraining order; violation; arrest, when.

A peace officer shall with or without a warrant arrest a person if (1) the officer has probable cause to believe that the person has committed a violation of an order issued pursuant to section 42-924, a violation of section 42-925, a violation of an order excluding a person from certain premises issued pursuant to section 42-357, or a violation of a valid foreign protection order recognized pursuant to section 42-931 and (2) a petitioner under section 42-924 or 42-925, an applicant for an order excluding a person from certain premises issued pursuant to section 42-357, or a person protected under a valid foreign protection order recognized pursuant to section 42-931 provides the peace officer with a copy of a protection order or an order excluding a person from certain premises issued under such sections or the peace officer determines that such an order exists after communicating with the local law enforcement agency.

NEB. REV. STAT. ANN. § 42-928

Section 42-934 - Judicial enforcement of order.

(a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a

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- (7)** State means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders; and
- (8)** Tribunal means a court, agency, or other entity authorized by law to issue or modify a protection order.

Neb. Rev. Stat. Ann. § 42-933

Section 42-936 - Registration of order.

- (a)** Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:
- (1)** present a certified copy of the order to the Nebraska State Patrol for the registration of such orders; or
 - (2)** present a certified copy of the order to another agency designated by the state and request that the order be registered with the Nebraska State Patrol.
- (b)** Upon receipt of a foreign protection order, the agency responsible for the registration of such orders shall register the order in accordance with this section. After the order is registered, the responsible agency shall furnish to the individual registering the order a certified copy of the registered order.
- (c)** The agency responsible for the registration of foreign protection orders shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of this state.

complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

(b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern child custody, parenting time, visitation, or other access, if the order was issued in accordance with the applicable federal and state jurisdictional requirements governing the issuance of orders relating to child custody, parenting time, visitation, or other access in the issuing state.

(d) A foreign protection order is valid if it:

- (1)** identifies the protected individual and the respondent;
- (2)** is currently in effect;
- (3)** was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
- (4)** was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

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- (d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.
- (e) A foreign protection order registered under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.
- (f) A fee shall not be charged for the registration of a foreign protection order.

NEB. REV. STAT. ANN. § 42-936

- (e) A foreign protection order valid on its face is prima facie evidence of its validity.
- (f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.
- (g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:
- (1) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
 - (2) the tribunal of the issuing state made specific findings in favor of the respondent.

Neb. Rev. Stat. Ann. § 42-934

Section 42-935 - Nonjudicial enforcement of order.

- (a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.
- (b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information

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in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Neb. Rev. Stat. Ann. § 42-935

Section 42-937 - Immunity.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of the court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for conduct arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the conduct was done in good faith in an effort to comply with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Neb. Rev. Stat. Ann. § 42-937

Section 42-940 - Applicability of act.

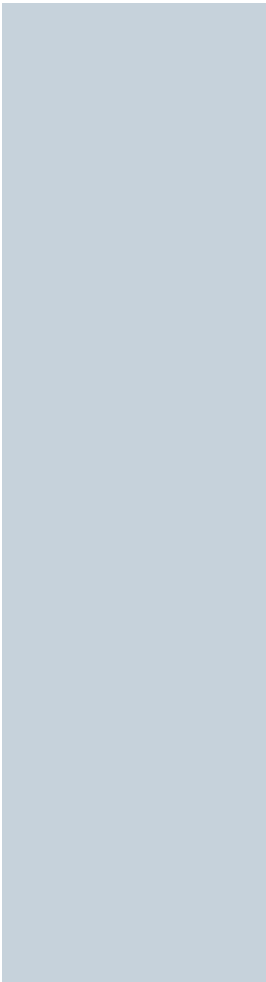
The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act applies to protection orders issued before

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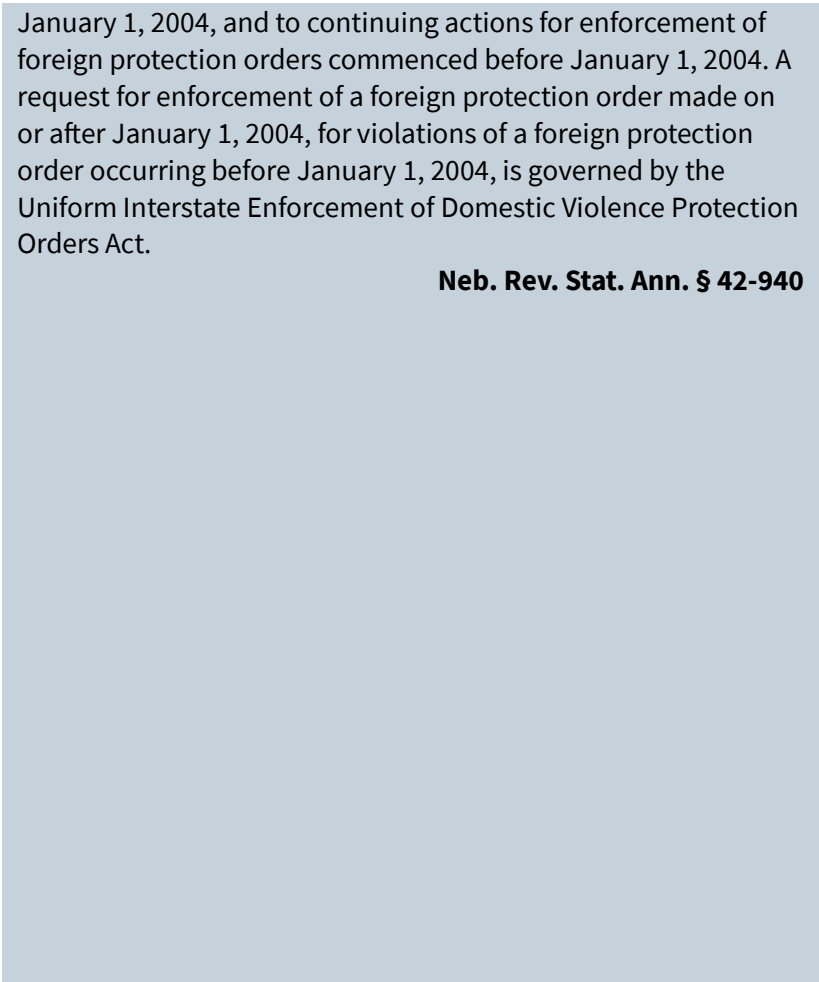
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January 1, 2004, and to continuing actions for enforcement of foreign protection orders commenced before January 1, 2004. A request for enforcement of a foreign protection order made on or after January 1, 2004, for violations of a foreign protection order occurring before January 1, 2004, is governed by the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

Neb. Rev. Stat. Ann. § 42-940



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Section 33.085 – Order from another jurisdiction: Accorded full faith and credit under certain circumstances; effect of mutual orders; enforcement; effect of not registering order or including order in repository or database; immunity.

1. Except as otherwise provided in subsection 2, an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States, including, without limitation, any provisions in the order related to custody and support, is valid and must be accorded full faith and credit and enforced by the courts of this state as if it were issued by a court in this state, regardless of whether the order has been registered in this state, if the court in this state determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the State, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an ex parte order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. If the order for protection against domestic violence issued by the court of another state, territory or Indian tribe is a mutual order for protection against domestic violence and:

(a) No counter or cross-petition or other pleading was filed by the adverse party; or

Section 33.085 – Order from another jurisdiction: Accorded full faith and credit under certain circumstances; effect of mutual orders; enforcement; effect of not registering order or including order in repository or database; immunity.

3. A law enforcement officer shall enforce an order for protection against domestic violence issued by the court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this state unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order. An officer may determine that any other order is authentic on its face.

4. In enforcing an order for protection against domestic violence issued by the court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

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(b) A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties, the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.

Nev. Rev. Stat. Ann. § 33.085(1)-(2)

Section 33.090 – Order from another jurisdiction: Registration in this state; duties of court clerk; prohibition against notification of adverse party by clerk; no charge for registration; certified copy or service.

1. A person may register an order for protection against domestic violence issued by the court of another state, territory or Indian tribe within the United States or a Canadian domestic-violence protection order by presenting a certified copy of the order to the clerk of a court of competent jurisdiction in a judicial district in which the person believes that enforcement may be necessary.

2. The clerk of the court shall:

- (a) Maintain a record of each order registered pursuant to this section;
- (b) Provide the protected party with a copy of the order registered pursuant to this section bearing proof of registration with the court;
- (c) Forward, by conventional or electronic means, by the end of the next business day, a copy of an order registered pursuant to this section to the appropriate law enforcement agency which has jurisdiction over the residence, school, child care facility or other provider of

(a) A copy of an order for protection against domestic violence that has been provided to the officer;

(b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against domestic violence was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against domestic violence, including, without limitation, the statement of a person protected by the order that the order remains in effect.

5. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against domestic violence issued by the court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

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child care, or place of employment of the protected party or the child of the protected party; and

(d) Inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

3. The clerk of the court shall not:

(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.

(b) Notify the party against whom the order has been made that an order for protection against domestic violence issued by the court of another state, territory or Indian tribe has been registered in this State.

4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.

5. As used in this section, “Canadian domestic-violence protection order” has the meaning ascribed to it in NRS 33.119.

Nev. Rev. Stat. Ann. § 33.090

Section 33.095 - Duty to transmit information concerning temporary or extended order to central repository.

1. Any time that a court issues a temporary or extended order and any time that a person serves such an order, registers such an order, registers a Canadian domestic-violence protection order or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, inclusive, or NRS 33.110 to 33.158, inclusive, the person shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is

Nev. Rev. Stat. Ann. § 33.085(3)-(6)

Section 33.143 – Enforcement of Canadian domestic-violence protection order by law enforcement officer.

1. Except as otherwise provided in subsection 4 and NRS 33.146, a law enforcement officer shall enforce a Canadian domestic-violence protection order and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of a temporary or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

An officer may determine that any other order is authentic on its face.

2. In enforcing a Canadian domestic-violence protection order or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of the order that has been provided to the officer;

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received by the Central Repository by the end of the next business day.

2. Any time that a court issues an emergency or extended order pursuant to NRS 33.570 or 33.580, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, any information required by the Central Repository in a manner which ensures that the information is received by the Central Repository by the end of the next business day.

3. As used in this section, “Canadian domestic-violence protection order” has the meaning ascribed to it in NRS 33.119.

Nev. Rev. Stat. Ann. § 33.095

Section 33.119 – “Canadian domestic-violence protection order” defined.

“Canadian domestic-violence protection order” means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under the laws of the issuing jurisdiction that relates to domestic violence and prohibits an adverse party from:

- 1.** Being in physical proximity to a protected person or following a protected person;
- 2.** Directly or indirectly contacting or communicating with a protected person or other person described in the order;
- 3.** Being within a certain distance of a specified place or location associated with a protected person; or
- 4.** Molesting, annoying, harassing or engaging in threatening conduct directed at a protected person.

Nev. Rev. Stat. Ann. § 33.119

Section 33.122 – “Domestic protection order” defined.

(b) An order that is included in the Repository for Information Concerning Orders for Protection pursuant to NRS 33.095 or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in which the order was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order, including, without limitation, the statement of a person protected by the order that the order remains in effect.

3. The fact that a Canadian domestic-violence protection order has not been registered or included in the Repository for Information Concerning Orders for Protection in the Central Repository for Nevada Records of Criminal History pursuant to NRS 33.095 or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

4. If a law enforcement officer determines that an otherwise valid Canadian domestic-violence protection order cannot be enforced because the adverse party has not been notified of or served with the order, the officer shall notify the protected person that the officer will make reasonable efforts to contact the adverse party, consistent with the safety of the protected person. After notice to the protected person and consistent with the safety of the protected person, the law enforcement officer shall make a reasonable effort to inform the adverse party of the order, notify the adverse party of the terms of the order, provide a record of the order, if available, to the adverse party and allow

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“Domestic protection order” means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent a person from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with or being in physical proximity to another person.

Nev. Rev. Stat. Ann. § 33.122

Section 33.125 – “Issuing court” defined.

“Issuing court” means the court that issues a Canadian domestic-violence protection order.

Nev. Rev. Stat. Ann. § 33.125

Section 33.134 – “Protected person” defined.

“Protected person” means a natural person protected by a Canadian domestic-violence protection order.

Nev. Rev. Stat. Ann. § 33.134

Section 33.140 – “Tribunal” defined.

“Tribunal” means a court, agency or other entity authorized by the laws of this State other than NRS 33.110 to 33.158, inclusive, to establish, enforce or modify a domestic protection order.

Nev. Rev. Stat. Ann. § 33.140

the adverse party a reasonable opportunity to comply with the order before the officer enforces the order.

5. If a law enforcement officer determines that a person is a protected person, the officer shall inform him or her of available local victims’ services.

Nev. Rev. Stat. Ann. § 33.143

Section 33.146 – Other enforcement of Canadian domestic-violence protection order.

1. A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic-violence protection order on application of:

(a) A person authorized by the laws of this State, other than NRS 33.110 to 33.158, inclusive, to seek enforcement of a domestic protection order; or

(b) An adverse party.

2. In a proceeding under subsection 1, the tribunal shall follow the procedures of this State for the enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic-violence protection order.

3. A Canadian domestic-violence protection order is enforceable under this section if:

(a) The order identifies the parties;

(b) The order is valid and has not expired;

(c) The issuing court had jurisdiction over the parties and the subject matter under the laws of the jurisdiction of the issuing court; and

(d) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued

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or, in the case of an ex parte order, the adverse party was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued and, in any event, in a manner consistent with the right of the adverse party to due process.

- 4.** A Canadian domestic-violence protection order valid on its face is prima facie evidence of enforceability under this section.
- 5.** A claim that a Canadian domestic-violence protection order does not comply with subsection 3 is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic-violence protection order is not enforceable under this section and NRS 33.143 and may not be registered pursuant to NRS 33.090.
- 6.** If the Canadian domestic-violence protection order is a mutual order for protection against domestic violence and:
 - (a)** No counter or cross-petition or other pleading was filed by the adverse party; or
 - (b)** A counter or cross-petition or other pleading was filed and the court did not make a specific finding of domestic violence by both parties,
 the court shall refuse to enforce the order against the protected person and may determine whether to issue its own temporary or extended order.

Nev. Rev. Stat. Ann. § 33.146

Section 33.149 – Immunity.

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This State, an agency or political subdivision of this State, a law enforcement officer, prosecuting attorney, clerk of court and any other state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic-violence protection order or the detention or arrest of an alleged violator of a Canadian domestic-violence protection order if the act or omission was a good faith effort to comply with NRS 33.110 to 33.158, inclusive, or the provisions of NRS 33.090 or 33.095 relating to the registration of a Canadian domestic-violence protection order.

Nev. Rev. Stat. Ann. § 33.149

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173-B:9

173-B:5

Section 173-B:13 - Orders Enforceable.

I. Any protective order issued under this chapter shall be effective throughout the state.

II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption of validity where an order appears facially valid.

III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.

IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any circuit court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The clerk of the circuit court shall forward such order to the administrative office of the courts which shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.

N.H. Rev. Stat. Ann. § 173-B:13(I)-(IV)

Section 173-B:9 - Violation of Protective Order; Penalty.

I.

(a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment, provided that in extreme circumstances, such as when the health of the defendant would be jeopardized by the temporary detention, a judge in response to a request by the arresting law enforcement officer or agency, may order an alternative to detention pending arraignment. Such arrests may be made within 12 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.

(b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.

II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.

III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this

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chapter, or RSA 458:16, III, or any **foreign protective order** enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.

IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:

(a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;

(b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;

(c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;

(d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;

(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.

V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

N.H. Rev. Stat. Ann. § 173-B:9

Section 173-B:5 – Relief.

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V.

(a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.

(b) Cross orders for relief may be granted only if:

(1) The court has made specific findings that each party has committed abuse against the other; and

(2) The court cannot determine who is the primary physical aggressor.

VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: “A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment.” Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint or a petition for contempt if there is a violation of any court order.

N.H. Rev. Stat. Ann. § 173-B:5(V), (VII)

Section 173-B:13 – Orders Enforceable.

V. A peace officer may rely upon a copy of any protective order issued under this chapter, or under RSA 458, or upon a copy of a foreign protective order, as defined in this section, which has been provided to the peace officer by any source.

VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.

VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a

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complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:

- (a)** A cross or counter petition, complaint, or other written pleading was filed seeking such protection order; and
- (b)** The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

N.H. Rev. Stat. Ann. § 173-B:13(V)-(VII)

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N.J. Rev. Stat. §§

2C:25-31

2C:25-34

2C:25-22

The state of New Jersey lacks a full faith and credit statute, but the “Guidelines for the Enforcement of Out-of-State Restraining Orders or Orders of Protection in Domestic Violence Cases” issued by the Attorney General’s office has instituted full faith and credit enforcement:

I. Definitions

A. Out-of-State domestic violence restraining orders (also known as "foreign") orders of protection included any court order issued by any other state, Indian tribe, territory or possession of the United States, Puerto Rico or the District of Columbia, whether or not the order is similar to a restraining order issued in the State of New Jersey.

II. Responding Officers Procedures

B. Non-Emergency Situations

In a non-emergency situation, the officer should refer the victim to the appropriate court so the victim may seek to obtain appropriate relief in accordance with the foreign restraining order or order of protection. If the victim had moved into New Jersey from another state, the officer should refer the victim to the Family Part of Superior Court in the county where the victim is then located. If the victim is only temporarily in New Jersey, the officer should refer the victim to the court where the victim is then residing.

N.J. Off. Of Att’y Gen., Guidelines for the Enforcement of Out-of-State Restraining Orders or Orders of Protection in Domestic Violence Cases (1996)

The New Jersey Courts, under the authority of the Supreme Court of New Jersey and the Attorney General of the State of New Jersey,

The NJ Attorney General’s office has developed police protocols on full faith and credit. Among other things, officers are directed to enforce foreign protection orders as long as they appear valid on their face.

Section 2C:25-31 – Contempt, law enforcement procedures.

Where a law enforcement officer finds that there is probable cause that a defendant has committed contempt of an order entered pursuant to the provisions of P.L. 1981, c. 426 (C. 2C:25-1 et seq.) or P.L. 1991, c. 261 (C. 2C:25-17 et seq.), the defendant shall be arrested and taken into custody by a law enforcement officer. The law enforcement officer shall follow these procedures:

The law enforcement officer shall transport the defendant to the police station or such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall:

- a.** Conduct a search of the domestic violence central registry and sign a complaint concerning the incident which gave rise to the contempt charge;
- b.** Telephone or communicate in person or by facsimile with the appropriate judge assigned pursuant to this act and request bail be set on the contempt charge;
- c.** If the defendant is unable to meet the bail set, take the necessary steps to insure that the defendant shall be incarcerated at police headquarters or at the county jail; and
- d.** During regular court hours, the defendant shall have bail set by a Superior Court judge that day. On weekends, holidays and other times when the court is

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issued the [The State of New Jersey Domestic Violence Procedures Manual](#):

IX – Full Faith and Credit of Out of State Orders.

A. FEDERAL STATUTORY OVERVIEW(p.140)

The Full Faith and Credit provision of the Violence Against Women Act (VAWA), 18 U.S.C.A. 2265, et seq., requires states and Indian tribes to enforce protection orders issued by other states and Indian tribes as if the orders had been issued by the non-issuing/enforcing state or Indian tribe. In addition, an enforcing state must enforce a protection order from another state even if the petitioner would not be eligible for a protection order in the enforcing state.

Additionally, all orders of protection shall have the same force and effect on military installations as such order has within the jurisdiction of the court that issued the order under the Armed Forces Domestic Security Act, 10 U.S.C. 1561a.

C. NEW JERSEY LAW AND PROCEDURE(p.143)

2. Process

The Attorney General's guidelines to law enforcement officers state that the registration of an order **is not required** to enforce the order.

The Division of Criminal Justice has assured that Full Faith and Credit will be emphasized in all police training to continue protection of all victims, regardless of whether they have sought the additional assurance of recording their out-of-state order with New Jersey.

N.J. Off. Of Att'y Gen., The State of New Jersey Domestic Violence Procedures Manual (2022)

closed, the officer shall arrange to have the clerk of the Family Part notified on the next working day of the new complaint, the amount of bail, the defendant's whereabouts and all other necessary details. In addition, if a municipal court judge set the bail, the arresting officer shall notify the clerk of that municipal court of this information.

N.J. Rev. Stat. § 2C:25-31

Section 2C:25-34 – Domestic violence restraining orders, central registry.

The Administrative Office of the Courts shall establish and maintain a central registry of all persons who have had domestic violence restraining orders entered against them, all persons who have been charged with a crime or offense involving domestic violence, and all persons who have been charged with a violation of a court order involving domestic violence. All records made pursuant to this section shall be kept confidential and shall be released only to:

- a.** A public agency authorized to investigate a report of domestic violence;
- b.** A police or other law enforcement agency investigating a report of domestic violence, or conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer or for any other purpose authorized by law or the Supreme Court of the State of New Jersey;
- c.** A court, upon its finding that access to such records may be necessary for determination of an issue before the court;

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- d.** A surrogate, in that person's official capacity as deputy clerk of the Superior Court, in order to prepare documents that may be necessary for a court to determine an issue in an adoption proceeding; or
- e.** The Division of Child Protection and Permanency in the Department of Children and Families when the division is conducting a background investigation involving:
 - (1)** an allegation of child abuse or neglect, to include any adult member of the same household as the individual who is the subject of the abuse or neglect allegation; or
 - (2)** an out-of-home placement for a child being placed by the Division of Child Protection and Permanency, to include any adult member of the prospective placement household.

Any individual, agency, surrogate, or court which receives from the Administrative Office of the Courts the records referred to in this section shall keep the records and reports, or parts thereof, confidential and shall not disseminate or disclose such records and reports, or parts thereof; provided that nothing in this section shall prohibit a receiving individual, agency, surrogate or court from disclosing records and reports, or parts thereof, in a manner consistent with and in furtherance of the purpose for which the records and reports or parts thereof were received. Any individual who disseminates or discloses a record or report, or parts thereof, of the central registry, for a purpose other than investigating a report of domestic violence, conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer, making a determination of an issue before the court, conducting a background investigation as specified in

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subsection e. of this section, or for any other purpose other than that which is authorized by law or the Supreme Court of the State of New Jersey, shall be guilty of a crime of the fourth degree.

N.J. Rev. Stat. § 2C:25-34

Section 2C:25-22 – Immunity from civil liability.

A law enforcement officer or a member of a domestic crisis team or any person who, in good faith, reports a possible incident of domestic violence to the police shall not be held liable in any civil action brought by any party for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act.

N.J. Rev. Stat. § 2C:25-22

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N.M. Stat. Ann. §§

40-13A-2
40-13A-3
40-13A-4
40-13A-5
40-13A-9

Section 40-13A-2 - Definitions.

As used in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act [40-13A-1 NMSA 1978]:

- A.** “foreign protection order” means a protection order issued by a tribunal of another state;
- B.** “issuing state” means the state whose tribunal issues a protection order;
- C.** “mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;
- D.** “protected individual” means a person protected by a protection order;
- E.** “protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence or antistalking laws of the issuing state, to prevent a person from engaging in a violent or threatening act against, harassment of, contact or communication with or physical proximity to another person;
- F.** “respondent” means the person against whom enforcement of a protection order is sought;
- G.** “state” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. “State” includes an Indian pueblo, tribe, nation or band that has jurisdiction to issue protection orders; and
- H.** “tribunal” means a court, agency

Section 40-13A-3 - Judicial enforcement of a foreign protection order.

- A.** A person may seek enforcement of a valid foreign protection order in a New Mexico tribunal. The tribunal shall enforce the terms of the order, including terms that provide relief that a New Mexico tribunal would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow New Mexico procedures for the enforcement of protection orders.
- B.** A New Mexico tribunal shall not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- C.** A New Mexico tribunal shall enforce the provisions of a valid foreign protection order governing custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- D.** A foreign protection order is valid if it:
 - (1)** identifies the protected individual and the respondent;
 - (2)** is currently in effect;
 - (3)** was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

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or other entity authorized by law to issue or modify a protection order.

N.M. Stat. Ann. § 40-13A-2

Section 40-13A-5 - Registration of foreign protection order.

A. A person may register a foreign protection order in New Mexico. To register a foreign protection order, a person shall present to the clerk of the district court:

- (1)** a copy of the foreign protection order that has been certified by the issuing tribunal; and
- (2)** an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the foreign protection order is currently in effect.

B. The clerk shall register the foreign protection order in accordance with this section. After the foreign protection order is registered, the clerk shall furnish to the person registering the order a certified copy of the registered order and shall send a copy of the registered order to the local law enforcement agency. The clerk shall not notify the respondent that the foreign protection order has been registered in New Mexico unless requested to do so by the protected individual.

C. A registered foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the tribunal's records in accordance with New Mexico law.

D. A foreign protection order registered under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act [40-13A-1 NMSA 1978] may be entered in any state or federal registry of protection orders in accordance with applicable law.

E. A fee shall not be charged for the registration of a foreign protection order.

(4) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued in a manner consistent with the due process rights of the respondent.

E. A foreign protection order valid on its face is prima facie evidence of its validity.

F. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

G. A New Mexico tribunal may enforce provisions of a mutual foreign protection order only if:

- (1)** both parties filed a written pleading seeking a protection order from the tribunal of the issuing state; and
- (2)** the tribunal of the issuing state made specific findings that each party was entitled to a protection order.

N.M. Stat. Ann. § 40-13A-3

Section 40-13A-4 - Nonjudicial enforcement of foreign protection order.

A. A New Mexico law enforcement officer, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a New Mexico tribunal. Presentation of a foreign protection order that identifies both the protected individual and the respondent and that, on its face, appears to be in effect constitutes probable cause to believe that a valid foreign protection order exists. For the

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N.M. Stat. Ann. § 40-13A-5

Section 40-13A-9 – Transitional provision.

The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act [40-13A-1 NMSA 1978] applies to protection orders issued before July 1, 2013 and to continuing actions for enforcement of foreign protection orders commenced before July 1, 2013. A request for enforcement of a foreign protection order made on or after July 1, 2013 for violations of a foreign protection order occurring before July 1, 2013 is governed by the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

N.M. Stat. Ann. § 40-13A-9

purposes of this section, a protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

B. If a foreign protection order is not presented, a New Mexico law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

C. If a New Mexico law enforcement officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

D. Registration or filing of a foreign protection order in New Mexico is not required for the enforcement of a valid foreign protection order pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act [40-13A-1 NMSA 1978].

N.M. Stat. Ann. § 40-13A-4

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N.Y. Fam. Law §§
154-e

**N.Y. Crim. Proc.
Law §§**
140.10
530.11

**N.Y. Dom. Rel.
Law §§**
240(3-c)
252(7)

Section 154-e - Orders of protection; filing and enforcement of out-of-state orders.

A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be accorded full faith and credit and enforced under article eight of this act as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

1. An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

- a.** the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;
- b.** the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and
- c.** in the case of orders of protection or temporary orders of protection issued against both a petitioner and respondent, the order or portion thereof sought to be enforced was supported by: (i) a pleading requesting such order, including, but not limited to, a petition, cross-petition or counterclaim; and (ii) a judicial finding that the

Section 140.10(3)-(5) – Arrest without a warrant; by police officer; when and where authorized.

3. A police officer may arrest a person for a crime, pursuant to subdivision one, whether or not such crime was committed within the geographical area of such police officer's employment, and he or she may make such arrest within the state, regardless of the situs of the commission of the crime. In addition, he or she may, if necessary, pursue such person outside the state and may arrest him or her in any state the laws of which contain provisions equivalent to those of section 140.55.

4. [Expires and repealed Sept 1, 2025] Notwithstanding any other provisions of this section, a police officer shall arrest a person, and shall not attempt to reconcile the parties or mediate, where such officer has reasonable cause to believe that:

- (a)** a felony, other than subdivision three, four, nine or ten of section 155.30 of the penal law, has been committed by such person against a member of the same family or household, as member of the same family or household is defined in subdivision one of section 530.11 of this chapter; or
- (b)** a duly served order of protection or special order of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of this chapter is in effect, or an order of which the respondent or defendant has actual knowledge because he or she was present in court when such order was issued, where the order appears to have been issued by a court of competent jurisdiction of this or another state, territorial or tribal jurisdiction; and

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requesting party is entitled to the issuance of the order which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had given knowing, intelligent and voluntary consent to its issuance.

2. Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the family court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

N.Y. Fam. Law § 154-e

Section 530.11 – Procedures for family offense matters.

5. Filing and enforcement of out-of-state orders of protection. A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be accorded full faith and credit and enforced as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

(i) Such order directs that the respondent or defendant stay away from persons on whose behalf the order of protection or special order of conditions has been issued and the respondent or defendant committed an act or acts in violation of such “stay away” provision of such order; or

(ii) The respondent or defendant commits a family offense as defined in subdivision one of section eight hundred twelve of the family court act or subdivision one of section 530.11 of this chapter in violation of such order of protection or special order of conditions. The provisions of this subdivision shall apply only to orders of protection issued pursuant to sections two hundred forty and two hundred fifty-two of the domestic relations law, articles four, five, six and eight of the family court act and section 530.12 of this chapter, special orders of conditions issued pursuant to subparagraph (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of this chapter insofar as they involve a victim or victims of domestic violence as defined by subdivision one of section four hundred fifty-nine-a of the social services law or a designated witness or witnesses to such domestic violence, and to orders of protection issued by courts of competent jurisdiction in another state, territorial or tribal jurisdiction. In determining whether reasonable cause exists to make an arrest for a violation of an order issued by a court of another state, territorial or tribal jurisdiction, the officer shall consider, among other factors, whether the order, if available, appears to be valid on its face or whether a

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(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

- (i)** the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;
- (ii)** the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and
- (iii)** in the case of orders of protection or temporary orders of protection issued against both a petitioner, plaintiff or complainant and respondent or defendant, the order or portion thereof sought to be enforced was supported by:
 - (A) a pleading requesting such order, including, but not limited to, a petition, cross-petition or counterclaim; and
 - (B) a judicial finding that the requesting party is entitled to the issuance of the order which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had given knowing, intelligent and voluntary consent to its issuance.

(b) Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, accompanied by a

record of the order exists on the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law or the protection order file maintained by the national crime information center; provided, however, that entry of the order of protection or special order of conditions into the statewide registry or the national protection order file shall not be required for enforcement of the order. When a special order of conditions is in effect and a defendant or respondent has been taken into custody pursuant to this paragraph, nothing contained in this paragraph shall restrict or impair a police officer from acting pursuant to section 9.41 of the mental hygiene law; or

(c) a misdemeanor constituting a family offense, as described in subdivision one of section 530.11 of this chapter and section eight hundred twelve of the family court act, has been committed by such person against such family or household member, unless the victim requests otherwise. The officer shall neither inquire as to whether the victim seeks an arrest of such person nor threaten the arrest of any person for the purpose of discouraging requests for police intervention. Notwithstanding the foregoing, when an officer has reasonable cause to believe that more than one family or household member has committed such a misdemeanor, the officer is not required to arrest each such person. In such circumstances, the officer shall attempt to identify and arrest the primary physical aggressor after considering: (i) the comparative extent of any injuries inflicted by and between the parties; (ii) whether any such person is threatening or has threatened future harm against another party

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sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

N.Y. Crim. Proc. Law § 530.11(5)

Section 240 – Custody and child support; orders of protection.

3-c. Orders of protection; filing and enforcement of out-of-state orders. A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be accorded full faith and credit and enforced as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

a. An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

- (1)** the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;
- (2)** the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an

or another family or household member; (iii) whether any such person has a prior history of domestic violence that the officer can reasonably ascertain; and (iv) whether any such person acted defensively to protect himself or herself from injury. The officer shall evaluate each complaint separately to determine who is the primary physical aggressor and shall not base the decision to arrest or not to arrest on the willingness of a person to testify or otherwise participate in a judicial proceeding. The protected party in whose favor the order of protection or temporary order of protection is issued may not be held to violate an order issued in his or her favor nor may such protected party be arrested for violating such order. Nothing contained in this subdivision shall be deemed to (a) require the arrest of any person when the officer reasonably believes the person's conduct is justifiable under article thirty-five of title C of the penal law; or (b) restrict or impair the authority of any municipality, political subdivision, or the division of state police from promulgating rules, regulations and policies requiring the arrest of persons in additional circumstances where domestic violence has allegedly occurred. No cause of action for damages shall arise in favor of any person by reason of any arrest made by a police officer pursuant to this subdivision, except as provided in sections seventeen and eighteen of the public officers law and sections fifty-k, fifty-l, fifty-m and fifty-n of the general municipal law, as appropriate.

5. Upon investigating a report of a crime or offense between members of the same family or household as such terms are defined in section 530.11 of this chapter and section eight hundred twelve of the family court act, a law enforcement officer shall prepare, file, and translate, in accordance with

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opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and

(3) in the case of orders of protection or temporary orders of protection issued against both a petitioner and respondent, the order or portion thereof sought to be enforced was supported by: (i) a pleading requesting such order, including, but not limited to, a petition, cross-petition or counterclaim; and (ii) a judicial finding that the requesting party is entitled to the issuance of the order, which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had give [given]* knowing, intelligent and voluntary consent to its issuance.

b. Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

N.Y. Dom. Rel. Law § 240(3-c)

section two hundred fourteen-b or eight hundred forty of the executive law, a written report of the incident, on a form promulgated pursuant to section eight hundred thirty-seven of the executive law, including statements made by the victim and by any witnesses, and make any additional reports required by local law enforcement policy or regulations. Such report shall be prepared and filed, whether or not an arrest is made as a result of the officers' investigation, and shall be retained by the law enforcement agency for a period of not less than four years. Where the reported incident involved an offense committed against a person who is sixty-five years of age or older a copy of the report required by this subdivision shall be sent to the New York state committee for the coordination of police services to elderly persons established pursuant to section eight hundred forty-four-b of the executive law. Where the reported incident involved an offense committed by an individual known by the law enforcement officer to be under probation or parole supervision, he or she shall transmit a copy of the report as soon as practicable to the supervising probation department or the department of corrections and community supervision.

N.Y. Crim. Proc. Law § 140.10(3)-(5)

1998 LEGISLATIVE PROGRAM OF THE NEW YORK STATE JUDICIARY:

As a result of the "Violence Against Women Act", which was part of the Federal "Violent Crime Control and Law Enforcement Act of 1994", all state courts are required to honor and enforce orders of protection, both civil and criminal, issued by any other state, tribal or territorial court so long as certain due process requirements are met. While this Federal mandate was self-

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Section 252 – Effect of pendency of action for divorce, separation or annulment on petition for order of protection.

7. A valid order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be accorded full faith and credit and enforced as if it were issued by a court within the state for as long as the order remains in effect in the issuing jurisdiction in accordance with sections two thousand two hundred sixty-five and two thousand two hundred sixty-six of title eighteen of the United States Code.

(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:

- (i)** the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;
- (ii)** the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order; provided, however, that if the order was a temporary order of protection issued in the absence of such person, that notice had been given and that an opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and
- (iii)** in the case of orders of protection or temporary orders of protection issued against both a petitioner and respondent, the order or portion thereof sought to be enforced was supported by: (A) a pleading requesting such order, including, but not limited to, a petition, cross-petition or counterclaim; and (B) a judicial finding that the requesting party is entitled to the issuance of the order,

executing, and pre-emptive of contrary state laws, it nonetheless remains necessary for New York to join the more than 30 states that already have conformed the letter of their statutes to this mandate. This conformity should greatly enhance local awareness of the mandate and, most importantly, increase the likelihood of effective implementation.

We will present the Legislature with the necessary legislation. Our proposal will amend the Criminal Procedure law, the Domestic Relations Law and the Family Court Act to delineate the Federal requirements, clarify the applicability of mandatory arrest, menacing and criminal contempt provisions to cases involving out-of-state orders, and authorize entry of out-of-state orders of protection onto the statewide automated registry of orders of protection and family offense warrants.

1998 RECOMMENDATIONS OF THE FAMILY COURT ADVISORY AND RULES COMMITTEE:

In August, 1994, President Clinton signed the "Violent Crime Control and Law Enforcement Act of 1994" [Public Law 103-322], which included the comprehensive "Violence Against Women Act." See Public Law 103-322, Title IV. Significant among its provisions, the Violence Against Women Act contains a "full faith and credit" requirement designed to promote rigorous interstate enforcement of orders of protection in domestic violence cases. See 18 U.S.C. §§ 2265, 2266. All courts within the United States, including state, tribal and territorial courts, must honor and enforce orders of protection, both civil and criminal, issued by all other courts so long as certain due process requirements have been met.

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which may result from a judicial finding of fact, judicial acceptance of an admission by the party against whom the order was issued or judicial finding that the party against whom the order was issued had given knowing, intelligent and voluntary consent to its issuance.

(b) Notwithstanding the provisions of article fifty-four of the civil practice law and rules, an order of protection or temporary order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, accompanied by a sworn affidavit that upon information and belief such order is in effect as written and has not been vacated or modified, may be filed without fee with the clerk of the court, who shall transmit information regarding such order to the statewide registry of orders of protection and warrants established pursuant to section two hundred twenty-one-a of the executive law; provided, however, that such filing and registry entry shall not be required for enforcement of the order.

N.Y. Dom. Rel. Law § 252(7)

In order to meet the significant challenges posed in implementing the federal mandate on the state level, the Family Court Advisory and Rules Committee is submitting legislation incorporating the federal requirements into New York State law. While the federal provision is self-executing and indeed preempts State law, it has generally been recognized that incorporation of the federal requirements into State law would greatly enhance local awareness and the likelihood of effective enforcement. In fact, over thirty states have already enacted enabling legislation in order to promote implementation of the "full faith and credit" mandate. The Committee's proposal delineates the federal requirements, clarifies the applicability of mandatory arrest, menacing and criminal contempt provisions to cases involving out-of-state orders and specifically authorizes the entry of out-of-state orders of protection onto the statewide automated registry of orders of protection and related warrants.* (* While out-of-state orders have been entered onto the registry even in the absence of explicit authorization, only a small number of such orders thus far have been presented for entry. A specific authorization would be to encourage entry a greater number of such orders, and would facilitate their enforcement.) Perhaps most importantly, the proposal contains the clear statement that out-of-state orders of protection that conform to the federal due process requirements must be afforded "full faith and credit" and enforced as if they had been issued by a court of competent jurisdiction within New York State. The federal due process requirements include the following:

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--The court that issued the order of protection must have had jurisdiction over the person and over the subject matter of the case.

--Reasonable notice and an opportunity to be heard must have been provided to the person against whom the order was issued "sufficient to protect that person's right to due process."

--In the case of an ex parte order of protection, reasonable notice and an opportunity to be heard must be scheduled to be provided within the time frame required by the law of the issuing court's jurisdiction, "and in any event within a reasonable time after the order is issued sufficient to protect the person's due process rights." A violation of an out-of-state order issued ex parte thus is entitled to enforcement even if the return date for the hearing on the order has not yet occurred so long as the order has been served and the return date has been scheduled within the state's time frame or within a "reasonable" period.

--In the case of "mutual orders of protection," the order sought to be enforced must itself be supported by a petition, cross-petition, complaint or other written pleading, as well as specific judicial findings that the person seeking the order was entitled to the order.

The Committee's proposal sets forth each of these federally-required provisions in the Criminal Procedure Law, Domestic Relations Law and Family Court Act, and underscores the obligation of courts with jurisdiction over criminal, matrimonial and Family Court proceedings to implement the federal mandates in appropriate circumstances. Further, in order to promote entry of the orders into the statewide automated registry of orders of protection and related warrants, the

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proposal permits individuals to file out-of-state orders with the clerk of a court without fee.* (* The proposal makes clear that the registration requirements contained in the "Uniform Enforcement Foreign Judgments Act," Article 54 of the Civil Practice Law and Rules, would not be applicable to orders of protection.) The clerk of court would be required to transmit the order to the registry, with the important caveat that such filing and entry would not be a prerequisite to enforcement of an out-of-state order.

Significantly, the proposal makes clear that the mandatory arrest provisions [Criminal Procedure Law § 140.10] contained in the "Family Protection and Domestic Violence Intervention Act of 1994," would apply to violations of out-of-state orders of protection meeting the federal requirements. Similarly, the enhanced penalty provisions for the offenses of criminal contempt and menacing involving violation of orders of protection would be amended to include violations of out-of-state orders of protection. See Laws of 1996, Chapter 353; Laws of 1994, ch. 222, 224.

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N.C. Gen. Stat. §§

50B-4

50B-4.1

50B-4.2

(a) A party may file a motion for contempt for violation of any order entered pursuant to this Chapter. This party may file and proceed with that motion pro se, using forms provided by the clerk of superior court or a magistrate authorized under G.S. 50B-2(c1). Upon the filing pro se of a motion for contempt under this subsection, the clerk, or the authorized magistrate, if the facts show clearly that there is danger of acts of domestic violence against the aggrieved party or a minor child and the motion is made at a time when the clerk is not available, shall schedule and issue notice of a show cause hearing with the district court division of the General Court of Justice at the earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of notice issued by the magistrate pursuant to this subsection, shall effect service of the motion, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.

(b) Repealed by Session Laws 1999-23, s. 2, effective February 1, 2000.

(c) A valid protective order entered pursuant to this Chapter shall be enforced by all North Carolina law enforcement agencies without further order of the court.

(d) A valid protective order entered by the courts of another state or the courts of an Indian tribe shall be accorded full faith and credit by the courts of North Carolina whether or not the order has been registered and shall be enforced by the courts and the law enforcement agencies of North Carolina as if it were an order issued by a North Carolina court. In determining the validity of an out-of-state order for purposes of enforcement, a law enforcement officer may rely upon a copy of the protective order issued by

(a) Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

(b) A law enforcement officer shall arrest and take a person into custody, with or without a warrant or other process, if the officer has probable cause to believe that the person knowingly has violated a valid protective order excluding the person from the residence or household occupied by a victim of domestic violence or directing the person to refrain from doing any or all of the acts specified in G.S. 50B-3(a)(9).

(c) When a law enforcement officer makes an arrest under this section without a warrant, and the party arrested contests that the out-of-state order or the order issued by an Indian court remains in full force and effect, the party arrested shall be promptly provided with a copy of the information applicable to the party which appears on the National Crime Information Center registry by the sheriff of the county in which the arrest occurs.

(d) Unless covered under some other provision of law providing greater punishment, a person who commits a felony at a time when the person knows the behavior is prohibited by a valid protective order as provided in subsection (a) of this section shall be guilty of a felony one class higher than the principal felony described in the charging document. This subsection shall not apply to convictions of a Class A or B1 felony or to convictions of the offenses set forth in subsection (f) or subsection (g) of this section.

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another state or the courts of an Indian tribe that is provided to the officer and on the statement of a person protected by the order that the order remains in effect. **Even though registration is not required, a copy of a protective order may be registered in North Carolina** by filing with the clerk of superior court in any county a copy of the order and an affidavit by a person protected by the order that to the best of that person's knowledge the order is presently in effect as written. Notice of the registration shall not be given to the defendant. Upon registration of the order, the clerk shall promptly forward a copy to the sheriff of that county. Unless the issuing state has already entered the order, the sheriff shall provide for prompt entry of the order into the National Crime Information Center registry pursuant to G.S. 50B-3(d).

(e) Upon application or motion by a party to the court, the court shall determine whether an out-of-state order remains in full force and effect.

(f) The term "valid protective order," as used in subsections (c) and (d) of this section, shall include an emergency or ex parte order entered under this Chapter.

(g) Notwithstanding the provisions of G.S. 1-294, a valid protective order entered pursuant to this Chapter which has been appealed to the appellate division is enforceable in the trial court during the pendency of the appeal. Upon motion by the aggrieved party, the court of the appellate division in which the appeal is pending may stay an order of the trial court until the appeal is decided, if justice so requires.

N.C. Gen. Stat. § 50B-4

(e) An indictment or information that charges a person with committing felonious conduct as described in subsection (d) of this section shall also allege that the person knowingly violated a valid protective order as described in subsection (a) of this section in the course of the conduct constituting the underlying felony. In order for a person to be punished as described in subsection (d) of this section, a finding shall be made that the person knowingly violated the protective order in the course of conduct constituting the underlying felony.

(f) Unless covered under some other provision of law providing greater punishment, any person who knowingly violates a valid protective order as provided in subsection (a) of this section, after having been previously convicted of two offenses under this Chapter, shall be guilty of a Class H felony.

(g) Unless covered under some other provision of law providing greater punishment, any person who, while in possession of a deadly weapon on or about his or her person or within close proximity to his or her person, knowingly violates a valid protective order as provided in subsection (a) of this section by failing to stay away from a place, or a person, as so directed under the terms of the order, shall be guilty of a Class H felony.

(g1) Unless covered under some other provision of law providing greater punishment, any person who is subject to a valid protective order, as provided in subsection (a) of this section, who enters property operated as a safe house or haven for victims of domestic violence, where a person protected under the order is residing, shall be guilty of a Class H felony. A person violates this subsection regardless of whether the person protected under the order is present on the property.

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(h) For the purposes of this section, the term “valid protective order” shall include an emergency or ex parte order entered under this Chapter.

N.C. Gen. Stat. § 50B-4.1

Section § 50B-4.2 – False statement regarding protective order a misdemeanor.

A person who knowingly makes a false statement to a law enforcement agency or officer that a protective order entered pursuant to this Chapter or by the courts of another state or Indian tribe remains in effect shall be guilty of a Class 2 misdemeanor.

N.C. Gen. Stat. § 50B-4.2

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N.D. Cent. Code

§§14-07.4-01
14-07.4-02
14-07.4-03
14-07.4-04
14-07.4-05
14-07.4-07
14-07.5-03
14-07.5-04
14-07.5-05

Section 14-07.4-01 – Definitions.

In this chapter:

1. “Foreign protection order” means a protection order issued by a tribunal of another state.
2. “Issuing state” means the state whose tribunal issues a protection order.
3. “Mutual foreign protection order” means a foreign protection order that includes provisions issued in favor of both the protected individual seeking enforcement of the order and the respondent.
4. “Protected individual” means an individual protected by a protection order.
5. “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence or family violence laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual. The term includes an injunction or other order issued under the antistalking laws of the issuing state.
6. “Respondent” means the individual against whom enforcement of a protection order is sought.
7. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.
8. “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

N.D. Cent. Code § 14-07.4-01

Section 14-07.4-02 – Judicial enforcement of order.

1. A tribunal of this state shall enforce the terms of a valid foreign protection order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. A tribunal of this state shall enforce a valid foreign protection order issued by a tribunal, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. A tribunal of this state may not enforce an order issued by a tribunal that does not recognize the standing of a protected individual to seek enforcement of the order.
2. A tribunal of this state shall enforce the provisions of a valid foreign protection order which governs custody and visitation. The custody and visitation provisions of the order must have been issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
3. A protection order is valid if it:
 - a. Identifies the protected individual and the respondent;
 - b. Is currently in effect;
 - c. Was issued by a tribunal that had jurisdiction over the parties and matter under the law of the issuing state; and
 - d. Was issued after the respondent was provided with reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has

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Section 14-07.4-04 – Registration of order.

1. Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall present a certified copy of the order to any clerk of district court in this state.
2. Upon receipt of a protection order, the clerk of district court shall register the order in accordance with this section. After the order is registered, the clerk of district court shall furnish to the individual registering the order a certified copy of the registered order. If a foreign order is registered, the clerk of district court shall transmit a copy of the order to the appropriate law enforcement agency.
3. The clerk of district court shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order which is inaccurate or is not currently in effect shall be corrected or removed from the registry in accordance with the law of this state.
4. An individual registering a foreign protection order shall file an affidavit by the protected individual that, to the best of the individual's knowledge, the order is currently in effect.
5. A foreign protection order registered under this chapter may be entered in any existing state or federal registries of protection orders, in accordance with state or federal law.
6. A fee may not be charged for the registration of a foreign protection order or the correction or removal of a foreign protection order.

N.D. Cent. Code § 14-07.4-04

Section 14-07.5-04 – Registration of Order.

had or will have an opportunity to be heard within a reasonable time after the issuing of the order, in a manner consistent with the rights of the respondent to due process.

4. A person authorized under the law of this state to seek enforcement of a foreign protection order establishes a prima facie case for its validity by presenting an order valid on its face.
5. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.
6. A tribunal of this state may enforce the provisions of a mutual foreign protection order which favor a respondent only if:
 - a. The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
 - b. The tribunal of the issuing state made specific findings in favor of the respondent.

N.D. Cent. Code § 14-07.4-02

Section 14-07.4-03 – Nonjudicial enforcement of order.

1. A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other

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1. Any individual may register a Canadian domestic violence protection order in this state. To register the order, an individual shall present a certified copy of the order to any clerk of district court in this state.
2. Upon receipt of a Canadian domestic violence protection order, the clerk of the district court shall register the order in accordance with this section. After the order is registered, the clerk of district court shall furnish to the individual registering the order a certified copy of the registered order and transmit a copy of the order to the appropriate law enforcement agency.
3. A registered Canadian domestic violence protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.
4. An individual registering a Canadian domestic violence protection order shall file an affidavit by the protected individual that, to the best of the individual's knowledge, the order is currently in effect.
5. A registered Canadian domestic violence protection order may be entered in any existing state or federal registries of protection orders, in accordance with state or federal law.
6. A fee may not be charged for the registration of a Canadian domestic violence protection order or the correction or removal of a protection order.

N.D. Cent. Code § 14-07.5-04

medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

2. If the protection order is not presented, the officer may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.
3. If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order and make a reasonable effort to serve the order upon the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.
4. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order under this chapter.

N.D. Cent. Code § 14-07.4-03

Section 14-07.5-02 – Nonjudicial enforcement of order.

1. A law enforcement officer of this state, upon determining there is probable cause to believe a valid Canadian domestic violence protection order exists and that the order has been violated, shall enforce the Canadian domestic violence protection order as if it were the order of a tribunal of this state. Presentation of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent and, on its face, is currently in effect, constitutes probable cause to believe that a valid order exists. For the

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purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

2. If a record of a Canadian domestic violence protection order is not presented, the officer may consider other information in determining whether there is probable cause to believe a valid Canadian domestic violence protection order exists.

3. If a law enforcement officer of this state determines an otherwise valid Canadian domestic violence protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the protected individual that the officer will make reasonable efforts to contact the respondent. After informing the respondent and serving the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

4. If a law enforcement officer determines an individual is a protected individual, the officer shall inform the individual of available local victim services.

5. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order under this chapter.

N.D. Cent. Code § 14-07.5-02

Section 14-07.5-03 – Judicial enforcement of order.

1. A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application of:

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- a.** A person authorized by the law of this state other than this chapter to seek enforcement of a domestic protection order; or
- b.** A respondent.
- 2.** A tribunal shall follow the procedures of this state for enforcement of a domestic protection order. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protection order as provided in this chapter.
- 3.** A Canadian domestic violence protection order is valid if it:
 - a.** Identifies a protected individual and a respondent;
 - b.** Is currently in effect;
 - c.** Was issued by a tribunal that had jurisdiction over the parties and matter under the law of the issuing court; and
 - d.** Was issued after the respondent was provided with reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the issuing of the order, in a manner consistent with the rights of the respondent to due process.
- 4.** An individual authorized under the law of this state to seek enforcement of a Canadian domestic violence protection order establishes a prima facie case for its validity by presenting an order valid on its face.
- 5.** Absence of any of the criteria for validity of a Canadian domestic violence protection order is an affirmative defense in an action seeking enforcement of the order.
- 6.** A tribunal of this state may enforce the provisions of a Canadian domestic violence protection order against a party to

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the order in which each party is a protected individual and respondent if:

- a.** The party seeking enforcement of the order filed a pleading requesting the order from the issuing court; and
- b.** The tribunal made specific findings that entitled the party to the enforcement sought.

N.D. Cent. Code § 14-07.5-03

Section 14-07.4-05 – Immunity.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of district court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission is done in good faith in an effort to comply with this chapter.

N.D. Cent. Code § 14-07.4-05

Section 14-07.4-07 – Penalty.

Violation of a protection order under this chapter is a class A misdemeanor. A second or subsequent violation of such an order is a class C felony.

N.D. Cent. Code § 14-07.4-07

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Ohio Rev.
Code Ann §§
2919.272
2919.27
1901.18

Section 2919.272 – Registration and filing out-of-state protection order.

(A) As used in this section, “protection order issued by a court of another state” has the same meaning as in section 2919.27 of the Revised Code.

(B) A person who has obtained a protection order issued by a court of another state may provide notice of the issuance of the order to judicial and law enforcement officials in any county of this state by registering the order in that county and filing a copy of the registered order with a law enforcement agency in that county. To register the order, the person shall obtain a certified copy of the order from the clerk of the court that issued the order and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order is to be registered. Upon accepting the certified copy of the order for registration, the clerk shall place an endorsement of registration on the order and give the person a copy of the order that bears proof of registration. The person then may file with a law enforcement agency in that county a copy of the order that bears proof of registration.

(C) The clerk of each court of common pleas and the clerk of each municipal court and county court shall maintain a registry of certified copies of protection orders issued by courts of another state that have been registered with the clerk. Each law enforcement agency shall establish and maintain a registry for protection orders delivered to the agency pursuant to this section. The agency shall note in the registry the date and time that the agency received an order.

Section 2919.27 – Violating a protection order.

(A) No person shall recklessly violate the terms of any of the following:

- (1)** A protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code;
- (2)** A protection order issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code;
- (3)** A protection order issued by a court of another state.

(B)

- (1)** Whoever violates this section is guilty of violating a protection order.
- (2)** Except as otherwise provided in division (B)(3) or (4) of this section, violating a protection order is a misdemeanor of the first degree.
- (3)** Violating a protection order is a felony of the fifth degree if the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for any of the following:

- (a)** A violation of a protection order issued or consent agreement approved pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code;
- (b)** Two or more violations of section 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement;
- (c)** One or more violations of this section.

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(D) An officer of a law enforcement agency shall enforce a protection order issued by a court of another state in accordance with the provisions of the order, including removing the person allegedly violating the order from the premises, regardless of whether the order is registered as authorized by division (B) of this section in the county in which the officer's agency has jurisdiction.

(E)

(1) Subject to division (E)(2) of this section and regardless of whether a protection order is issued or a consent agreement is approved by a court of another county or a court of another state, no court or unit of state or local government shall charge a person who registers and files an order any fee, cost, deposit, or money in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement, including a protection order issued by a court of another state.

(2) Regardless of whether a protection order is issued or a consent agreement is approved pursuant to this section, the court may assess costs against the person who is subject to a registered and filed order in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of a protection order, consent agreement, or witness subpoena or for obtaining a certified copy of a protection order or consent agreement.

Ohio Rev. Code Ann § 2919.272

Section 1901.18(A)(9) – Jurisdiction of subject matter.

(A) Except as otherwise provided in this division or section 1901.181 of the Revised Code, subject to the monetary jurisdiction

(4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony of the third degree.

(5) If the protection order violated by the offender was an order issued pursuant to section 2151.34 or 2903.214 of the Revised Code that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device.

(C) It is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this state or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(D) In a prosecution for a violation of this section, it is not necessary for the prosecution to prove that the protection order or consent agreement was served on the defendant if the prosecution proves that the defendant was shown the protection order or consent agreement or a copy of either or a judge, magistrate, or law enforcement officer informed the defendant that a protection order or consent agreement had

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of municipal courts as set forth in section 1901.17 of the Revised Code, a municipal court has original jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;

Ohio Rev. Code Ann § 1901.18

been issued, and proves that the defendant recklessly violated the terms of the order or agreement.

(E) As used in this section, “protection order issued by a court of another state” means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection. “Protection order issued by a court of another state” does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.

Ohio Rev. Code Ann § 2919.27

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Okla. Stat. Ann.

tit. 22§§

60.12

60.22

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60.24

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60.7

60.9

Section 60.22 – Definitions.

As used in the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act:

1. “Foreign protection order” means a protection order issued by a tribunal of another state;
2. “Issuing state” means the state whose tribunal issues a protection order;
3. “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent;
4. “Protected individual” means an individual protected by a protection order;
5. “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual;
6. “Respondent” means the individual against whom enforcement of a protection order is sought;
7. “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders; and
8. “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

Okla. Stat. Ann. tit. 22, § 60.22

Section 60.12 – Foreign protective orders--Presumption of validity--Peace officers immune from liability.

A. It is the intent of the Legislature that all foreign protective orders shall have the rebuttable presumption of validity, even if the foreign protective order contains provisions which could not be contained in a protective order issued by an Oklahoma court. The validity of a foreign protective order shall only be determined by a court of competent jurisdiction. Until a foreign protective order is declared invalid by a court of competent jurisdiction it shall be given full faith and credit by all peace officers and courts in the State of Oklahoma.

B. A peace officer of this state shall be immune from liability for enforcing provisions of a foreign protective order.

Okla. Stat. Ann. tit. 22, § 60.12

Section 60.23 – Judicial enforcement of foreign protection order.

A. A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.

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Section 60.25 – Registration of foreign orders--Certified copy--Inaccurate orders--Affidavits—Fee.

A. Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

- 1.** Present a certified copy of the order to the Secretary of State; or
- 2.** Present a certified copy of the order to a law enforcement officer and request that the order be registered with the Secretary of State.

B. Upon receipt of a foreign protection order, the Secretary of State shall register the order in accordance with this section. After the order is registered, the Secretary of State shall furnish to the individual registering the order a certified copy of the registered order.

C. The Secretary of State shall register an order upon presentation of a copy of a protection order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

D. An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

E. A foreign protection order registered under this act may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

F. A fee may not be charged for the registration of a foreign protection order.

Okla. Stat. Ann. tit. 22, § 60.25

B. A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

C. A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

D. A foreign protection order is valid if it:

- 1.** Identifies the protected individual and the respondent;
- 2.** Is currently in effect;
- 3.** Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
- 4.** Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

E. A foreign protection order valid on its face is prima facie evidence of its validity.

F. Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

G. A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

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Section 60.7 – Orders Valid Statewide Unless Expressly Modified.

All orders issued pursuant to the provisions of the Protection from Domestic Abuse Act, Section 60 et seq. of this title, shall have statewide and nationwide validity, unless specifically modified or terminated by a judge of the district courts.

OKLA. STAT. ANN. tit. 22, § 60.7

- 1.** The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
- 2.** The tribunal of the issuing state made specific findings in favor of the respondent.

Okla. Stat. Ann. tit. 22, § 60.23

Section 60.24 – Nonjudicial enforcement of foreign protection order.

A. A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

B. If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

C. If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make

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a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

D. Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this act.

Okla. Stat. Ann. tit. 22, § 60.24

Section 60.26 – Immunity from liability.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this act.

Okla. Stat. Ann. tit. 22, § 60.26

Section 60.9 – Warrantless arrest.

B. A peace officer, without a warrant, shall arrest and take into custody a person if the following conditions have been met:

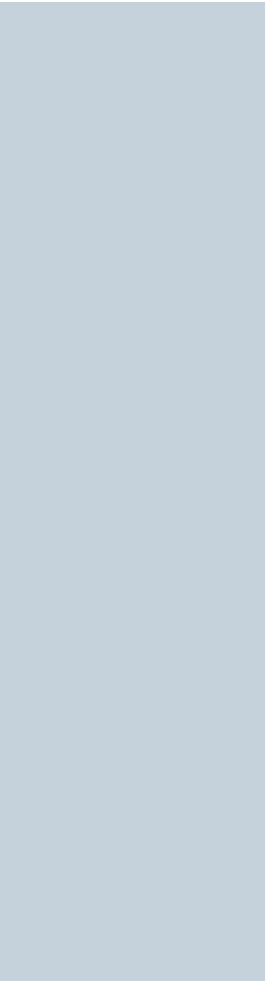
- 1.** The peace officer has reasonable cause to believe that a foreign protective order has been issued, pursuant to the law of the state or tribal court where the foreign protective order was issued;
- 2.** A certified copy of the foreign protective order has been presented to the peace officer that appears valid on its face; and

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3. The peace officer has reasonable cause to believe the person named in the order has violated the order or is then acting in violation of the order.

Okla. Stat. Ann. tit. 22, § 60.9

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Or. Rev. Stat. §§

24.190

133.310

133.315

Section 24.190 - Foreign restraining orders.

(1) For the purposes of this section:

(a) “Foreign restraining order” means a restraining order that is a foreign judgment as defined by ORS 24.105.

(b)

(A) “Restraining order” means an injunction or other order issued for the purpose of preventing:

(i) Violent or threatening acts or harassment against another person;

(ii) Sexual violence against another person;

(iii) Contact or communication with another person; or

(iv) Physical proximity to another person.

(B) “Restraining order” includes temporary and final orders issued by a civil or criminal court regardless of whether the order was obtained by filing an independent action or as a pendente lite order in another proceeding. However, for a civil order to be considered a restraining order, the civil order must have been issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.

(2)

(a) Except as otherwise provided in paragraph (b) of this subsection, immediately upon the arrival in this state of a person protected by a foreign restraining order, the foreign restraining order is enforceable as an Oregon order without the necessity of filing and continues to be enforceable as an Oregon order without any further action by the protected person.

(b) A foreign restraining order is not enforceable as an Oregon order if:

Section 133.310 - Arrests Without Warrant.

(4) A peace officer shall arrest and take into custody a person without a warrant if:

(a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a physical or electronic copy of the foreign restraining order to the officer and represents to the officer that the order supplied is the most recent order in effect between the parties and that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order; and

(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.

(5) A peace officer shall arrest and take into custody a person without a warrant if:

(a) A foreign restraining order as defined by ORS 24.190 has been filed with a court or has been entered into the Law Enforcement Data System or in the databases of the National Crime Information Center of the United States Department of Justice; and

(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.

Or. Rev. Stat. § 133.310(4)-(5)

Section 133.315 - Liability of peace officer making arrest.

(1) No peace officer shall be held criminally or civilly liable for making an arrest pursuant to ORS 133.055 (2) or 133.310 (3) or

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(A) The person restrained by the order shows that:

- (i)** The court that issued the order lacked jurisdiction over the subject matter or lacked personal jurisdiction over the person restrained by the order; or
- (ii)** The person restrained by the order was not given reasonable notice and an opportunity to be heard under the law of the jurisdiction in which the order was issued; or

(B) The foreign restraining order was issued against a person who had petitioned for a restraining order unless:

- (i)** The person protected by the foreign restraining order filed a separate petition seeking the restraining order; and
- (ii)** The court issuing the foreign restraining order made specific findings that the person was entitled to the order.

(c) Except as otherwise expressly provided in the order, issues of nonenforceability described in paragraph (b) of this subsection are affirmative defenses in an action seeking enforcement of the order.

(3)

(a) A person may present a copy of a foreign restraining order to a county sheriff for entry into the Law Enforcement Data System maintained by the Department of State Police. Subject to paragraph (b) of this subsection, and after promptly verifying the validity of the foreign restraining order and that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order, the county sheriff shall enter the order into the Law Enforcement Data System and the National Crime Information Center of the

(5) provided the peace officer acts in good faith and without malice.

(2) No peace officer shall be criminally or civilly liable for any arrest made under ORS 133.310 (4) if the officer reasonably believes that:

(a) A physical or electronic document or other writing supplied to the officer under ORS 133.310 (4) is an accurate copy of a foreign restraining order as defined by ORS 24.190 and is the most recent order in effect between the parties; and

(b) The person restrained by the order has been personally served with a copy of the order or has actual notice of the order.

OR. REV. STAT. § 133.315

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United States Department of Justice. Entry into the Law Enforcement Data System or the National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the restraining order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order is fully enforceable as an Oregon order in any county or tribal land in this state.

(b) The Department of State Police shall specify information that is required for a foreign restraining order to be entered into the Law Enforcement Data System.

(c) As used in this subsection, “personal service” and “actual notice” include alternative forms of service or notice that are permitted by the issuing jurisdiction to constitute service or notice.

(4) Pending a contempt hearing for alleged violation of a foreign restraining order, a person arrested and taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290. Unless the order provides otherwise, the security amount for release is \$5,000.

(5) ORS 24.115, 24.125, 24.129, 24.135, 24.140, 24.150 and 24.155 do not apply to a foreign restraining order.

(6) A person protected by a foreign restraining order, or a person acting on behalf of a person protected by a foreign restraining order, may file a certified copy of the order and proof of service in the office of the clerk of any circuit court of any county of this state. A judgment or order filed under this subsection has the same effect and is subject to the same procedures, defenses and

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proceedings for reopening, vacating or staying as a judgment or order of the circuit court in which the foreign judgment or order is filed, and may be enforced or satisfied in like manner. The court may not collect a filing fee for a filing under this subsection.

(7) This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of the court or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act arising out of the registration, entry or enforcement of a foreign restraining order or the detention or arrest of an alleged violator of a foreign restraining order if the act was done in good faith and without malice in an effort to comply with state and federal law.

Or. Rev. Stat. § 24.190

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23 Pa. Cons. Stat.

§§6102

6104

6105

6106

6113

6113.1

6114

6114.1

Section 6102(a) - Definitions. [selections]

(a) General rule. – The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Comparable court.” A foreign court that:

(1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and

(2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

“Foreign protection order.” A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

23 Pa. Cons. Stat. § 6102

Section 6104 - Full faith and credit and foreign protection orders.

(a) **General rule.** — A court shall recognize and enforce a valid foreign protection order issued by a comparable court. The validity of a foreign protection order shall only be determined by a court.

(b) **Affirmative defense.** — Failure by a comparable court to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order. A comparable court shall have complied with that court’s notice requirements and shall have given the defendant the opportunity to be heard before the foreign order was issued. In the case of ex parte

Section 6105 - Responsibilities of law enforcement agencies.

(h) **Enforcement of foreign protection orders.**

(1) All foreign protection orders shall have the presumption of validity in this Commonwealth, and police officers shall make arrests for violations thereof in the same manner as set for violations of protection orders issued within this Commonwealth. Until a foreign order is declared to be invalid by a court, it shall be enforced by all law enforcement personnel in this Commonwealth.

(2) A police officer shall rely upon any copy of a foreign protection order which has been presented to the officer by any source and may verify the existence of a protection order consistent with the provisions of section 6113(a) (relating to arrest for violation of order). The fact that a foreign protection order has not been filed with a prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for law enforcement to refuse to enforce the order.

(i) **Immunity.** — The following entities shall be immune from civil liability for good faith conduct in any action arising in connection with a court’s finding that the foreign order is invalid or unenforceable:

(1) Law enforcement agencies and their agents and employees.

(2) County correctional and detention facilities and their agents and employees.

(3) Prothonotaries and their agents and employees.

23 Pa. Cons. Stat. § 6105

Section 6106 - Commencement of proceedings.

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orders, the comparable court shall have complied with that court's notice requirements and have given the defendant an opportunity to be heard within a reasonable period of time after the order was issued, consistent with due process.

(c) Invalid orders. — A foreign protection order issued by a comparable court against a party who has filed a petition, complaint or other written pleading for a protection order is not valid and not entitled to full faith and credit if:

(1) no cross or counter petition, complaint or other written pleading was filed seeking the protection order; or

(2) a cross or counter petition, complaint or other written pleading was filed and the court did not make a specific finding that each party was entitled to a protection order.

(d) Filing a foreign protection order. — A plaintiff may file a certified copy of a foreign protection order with the prothonotary in any county within this Commonwealth where the plaintiff believes enforcement may be necessary. The following provisions shall apply:

(1) No costs or fees associated with filing a foreign protection order shall be assigned to the plaintiff, including the cost of obtaining certified copies of the order. Costs and fees associated with filing a foreign protection order may be assessed against the defendant.

(2) Upon filing of a foreign protection order, a prothonotary shall transmit, in a manner prescribed by the Pennsylvania State Police, a copy of the order to the Pennsylvania State Police registry of protection orders.

(3) Filing of a foreign protection order shall not be a prerequisite for service and enforcement.

(g.1) Service of original process of a foreign protection order. No plaintiff or petitioner shall be charged any costs or fees associated with the service of original process of a foreign protection order. Costs or fees associated with the service of original process of a foreign protection order may be assessed against the defendant.

23 Pa. Cons. Stat. § 6106

Section 6113 - Arrest for violation of order.

(a) General rule. — An arrest for violation of an order issued pursuant to this chapter or a **foreign protection order** may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer or sheriff in circumstances where the defendant has violated a provision of an order consistent with section 6108(a)(1), (2), (3), (4), (6), (7) or (9) (relating to relief). The police officer or sheriff may verify the existence of a protection order by telephone, radio or other electronic communication with the appropriate police department, Pennsylvania State Police registry, protection order file or issuing authority. A police officer or sheriff shall arrest a defendant for violating an order issued under this chapter by a court within the judicial district, issued by a court in another judicial district within this Commonwealth or a foreign protection order issued by a comparable court.

23 Pa. Cons. Stat. § 6113

Section 6113.1(a) - Private criminal complaints for violation of order or agreement.

(a) General rule. — A plaintiff may file a private criminal complaint against a defendant, alleging indirect criminal

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(e) Orders issued in another judicial district within this Commonwealth. — The filing of an order issued in another judicial district within this Commonwealth is not required for enforcement purposes.

23 Pa. Cons. Stat. § 6104

contempt for a noneconomic violation of any provision of an order or court-approved consent agreement issued under this chapter or a foreign protection order, with the court, the office of the district attorney or the magisterial district judge in the jurisdiction or county where the violation occurred, except that, in a city of the first class, a complaint may only be filed with the family division of the court of common pleas or the office of the district attorney.

23 Pa. Cons. Stat. § 6113.1(a)

Section 6114 - Contempt for violation of order or agreement.

a) General rule. — Where the police, sheriff or the plaintiff have filed charges of indirect criminal contempt against a defendant for violation of a protection order issued under this chapter, a foreign protection order or a court- approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish the defendant in accordance with law.

(a.1) Jurisdiction. — A court shall have jurisdiction over indirect criminal contempt charges for violation of a protection order issued pursuant to this chapter in the county where the violation occurred and in the county where the protection order was granted. A court shall have jurisdiction over indirect criminal contempt charges for violation of a foreign protection order in the county where the violation occurred.

23 Pa. Cons. Stat. § 6114(a)-(a.1)

Section 6114.1 - Civil contempt or modification for violation of an order or agreement.

(a) General rule. — A plaintiff may file a petition for civil contempt with the issuing court alleging that the defendant has

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		<p>violated any provision of an order or court-approved agreement issued under this chapter or a foreign protection order.</p> <p>(b) Civil contempt order. — Upon finding of a violation of a protection order or court-approved consent agreement issued under this chapter or a foreign protection order, the court, either pursuant to petition for civil contempt or on its own accord, may hold the defendant in civil contempt and constrain him in accordance with law.</p> <p>23 Pa. Cons. Stat. § 6114(a)-(b)</p>

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STATUTE

GENERAL FFC PROVISIONS DEFINITIONS & FILING/REGISTRATION

COURT AND LAW ENFORCEMENT ENFORCEMENT PROCEDURES

RHODE ISLAND* (UIEDVPOA)

15 R.I. Gen. Laws

§§15-15.1-2

15-15.1-3

15-15.1-4

15-15.1-5

15-15.1-6

12-29-1.1

12-29-1.2

12-29-3

Section 15-15.1-2. Definitions.

As used in this chapter:

- (1) “Court” means the family court.
- (2) “Foreign protection order” means a protection order issued by a tribunal of another state.
- (3) “Issuing state” means the state whose tribunal issues a protection order.
- (4) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (5) “Protected individual” means an individual protected by a protection order.
- (6) “Protection order” means an injunction or other order, issued by a tribunal under the domestic-violence, family-violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.
- (7) “Respondent” means the individual against whom enforcement of protection order is sought.
- (8) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.
- (9) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

15 R.I. Gen. Laws § 1515.1-2

Section 15-15.1-3 - Judicial enforcement of order.

- (a) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The court shall enforce the terms of the order, including terms that provide relief that the court would lack power to provide but for this chapter. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this state for the enforcement of protection orders.
- (b) The court may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (c) The court shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (d) A foreign protection order is valid if it:
 - (1) Identifies the protected individual and the respondent;
 - (2) Is currently in effect;
 - (3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and
 - (4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was

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Section 15-15.1-5 - Registration of order.

(a) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

- (1) present a certified copy of the order to the appropriate law enforcement agency; or
- (2) present a certified copy of the order to the department of attorney general and request that the order be registered with the appropriate law enforcement agency.

(b) Upon receipt of a foreign protection order the appropriate law enforcement agency shall register the order in accordance with this section. After the order is registered the appropriate law enforcement agency shall furnish to the individual registering the order a certified copy of the registered order.

(c) The appropriate law enforcement agency shall register an order upon presentation of a copy of a protective order which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(e) A foreign protection order registered under this chapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order.

15 R.I. Gen. Laws § 15-15.1-5

given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) The court may enforce provisions of a mutual foreign protection order which favor a respondent only if:

- (1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
- (2) The tribunal of the issuing state made specific findings in favor of the respondent.

15 R.I. Gen. Laws § 1515.1-3

Section 15-15.1-4 - Nonjudicial enforcement of order.

(a) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

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See also **15 R.I. Gen. Laws § 15-15.1-4.1 – Form of certification or confirmation.**

Section 12-29-1.1 - Full faith and credit.

(a) Any protective order issued by another jurisdiction, as defined in § 12-29-2, shall be given full faith and credit throughout the state and enforced as if it were issued in the state for as long as the order is in effect in the issuing jurisdiction.

(b) A person entitled to protection under a protective order issued by another jurisdiction may file the order in the superior court, family court, or district court by filing with the court a certified copy of the order which shall be entered into the restraining order, no contact order system (R.O.N.C.O.). The person shall swear under oath in an affidavit, to the best of the person's knowledge, that the order is presently in effect as written. A law enforcement officer shall presume the validity of the order and enforce the order issued by another jurisdiction which has been provided to the law enforcement officer; provided, that the officer is also provided with a statement by the person protected by the order that the order remains in effect. Law enforcement officers shall rely on the statement by the person protected by the order.

15 R.I. Gen. Laws § 12-29-1.1

Section 12-29-1.2 - Issuance of protective orders.

Every order of this court made pursuant to chapter 8.1 of title 8, chapter 15 of title 15, and this chapter, after proper notice and hearing, shall contain the following language:

“THIS COURT HAD JURISDICTION OVER THE PARTIES AND THE SUBJECT MATTER WHEN IT ISSUED THIS PROTECTIVE ORDER. RESPONDENT WAS AFFORDED BOTH NOTICE AND OPPORTUNITY

(b) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of the state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this chapter.

15 R.I. Gen. Laws § 1515.1-4

Section 15-15.1-6. Immunity.

The state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this chapter.

15 R.I. Gen. Laws § 1515.1-6

Section 12-29-3 - Law enforcement officers -- Duties and immunity.

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TO BE HEARD IN THE HEARING THAT GAVE RISE TO THIS ORDER. PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT OF 1994, 18 USC 2265, THIS ORDER IS VALID AND ENFORCEABLE IN ALL FIFTY STATES, ANY TERRITORY OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO AND TRIBAL LANDS.”

15 R.I. Gen. Laws § 12-29-1.2

(d) A law enforcement officer shall not be held liable for false arrest in any civil action for an arrest based on probable cause or for enforcement in good faith of a court order issued pursuant to this chapter or pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8.

15 R.I. Gen. Laws § 12-29-3(d)

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S.C. Code Ann.§§

20-4-320
20-4-330
20-4-340
20-4-350
20-4-360
20-4-375

Section 20-4-320 - Definitions.

For purposes of this article:

- (1)** “Foreign protection order” means a protection order issued by a tribunal of another state.
- (2)** “Issuing state” means the state whose tribunal issues a protection order.
- (3)** “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (4)** “Protected individual” means an individual protected by a protection order.
- (5)** “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.
- (6)** “Respondent” means the individual against whom enforcement of a protection order is sought.
- (7)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

Section 20-4-330 - Judicial enforcement of foreign protective order; determining validity of order.

- (A)** A person authorized by the law of this State to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this State. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this State would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this State for the enforcement of protection orders.
- (B)** A tribunal of this State may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (C)** A tribunal of this State shall enforce the provisions of a valid foreign protection order, which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (D)** A foreign protection order is valid if it:
 - (1)** identifies the protected individual and the respondent;
 - (2)** is currently in effect;

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(8) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

S.C. Code Ann. § 20-4-320

Section 20-4-350 - Registration; presentation to family court; affidavit of currency; entry in state or federal registry; fee.

(A) Any individual may register a foreign protection order in this State. To register a foreign protection order, an individual shall present a certified copy of the order to the family court.

(B) Upon receipt of a foreign protection order, the family court shall register the order in accordance with this section. After the order is registered, the family court shall furnish to the individual registering the order a certified copy of the registered order.

(C) The family court shall register an order upon presentation of a copy of a protection order, which has been certified by the issuing state. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this State.

(D) An individual registering a foreign protection order shall file an affidavit by the protected individual in the family court stating that, to the best of the protected individual’s knowledge, the order is currently in effect.

(E) A foreign protection order registered under this article may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(F) A fee may not be charged for the registration of a foreign protection order.

S.C. Code Ann. § 20-4-350

(3) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

(4) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(E) A foreign protection order valid on its face is prima facie evidence of its validity.

(F) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action-seeking enforcement of the order.

(G) A tribunal of this State may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) the tribunal of the issuing state made specific findings in favor of the respondent.

S.C. Code Ann. § 20-4-330

Section 20-4-340 – Enforcement by law enforcement officer; service of order on respondent.

(A) A law enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated,

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Section 20-4-375 - Filing false protection order; criminal penalty; civil liability.

(A) A person who knowingly or wilfully makes, presents, files, or attempts to file a false, fictitious, or fraudulent foreign protection order is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years, or both, in the discretion of the court.

(B) If a family court determines that a person has knowingly or wilfully made, presented, filed, or attempted to file a false, fictitious, or fraudulent foreign protection order, the respondent is entitled to recover from the person who made, presented, filed, or attempted to file the report such relief as may be appropriate, including:

- (1)** actual damages;
- (2)** punitive damages; and
- (3)** a reasonable attorney's fee and other litigation costs reasonably incurred.

S.C. Code Ann. § 20-4-375

shall enforce the order as if it were the order of a tribunal of this State. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(B) If a foreign protection order is not presented, a law enforcement officer of this State may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(C) If a law enforcement officer of this State determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(D) Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order pursuant to this article.

S.C. Code Ann. § 20-4-340

Section 20-4-360 - Immunity.

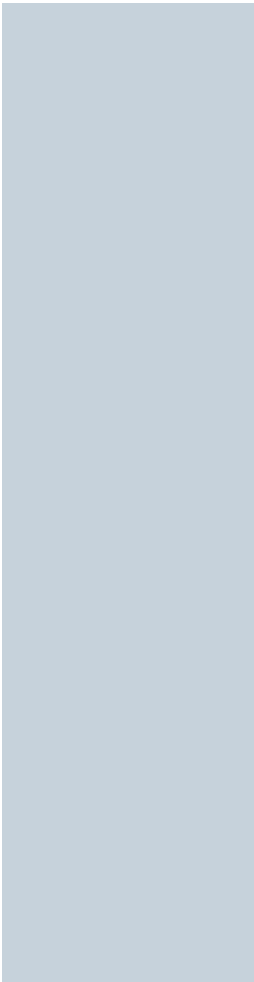
This State or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune

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from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this article.

S.C. Code Ann. § 20-4-360

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SOUTH DAKOTA* UIEDVPOA) S.D. Codified Laws §§

20-10-12.1
25-10-12.2
25-10-12.3
25-10-12.4
25-10-12.5
20-10-13

Section 25-10-12.1. Foreign domestic violence, physical violence or stalking protection order – Requirements for enforcement in state.

Any domestic abuse protection order, or any stalking or physical violence protection order, issued by a court of competent jurisdiction of another state, Indian tribe, the District of Columbia, or a commonwealth, territory, or possession of the United States, and duly served on the respondent by the issuing jurisdiction, is enforceable as if the order was issued by a court in this state if all of the following requirements are satisfied:

- (1) The respondent received notice of the order in compliance with requirements of the issuing jurisdiction;
- (2) The order is in effect in the issuing jurisdiction;
- (3) The issuing court had jurisdiction over the parties and the subject matter;
- (4) The respondent is or has been afforded reasonable notice and opportunity to be heard sufficient to protect that person's right to due process in the issuing jurisdiction. In the case of ex parte orders, notice and opportunity to be heard is or has been provided within the time required by the law of the issuing jurisdiction; and, in any event, within a reasonable time after the order was issued, sufficient to protect the respondent's due process rights;
- (5) If the order also provides protection for the respondent, a petition, application, or other written pleading was filed with the issuing court seeking such an order and the issuing court made specific findings that the respondent was entitled to the order; and

Section 25-10-12.3 - Foreign domestic violence protection order -- Reliance on foreign order--Immunity from liability.

A law enforcement officer may rely upon any foreign domestic violence protection order that has been provided to the officer by any source. The officer may make an arrest pursuant to § 25-10-13 for any violation of the foreign order in the same manner as for violation of a protection order issued in this state. A law enforcement officer may rely on the statement of the person protected by the foreign order that the order is in effect and that the respondent was personally served with a copy of the order. A law enforcement officer acting in good faith and without malice in enforcing a foreign order under this section is immune from civil or criminal liability for any action arising in connection with the enforcement of the foreign domestic violence protection order.

S.D. CODIFIED LAWS § 25-10-12.3

Section 25-10-12.4 - Foreign domestic violence protection order – Presentation of false or invalid order – Denial of receiving service of order – Penalty.

Any person who intentionally provides a law enforcement officer with a copy of a foreign domestic violence protection order known by that person to be false, invalid, or not in compliance with the requirements of § 25-10-12.1, or who, if served with such a protection order, denies having been served with the protection order, is guilty of a Class 1 misdemeanor.

S.D. CODIFIED LAWS § 25-10-12.4

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(6) The prohibited conduct violative of the foreign protection order could be prohibited by a protection order if issued in this state.

Any protection order meeting the requirements of this section is a foreign domestic abuse protection order or a foreign stalking or physical violence protection order.

S.D. Codified Laws § 25-10-12.1

Section 25-10-12.2 - Foreign domestic violence protection order – Filing with circuit court clerk – Entry in law enforcement protection order database.

Any person entitled to protection under a foreign domestic violence protection order may file the foreign order in the office of any clerk of a circuit court in this state. The person filing the foreign order shall also file with the clerk of a circuit court an affidavit certifying the validity and status of the order and attesting to the person's belief that the order has not been amended, rescinded, or superseded by any orders from a court of competent jurisdiction. If a foreign order is filed under this section, the clerk of a circuit court shall enter the order in the law enforcement protection order database. Filing of a foreign order under this section is not a prerequisite to the order's enforcement in this state. No fee may be assessed for filing the foreign order.

S.D. Codified Laws § 25-10-12.2

Section 25-10-12.5 - Foreign domestic violence protection order – Failure to satisfy enforcement requirements as affirmative defense to violation.

Failure to satisfy any of the requirements of § 25-10-12.1 is an affirmative defense to any prosecution for a violation of the foreign domestic violence protection order or any process filed seeking enforcement of the order in this state.

S.D. CODIFIED LAWS § 25-10-12.5

Section 25-10-13 - Protection order — Violation — Penalty.

If a temporary protection order or a protection order is granted pursuant to this chapter, if a foreign protection order is recognized pursuant to § 25-10-12.1 or 25-10-25, or if a no contact order is issued pursuant to § 25-10-23 or 25-10-25, and if the respondent or person restrained knows of the order, a violation of the order is a Class 1 misdemeanor.

If the acts constituting a violation of this section also constitute a violation of § 22-18-1, 22-18-1.1, or 22-19A-1, the violation of this section is a Class 6 felony.

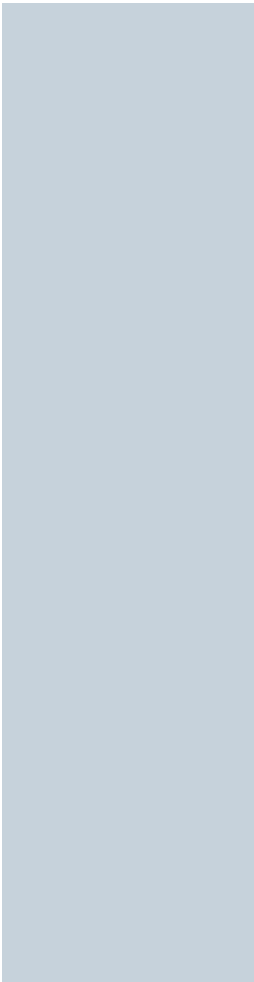
If a respondent or person restrained has been convicted of, or entered a plea of guilty to, two or more prior violations of this section, § 21-65-19, or § 22-19A-16, or the comparable laws of any other state, within ten years of committing the current offense, and the factual basis for the current offense occurred after the date of the second conviction or guilty plea, the respondent or person restrained is guilty of a Class 6 felony for a third offense, a Class 5 felony for a fourth offense, and a Class 4 felony for a fifth or subsequent offense.

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Any proceeding under this chapter is in addition to other civil or criminal remedies.

S.D. Codified Laws § 25-10-13

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Tenn. Code Ann.

§§ 36-3-622
36-3-619

Section 36-3-622 - Out-of-state protection orders.

(a) Any valid protection order related to abuse, domestic abuse, or domestic or family violence, issued by a court of another state, tribe or territory shall be afforded full faith and credit by the courts of this state and enforced as if it were issued in this state.

(b)

(1) A protection order issued by a state, tribal or territorial court related to abuse, domestic abuse or domestic or family violence shall be deemed valid if the issuing court has jurisdiction over the parties and matter under the law of the issuing state, tribe or territory. There shall be a presumption in favor of validity where an order appears authentic on its face.

(2) For a foreign protection order to be valid in this state, the respondent must have been given reasonable notice and the opportunity to be heard before the order of the foreign state, tribe or territory was issued; provided, that in the case of ex parte orders, notice and opportunity to be heard must have been given as soon as possible after the order was issued, consistent with due process.

(3) Failure to provide reasonable notice and the opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order.

(c) A petitioner may present a certified copy of a foreign order of protection to a court having jurisdiction of orders of protection in the county in which the petitioner believes enforcement may be necessary. The clerk of such court shall receive the certified copies of any foreign order of protection and any supporting documents used to show the validity of such order and shall maintain such orders, along with any submitted documents. No costs, fees or

Section 36-3-619- Officer response

(h)

(5) Law enforcement officers shall not be subject to civil liability under this section for failure to file a petition or for any statement made or act performed in filing the petition, if done in good faith.

Tenn. Code Ann. § 36-3-619(h)(5)

Section 36-3-622 - Out-of-state protection orders.

(g) Regardless of whether a foreign order of protection has been filed in this state pursuant to this section, a law enforcement officer may rely upon a copy of any such protection order that has been provided to the officer by any source and may also rely upon the statement of any person protected by a foreign order that the order remains in effect. A law enforcement officer acting in good faith shall be immune from civil and criminal liability in any action in connection with a court's finding that the foreign order was for any reason not enforceable.

Tenn. Code Ann. § 36-3-622(g)

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taxes shall be charged by the clerks for this service. If an enforcement action is instituted in the court pursuant to any such order, the clerk shall file the order and shall otherwise treat the enforcement action as a case, except that all court costs, fees and litigation taxes shall be taxed by the judge at the adjudication of the enforcement action. It shall be a defense to any action taken for the enforcement of such order that the order is not valid as provided in subsection (b) or (d). No person shall present a foreign order of protection to a clerk that the person knows to no longer be in effect. A foreign order of protection shall continue in effect for the period of time specified in the order, and, if no time limitation is so specified, then the order shall continue in effect for a period of one (1) year from the date on which it is first presented to a Tennessee court pursuant to subsection (c); provided, that a continuation of any such order may be granted by the court subject to the requirements set forth in § 36-3-605.

(d) A protection order entered against both the petitioner and respondent shall not be enforceable against the petitioner in a foreign jurisdiction unless:

- (1)** The respondent filed a cross- or counter-petition, or a complaint or other written pleading was filed seeking such a protection order; and
- (2)** The issuing court made specific findings of domestic or family violence against the petitioner.

(e) The clerk shall be under no obligation to make a determination as to the validity of such orders or documentation, but shall forward a copy of the foreign protection order and any supporting documentation filed

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with the order to the local police or sheriff's office, as provided for in § 36-3-609.
(f) Upon request, the clerk shall provide a copy of the order to the person offering the same showing proof of receipt by the clerk's office.

TENN. CODE ANN. § 36-3-622(a)-(f)

TEXAS

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TEXAS* ++ (UIEDVPOA)

Tex. Fam. Code

Ann. §§

88.002

88.003

88.004

88.005

88.006

Section 88.002 - Definitions.

In this chapter:

- (1) “Foreign protective order” means a protective order issued by a tribunal of another state.
- (2) “Issuing state” means the state in which a tribunal issues a protective order.
- (3) “Mutual foreign protective order” means a foreign protective order that includes provisions issued in favor of both the protected individual seeking enforcement of the order and the respondent.
- (4) “Protected individual” means an individual protected by a protective order.
- (5) “Protective order” means an injunction or other order, issued by a tribunal under the domestic violence or family violence laws or another law of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassing, contacting or communicating with, or being in physical proximity to another individual.
- (6) “Respondent” means the individual against whom enforcement of a protective order is sought.
- (7) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or a territory or insular possession subject to the jurisdiction of the United States. The term **includes a military tribunal** of the United States, an Indian tribe or band, and an Alaskan native village that has jurisdiction to issue protective orders.
- (8) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protective order.

Tex. Fam. Code Ann. § 88.002

Section 88.003 - Judicial Enforcement of Order.

- (a) A tribunal of this state shall enforce the terms of a foreign protective order, including a term that provides relief that a tribunal of this state would not have power to provide but for this section. The tribunal shall enforce the order regardless of whether the order was obtained by independent action or in another proceeding, if the order is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protective order, the tribunal shall follow the procedures of this state for the enforcement of protective orders.
- (b) A tribunal of this state shall enforce the provisions of the foreign protective order that govern the possession of and access to a child if the provisions were issued in accordance with the jurisdictional requirements governing the issuance of possession and access orders in the issuing state.
- (c) A tribunal of this state may enforce a provision of the foreign protective order relating to child support if the order was issued in accordance with the jurisdictional requirements of Chapter 159 and the federal Full Faith and Credit for Child Support Orders Act, 28 U.S.C. Section 1738B, as amended.
- (d) A foreign protective order is valid if the order:
 - (1) names the protected individual and the respondent;
 - (2) is currently in effect;
 - (3) was rendered by a tribunal that had jurisdiction over the parties and the subject matter under the law of the issuing state; and

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Section 88.005 - Registration of Order.

- (a) An individual may register a foreign protective order in this state. To register a foreign protective order, an individual shall:
- (1) present a certified copy of the order to a sheriff, constable, or chief of police responsible for the registration of orders in the local computer records and in the statewide law enforcement system maintained by the Texas Department of Public Safety; or
 - (2) present a certified copy of the order to the Department of Public Safety and request that the order be registered in the statewide law enforcement system maintained by the Department of Public Safety.
- (b) On receipt of a foreign protective order, the agency responsible for the registration of protective orders shall register the order in accordance with this section and furnish to the individual registering the order a certified copy of the registered order.
- (c) The agency responsible for the registration of protective orders shall register a foreign protective order on presentation of a copy of a protective order that has been certified by the issuing state. A registered foreign protective order that is inaccurate or not currently in effect shall be corrected or removed from the registry in accordance with the law of this state.
- (d) An individual registering a foreign protective order shall file an affidavit made by the protected individual that, to the best of the protected individual's knowledge, the order is in effect.
- (e) A foreign protective order registered under this section may be entered in any existing state or federal registry of protective orders, in accordance with state or federal law.

(4) was rendered after the respondent was given reasonable notice and an opportunity to be heard consistent with the right to due process, either:

- (A) before the tribunal issued the order; or
 - (B) in the case of an ex parte order, within a reasonable time after the order was rendered.
- (e) A protected individual seeking enforcement of a foreign protective order establishes a prima facie case for its validity by presenting an order that is valid on its face.
- (f) It is an affirmative defense in an action seeking enforcement of a foreign protective order that the order does not meet the requirements for a valid order under Subsection (d).
- (g) A tribunal of this state may enforce the provisions of a mutual foreign protective order that favor a respondent only if:
- (1) the respondent filed a written pleading seeking a protective order from the tribunal of the issuing state; and
 - (2) the tribunal of the issuing state made specific findings in favor of the respondent.

Tex. Fam. Code Ann. § 88.003

Section 88.004 - Nonjudicial Enforcement of Order.

- (a) A law enforcement officer of this state, on determining that there is probable cause to believe that a valid foreign protective order exists and that the order has been violated, shall enforce the foreign protective order as if it were an order of a tribunal of this state. A law enforcement officer has probable cause to believe that a foreign protective order exists if the protected individual presents a foreign protective order that identifies

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(f) A fee may not be charged for the registration of a foreign protective order.

Tex. Fam. Code Ann. § 88.005

both the protected individual and the respondent and on its face, is currently in effect.

(b) For the purposes of this section, a foreign protective order may be inscribed on a tangible medium or may be stored in an electronic or other medium if it is retrievable in a perceivable form. Presentation of a certified copy of a protective order is not required for enforcement.

(c) If a protected individual does not present a foreign protective order, a law enforcement officer may determine that there is probable cause to believe that a valid foreign protective order exists by relying on any relevant information.

(d) A law enforcement officer of this state who determines that an otherwise valid foreign protective order cannot be enforced because the respondent has not been notified or served with the order shall inform the respondent of the order and make a reasonable effort to serve the order on the respondent. After informing the respondent and attempting to serve the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(e) The registration or filing of an order in this state is not required for the enforcement of a valid foreign protective order under this chapter.

Tex. Fam. Code Ann. § 88.004

Section 88.006 - Immunity.

A state or local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity is immune from civil and criminal liability for an act or omission arising from the registration or enforcement of a foreign protective

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order or the detention or arrest of a person alleged to have violated a foreign protective order if the act or omission was done in good faith in an effort to comply with this chapter.

Tex. Fam. Code Ann. § 88.006

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UTAH* (UIEDVPOA)

Utah Code Ann.§§

78B-7-302
78B-7-303
78B-7-304
78B-7-305
78B-7-306
78B-7-310
78B-7-116

Section 78B-7-302 – Definitions.

As used in this part:

- (1) “Foreign protection order” means a protection order issued by a tribunal of another state.
- (2) “Issuing state” means the state whose tribunal issues a protection order.
- (3) “Mutual foreign protection order” means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (4) “Protected individual” means an individual protected by a protection order.
- (5) “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family-violence, or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to, another individual.
- (6) “Respondent” means the individual against whom enforcement of a protection order is sought.
- (7) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.
- (8) “Tribunal” means a court, agency, or other entity authorized by law to issue or modify a protection order.

Utah Code Ann. § 78B-7-302

Section 78B-7-303 - Judicial enforcement of order

- (1) A person authorized by the law of this state to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this state. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this state would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders.
- (2) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (3) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.
- (4) A foreign protection order is valid if it:
 - (a) identifies the protected individual and the respondent;
 - (b) is currently in effect;
 - (c) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

Section 78B-7-305 - Registration of order

Any individual may register a foreign protection order in this state under Section 78B-7-116.

Utah Code Ann. § 78B-7-305

Section 78B-7-116 - Full faith and credit for foreign protection orders.

(1) A foreign protection order is enforceable in this state as provided in Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

(2)

(a) A person entitled to protection under a foreign protection order may file the order in any district court by filing with the court a certified copy of the order. A filing fee may not be required.

(b) The person filing the foreign protection order shall swear under oath in an affidavit, that to the best of the person's knowledge the order is presently in effect as written and the respondent was personally served with a copy of the order.

(c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent with its responsibilities to develop and adopt forms under Section 78B-7-105.

(d) The court where a foreign protection order is filed shall transmit a copy of the order to the statewide domestic violence network described in Section 78B-7-113.

(e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.

(d) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(5) A foreign protection order valid on its face is prima facie evidence of its validity.

(6) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(7) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(a) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(b) the tribunal of the issuing state made specific findings in favor of the respondent.

(8)

(a) The juvenile court has jurisdiction to enforce foreign protection orders under this section over which the juvenile court would have had jurisdiction if the order had been originally sought in this state.

(b) The district court has jurisdiction to enforce foreign protection orders under this section:

(i) over which the district court would have had jurisdiction if the order had been originally sought in this state; or

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(f) After a foreign protection order is filed, the district court shall furnish a certified copy of the order to the person who filed the order.

(g) A filed foreign protection order that is inaccurate or is not currently in effect shall be corrected or removed from the statewide domestic violence network described in Section 78B-7-113.

(3) Law enforcement personnel may:

(a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;

(b) rely on the statement of the person protected by the order that the order is in effect and the respondent was personally served with a copy of the order; or

(c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(4) A violation in Utah of a foreign protection order is subject to the same penalties as the violation of a protective order issued in Utah.

Utah Code Ann. § 78B-7-116

Section 78B-7-310 - Transitional provision.

This part applies to protection orders issued before July 1, 2006 and to continuing actions for enforcement of foreign protection orders commenced before July 1, 2006. A request for enforcement of a foreign protection order made on or after July 1, 2006 for violations of a foreign protection order occurring before July 1, 2006 is governed by this part.

Utah Code Ann. § 78B-7-310

(ii) that are not under the jurisdiction of the juvenile court under Subsection (8)(a).

Utah Code Ann. § 78B-7-303

Section 78B-7-304 - Nonjudicial enforcement of order

(1) A law enforcement officer of this state, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this state. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(2) If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(3) If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

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(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part.

Utah Code Ann. § 78B-7-304

Section 78B-7-306 – Immunity.

This state or a local governmental agency, or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this part.

Utah Code Ann. § 78B-7-306

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Vt. Stat. Ann. tit. 15 §§

1101
1107
1108

Section 1101 – Definitions.

As used in this chapter:

- (4)** A “foreign abuse prevention order” means any protection order issued by the court of any other state that contains provisions similar to relief provisions authorized under this chapter, the Vermont Rules for Family Proceedings, 33 V.S.A. chapter 69, or 12 V.S.A. chapter 178.
- (5)** “Other state” and “issuing state” shall mean any state other than Vermont and any federally recognized Indian tribe, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.
- (6)** A “protection order” means any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil and criminal courts, other than support or child custody orders, whether obtained by filing an independent action or as a pendente lite order in another proceeding provided that any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.

Vt. Stat. Ann. tit. 15, § 1101(4)-(6)

Sectopm 1108 – Enforcement.

- (d)** A person entitled to protection under a foreign abuse prevention order may file the foreign abuse prevention order in any Family Division of the Superior Court by filing a certified copy of the order with the court. The person shall swear under oath in an

Section 1108 – Enforcement.

(a) Law enforcement officers are authorized to enforce orders issued under this chapter. A foreign abuse prevention order shall be accorded full faith and credit throughout this State and shall be enforced as if it were an order of this State. Enforcement may include, but is not limited to:

- (1)** making an arrest in accordance with the provisions of V.R.Cr.P. 3;
- (2)** assisting the recipient of an order granting sole possession of the residence to obtain sole possession of the residence if the defendant refuses to leave;
- (3)** assisting the recipient of an order granting sole custody of children to obtain sole custody of children if the defendant refuses to release them.

(b) A law enforcement officer may rely upon a copy of any order issued under this chapter or any foreign abuse prevention order that has been provided to the law enforcement officer by any source. Law enforcement personnel may rely upon the written and sworn statement of the person protected by the foreign abuse prevention order that the order remains in effect. An officer’s reasonable reliance as provided in this subsection shall be a complete defense in any civil action arising in connection with a court’s finding under subsection (c) of this section that the order was not enforceable.

(c) A foreign abuse prevention order shall be enforceable in the courts in this State if all the following are satisfied:

- (1)** The defendant has received notice of the order in compliance with the requirements of the issuing state.
- (2)** The order is in effect in the issuing state.

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affidavit that to the best of the person's knowledge the order is presently in effect as written. Upon inquiry by a law enforcement agency, the clerk of the Family Division of the Superior Court shall make a copy of the foreign abuse prevention order available.

Vt. Stat. Ann. tit. 15, § 1108(d)

Section 1107 - Filing orders with law enforcement personnel; department of public safety protection order database.

(a) Police departments, sheriff's departments, and State police district offices shall establish procedures for filing abuse prevention orders issued under this chapter, 33 V.S.A. chapter 69, 12 V.S.A. chapter 178, protective orders relating to contact with a child issued under 33 V.S.A. § 5115, , and foreign abuse prevention orders and for making their personnel aware of the existence and contents of such orders.

(b) Any court in this State that issues an abuse prevention order under section 1104 or 1103 of this chapter, or that files a foreign abuse prevention order in accordance with subsection 1108(d) of this chapter, or that issues a protective order relating to contact with a child under 33 V.S.A. § 5115, shall transmit a copy of the order to the Department of Public Safety protection order database.

Vt. Stat. Ann. tit. 15, § 1107

(3) The court in the issuing state had jurisdiction over the parties and the subject matter under the law of the issuing state.

(4) In the issuing state, the law gives reasonable notice and opportunity to be heard to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within a reasonable time after the order is issued, sufficient to protect the defendant's due process rights. Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of the foreign protection order.

(e) In addition to the provisions of subsection (a) of this section, violation of an order issued under this chapter may be prosecuted as a criminal contempt under Rule 42 of Vermont Rules of Criminal Procedure. The prosecution for criminal contempt may be initiated by the State's Attorney in District or Superior Court in the unit or county in which the violation occurred. The maximum penalty that may be imposed under this subsection shall be a fine of \$1,000.00 or imprisonment for six months, or both. A sentence of imprisonment upon conviction for criminal contempt may be stayed in the discretion of the court pending the expiration of the time allowed for filing notice of appeal or pending appeal if any appeal is taken. After two years have passed from conviction under this subsection, the court may on motion of the defendant expunge the record of the criminal proceeding and conviction unless the defendant has been convicted of a felony or misdemeanor involving moral

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turpitude or a violation of a domestic abuse order after such initial adjudication.

Vt. Stat. Ann. tit. 15, § 1108(a)-(c), (e)

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VA. CODE ANN. §§

16.1-279.1

19.2.152.10

Section 16.1-279.1 - Protective order in cases of family abuse.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network. Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any

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foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

VA. CODE ANN. § 16.1-279.1(F), (I)-(J)

Section 19.2-152.10(G), (I)-(J) - Protective order.

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing

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jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the

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	<p>Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.</p> <p>J. No fees shall be charged for filing or serving petitions pursuant to this section.</p> <p>VA. CODE ANN. § 19.2.152.10(G), (I)-(JI)</p>	
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WASHINGTON#+

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Note: See
legislation
enforcement of
Canadian
Protection order
2019 Bill Text WA
H.B. 1517

WASH. REV. CODE

ANN. §§

26.52.010
26.52.020
26.52.030
26.52.040
26.52.050
26.52.060
26.52.070
26.52.080
26.55.015
26.55.020
26.55.030
26.55.040
26.55.045
26.55.050

Section 26.52.010(3), (6)-(9) – Definitions

(3) “Foreign protection order” means an injunction or other order related to domestic or family violence, harassment, sexual abuse, or stalking, for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person issued by a court of another state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or any United States military tribunal, or a tribal court, in a civil or criminal action.

(6) “Person entitled to protection” means a person, regardless of whether the person was the moving party in the foreign jurisdiction, who is benefited by the foreign protection order.

(7) “Person under restraint” means a person, regardless of whether the person was the responding party in the foreign jurisdiction, whose ability to contact or communicate with another person, or to be physically close to another person, is restricted by the foreign protection order.

(8) “Sexual abuse” includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as a sex offense or a crime committed in another jurisdiction that under the laws of this state would be classified as a sex offense under RCW 9.94A.030.

(9) “Stalking” includes, but is not limited to, conduct that is classified in the jurisdiction where the conduct occurred as stalking or a crime committed in another jurisdiction that under the laws of this state would be classified as stalking under RCW 9A.46.110.

WASH. REV. CODE ANN. § 26.52.010(3), (6)-(9)

Section 26.52.050 - Peace officer immunity.

A peace officer or a peace officer’s legal advisor may not be held criminally or civilly liable for making an arrest under this chapter if the peace officer or the peace officer’s legal advisor acted in good faith and without malice.

WASH. REV. CODE ANN. § 26.52.050

Section 26.52.070 - Violation of foreign orders – Penalties.

(1) Whenever a foreign protection order is granted to a person entitled to protection and the person under restraint knows of the foreign protection order, a violation of a provision prohibiting the person under restraint from contacting or communicating with another person, or of a provision excluding the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party’s person, or a protected party’s vehicle, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime, is punishable under RCW 7.105.450.

(2) A peace officer shall arrest without a warrant and take into custody a person when the peace officer has probable cause to believe that a foreign protection order has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order that prohibits the person under restraint from contacting or communicating with another person, or a provision that excludes the person under restraint from a residence, workplace, school, or day care, or of a provision prohibiting a

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Section 26.52.020 - Foreign protection orders – Validity

A foreign protection order is valid if the issuing court had jurisdiction over the parties and matter under the law of the state, territory, possession, tribe, or United States military tribunal. There is a presumption in favor of validity where an order appears authentic on its face. A person under restraint must be given reasonable notice and the opportunity to be heard before the order of the foreign state, territory, possession, tribe, or United States military tribunal was issued, provided, in the case of ex parte orders, notice and opportunity to be heard was given as soon as possible after the order was issued, consistent with due process.

WASH. REV. CODE ANN. § 26.52.020

Section 26.52.030 - Foreign protection orders—Filing—Assistance.

(1) A person entitled to protection who has a valid foreign protection order may file that order by presenting a certified, authenticated, or exemplified copy of the foreign protection order to a clerk of the court of a Washington court in which the person entitled to protection resides or to a clerk of the court of a Washington court where the person entitled to protection believes enforcement may be necessary. Any out-of-state department, agency, or court responsible for maintaining protection order records, may by facsimile or electronic transmission send a reproduction of the foreign protection order to the clerk of the court of Washington as long as it contains a facsimile or electronic signature by any person authorized to make such transmission.

(2) Filing of a foreign protection order with a court and entry of the foreign protection order into any computer-based criminal intelligence information system available in this state used by law

person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

WASH. REV. CODE ANN. § 26.52.070

Section 26.52.080 - Child custody disputes.

(1) Any disputes regarding provisions in foreign protection orders dealing with custody of children, residential placement of children, or visitation with children shall be resolved judicially. The proper venue and jurisdiction for such judicial proceedings shall be determined in accordance with chapter 26.27 RCW and in accordance with the parental kidnapping prevention act, 28 U.S.C. 1738A.

(2) A peace officer shall not remove a child from his or her current placement unless:

(a) A writ of habeas corpus to produce the child has been issued by a superior court of this state; or

(b) There is probable cause to believe that the child is abused or neglected and the child would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to RCW 13.34.050.

WASH. REV. CODE ANN. § 26.52.080

Section 26.55.015 - Enforceability — Evidence — Extent — Filing not required.

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enforcement agencies to list outstanding warrants are not prerequisites for enforcement of the foreign protection order.

(3) The court shall accept the filing of a foreign protection order without a fee or cost.

(4) The clerk of the court shall provide information to a person entitled to protection of the availability of domestic violence, sexual abuse, and other services to victims in the community where the court is located and in the state.

(5) The clerk of the court shall assist the person entitled to protection in completing an information form that must include, but need not be limited to, the following:

(a) The name of the person entitled to protection and any other protected parties;

(b) The name and address of the person who is subject to the restraint provisions of the foreign protection order;

(c) The date the foreign protection order was entered;

(d) The date the foreign protection order expires;

(e) The relief granted under (specify the relief awarded and citations thereto, and designate which of the violations are arrestable offenses);

(f) The judicial district and contact information for court administration for the court in which the foreign protection order was entered;

(g) The social security number, date of birth, and description of the person subject to the restraint provisions of the foreign protection order;

(h) Whether the person who is subject to the restraint provisions of the foreign protection order is believed to be armed and dangerous;

(1) A Canadian domestic violence protection order that identifies both a protected individual and a respondent and appears valid on its face is prima facie evidence of its enforceability under chapter 215, Laws of 2021.

(2) A Canadian domestic violence protection order is enforceable only to the extent it prohibits a respondent from the following conduct as ordered by a Canadian court:

(a) Being in physical proximity to a protected individual or following a protected individual;

(b) Directly or indirectly contacting or communicating with a protected individual or other individual described in the order;

(c) Being within a certain distance of a specified place or location associated with a protected individual; or

(d) Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.

(3) Neither filing with the clerk of the court under RCW 26.55.040 nor obtaining an order granting recognition and enforcement under RCW 26.55.030 is required prior to the enforcement of a Canadian domestic violence protection order by a law enforcement officer.

WASH. REV. CODE ANN. § 26.55.015

Section 26.55.020 - Enforcement of Canadian domestic violence protection order by law enforcement officer.

(1) If a law enforcement officer determines under subsection (2) or (3) of this section that there is probable cause to believe a Canadian domestic violence protection order exists and that one or more of the provisions of the order identified in RCW 26.55.015 have been violated, the officer shall enforce the terms

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- (i) Whether the person who is subject to the restraint provisions of the foreign protection order was served with the order, and if so, the method used to serve the order;
- (j) The type and location of any other legal proceedings between the person who is subject to the restraint provisions and the person entitled to protection.
- An inability to answer any of the above questions does not preclude the filing or enforcement of a foreign protection order.
- (6) The clerk of the court shall provide the person entitled to protection with a copy bearing proof of filing with the court.
- (7) Any assistance provided by the clerk under this section does not constitute the practice of law. The clerk is not liable for any incomplete or incorrect information that he or she is provided.

WASH. REV. CODE ANN. § 26.52.030

Section 26.52.040 - Filed foreign protection orders – Transmittal to law enforcement agency – Entry into law enforcement information system.

- (26) The clerk of the court shall forward a copy of a foreign protection order that is filed under this chapter on or before the next judicial day to the county sheriff along with the completed information form. The clerk may forward the foreign protection order to the county sheriff by facsimile or electronic transmission.
- Upon receipt of a filed foreign protection order, the county sheriff shall immediately enter the foreign protection order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The foreign protection order must remain in the computer for the period stated in the order. The county sheriff shall

- of the Canadian domestic violence protection order as if the terms were in an order issued in Washington state.
- (2) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent, and on its face is in effect, constitutes probable cause to believe that an enforceable order exists.
- (3) If a record of a Canadian domestic violence protection order is not presented as provided in subsection (2) of this section, a law enforcement officer is not prohibited from considering other relevant information in determining whether there is probable cause to believe that a Canadian domestic violence protection order exists.
- (4) If a law enforcement officer determines that a Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.
- (5) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

WASH. REV. CODE ANN. § 26.55.020

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only expunge from the computer-based criminal intelligence information system foreign protection orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the foreign protection order. The foreign protection order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system must include, if available, notice to law enforcement whether the foreign protection order was served and the method of service.

Wash. Rev. Code Ann. § 26.52.040

Section 26.52.060 - Fees not permitted for filing, preparation, or copies.

A public agency may not charge a fee for filing or preparation of certified, authenticated, or exemplified copies to a person entitled to protection who seeks relief under this chapter or to a foreign prosecutor or a foreign law enforcement agency seeking to enforce a protection order entered by a Washington court. A person entitled to protection and foreign prosecutors or law enforcement agencies must be provided the necessary number of certified, authenticated, or exemplified copies at no cost.

WASH. REV. CODE ANN. § 26.52.060

Section 26.55.040 - Filing of Canadian domestic violence protection order.

(1) A person entitled to protection who has a Canadian domestic violence protection order may file that order by presenting a certified, authenticated, or exemplified copy of the Canadian

Section 26.55.030 - Enforcement of Canadian domestic violence protection order by court.

(1) A court may issue an order granting recognition and enforcement or denying recognition and enforcement of a Canadian domestic violence protection order on petition of:

(a) A protected individual;

(b) A person authorized by law of this state other than this chapter to seek enforcement of a domestic violence protection order; or

(c) A respondent.

(2) A petitioner is not required to post a bond to obtain relief in any proceeding under this section. No fees for any type of filing or service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(3) Upon receipt of the petition, the court shall order a hearing, which shall be held not later than 14 days from the date of the order. Service shall be provided as required in RCW 7.105.080 and 7.105.150 through 7.105.165.

(4) The hearing shall be conducted as required by RCW 7.105.200 and 7.105.205.

(5) Interpreters must be appointed as required in RCW 7.105.245. An interpreter shall interpret for the party in the

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domestic violence protection order to a clerk of the court of a Washington court according to RCW 7.105.075. Any out-of-state department, agency, or court responsible for maintaining protection order records, may by facsimile or electronic transmission send a reproduction of the foreign protection order to the clerk of the court of Washington as long as it contains a facsimile or digital signature by any person authorized to make such transmission.

(2) An individual filing a Canadian domestic violence protection order under this section shall also file a declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect.

(3) On receipt of a certified, authenticated, or exemplified copy of a Canadian domestic violence protection order and declaration signed under penalty of perjury stating that, to the best of the individual's knowledge, the order is valid and in effect, the clerk of the court shall file the order in accordance with this section.

(4) After a Canadian domestic violence protection order is filed under this section, the clerk of the court shall provide the individual filing the order a certified copy of the filed order.

(5) A fee may not be charged for the filing of a Canadian domestic violence protection order under this section.

WASH. REV. CODE ANN. § 26.55.040

Section 26.55.045 - Forwarding of order to law enforcement agency.

(1) A copy of a Canadian domestic violence protection order filed with the clerk, an order granting recognition and enforcement, or an order denying recognition and enforcement under this chapter, shall be forwarded by the clerk of the court on or before the next

presence of counsel or court staff in preparing forms and participating in the hearing and court-ordered assessments, and the interpreter shall sight translate any orders.

(6) A Canadian domestic violence protection order is enforceable under this section if:

(a) The order identifies a protected individual and a respondent;

(b) The order is valid and in effect;

(c) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court; and

(d) The order was issued after:

(i) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(ii) In the case of an ex parte temporary protection order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(7) A claim that a Canadian domestic violence protection order does not comply with subsection (6) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the court determines that the order is not enforceable, the court shall issue an order that the Canadian domestic violence protection order is not enforceable under this section and RCW 26.55.020 and may not be filed under RCW 26.55.040.

WASH. REV. CODE ANN. § 26.55.030

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judicial day to the law enforcement agency specified in the order. An order granting or denying recognition and enforcement shall be accompanied by a copy of the related Canadian domestic violence protection order.

(2) Upon receipt of the order, the law enforcement agency shall comply with the requirements of RCW 7.105.325.

WASH. REV. CODE ANN. § 26.55.045

Section 26.55.050. Immunity from civil and criminal liability.

The state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the filing or recognition and enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this chapter.

WASH. REV. CODE ANN. § 26.55.050

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W. Va. Code Ann. §§

48-27-310
48-28-2
48-28-3
48-28-4
48-28-5
48-28-6
48-28-7
48-28-10

Section 48-27-310 - Full faith and credit.

Any protective order issued pursuant to this article shall be effective throughout the state in every county. Any protection order issued by any other state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States or any Indian tribe or band that has jurisdiction to issue protection orders shall be accorded full faith and credit and enforced in accordance with the provisions of article twenty-eight [§§ 48-28-1 et seq.] of this chapter.

W. Va. Code Ann. § 48-27-310

Section 48-28-2 - Definitions.

In this article:

- (1) "Court" means a circuit court, family court or magistrate court which has jurisdiction over domestic violence proceedings pursuant to article twenty-seven [§§ 48-27-101 et seq.] of this chapter.
- (2) "Foreign protection order" means a protection order issued by a tribunal of another state.
- (3) "Issuing state" means the state whose tribunal issues a protection order.
- (4) "Mutual foreign protection order" means a foreign protection order that includes provisions in favor of both the protected individual seeking enforcement of the order and the respondent.
- (5) "Protected individual" means an individual protected by a protection order.

Section 48-28-3 - Judicial enforcement of order

- (a) A person authorized by the law of this State to seek enforcement of a West Virginia protective order may seek enforcement of a valid foreign protection order in a court of this State. The court shall enforce the terms of the order, including terms that provide relief that a court of this State would lack power to provide but for this section. The court shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it was issued in response to a complaint, petition or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the court shall follow the procedures of this State for the enforcement of West Virginia protective orders.
- (b) A court of this State may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.
- (c) A court of this State shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state or under federal law and with the requirements set out in subsection (d) of this section.
- (d) A foreign protection order is valid if it:
- (1) Identifies the protected individual and the respondent;
 - (2) Is currently in effect;
 - (3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

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(6) “Protection order” means an injunction or other order, issued by a tribunal under the domestic violence, family violence or anti-stalking laws of the issuing state, to prevent an individual from engaging in violent or threatening acts against, harassment of, contact or communication with, or physical proximity to another individual.

(7) “West Virginia protective order” means an order issued pursuant to article twenty-seven [§§ 48-27-101 et seq.] of this chapter or to section five hundred nine [§ 48-5-509], article five of this chapter.

(8) “Respondent” means the individual against whom enforcement of a protection order is sought.

(9) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band that has jurisdiction to issue protection orders.

(10) “Tribunal” means a court, agency or other entity authorized by law to issue or modify a protection order.

W. Va. Code Ann. § 48-28-2

Section 48-28-5 - Registration of order.

(a) Any individual may register a foreign protection order in this State by:

Presenting a certified copy of the order to the West Virginia Supreme Court of Appeals for registration in accordance with the provisions of section eight hundred two [§ 48-27-802], article twenty-seven of this chapter.

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued in a manner consistent with the respondent's rights to due process of law.

(e) A foreign protection order which appears authentic on its face is presumed to be valid.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A court of this State may enforce provisions of a mutual foreign protection order which favor a respondent only if:

- (1)** The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and
- (2)** The tribunal of the issuing state made specific findings in favor of the respondent.

W. Va. Code Ann. § 48-28-3

Section 48-28-4 - Nonjudicial enforcement of order.

(a) A law-enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were a West Virginia protective order. Presentation of a foreign protection order that identifies both the protected individual and the respondent and that appears, on its face, to be authentic and currently in effect constitutes probable cause to believe that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may

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have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law-enforcement officer of this State may consider other credible information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law-enforcement officer of this State determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order pursuant to this article.

W. VA. CODE ANN. § 48-28-4

Section 48-28-6 - Immunity

This state or a local governmental agency, or a law-enforcement officer, prosecuting attorney, clerk of court or any state or local governmental official acting in an official capacity, is immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this article.

W. VA. CODE ANN. § 48-28-5

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Section 48-28-7 - Criminal offenses and penalties.

(a) A respondent who abuses, as that term is defined in section two hundred two [§ 48-27-202], article twenty-seven of this chapter, a protected individual or who is physically present at any location in knowing and willful violation of the terms of: (1) A valid foreign protection order; (2) a protection order entered in any pending foreign divorce action which enjoins the offending party from molesting or interfering with another party or interfering with the custodial or visitation rights of another person; or (3) a condition of bail, probation or parole imposed in another state which has the express intent or effect of protecting the personal safety of a particular person or persons is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for a period of not less than one day nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than two hundred fifty dollars nor more than two thousand dollars.

(b) A respondent who is convicted of a second or subsequent offense under subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than twenty-four hours, and fined not less than five hundred dollars nor more than three thousand dollars.

W. VA. CODE ANN. § 48-28-7

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Wis. Stat. §§

813.12
813.128
806.245
813.1283

Section 813.12 - Domestic abuse restraining orders and injunctions.

(9) Notice of full faith and credit. An order or injunction issued under sub. (3) or (4) shall include a statement that the order or injunction may be accorded full faith and credit in every civil or criminal court of the United States, civil or criminal courts of any other state and Indian tribal courts to the extent that such courts may have personal jurisdiction over nontribal members.

Wis. STAT. § 813.12(9)

Section 813.128 – Uniform interstate enforcement of domestic violence protection orders act.

(1g) Definitions. In this section:

- (a)** “Bodily harm” has the meaning given in s. 939.22 (4).
- (b)** “Foreign mutual protection order” means a foreign protection order that includes provisions in favor of both the individual seeking enforcement of the order and the respondent.
- (c)** “Foreign protection order” means a protection order issued by a tribunal other than a tribunal of this state.
- (d)** “Protected individual” means an individual protected by a protection order.
- (e)** “Protection order” means any temporary or permanent injunction or order issued by a tribunal to prevent an individual from engaging in abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts or violence to another person, other than support or custody orders. This term includes an injunction or order issued under the antistalking laws of the issuing state.

Section 813.128 – Uniform interstate enforcement of domestic violence protection orders act.

(2g) Status of a foreign protection order.

(a) A foreign protection order shall be accorded full faith and credit by the tribunals in this state and shall be enforced as if the order were an order of a tribunal of this state if the order meets all of the following conditions:

- 1.** The foreign protection order was obtained after providing the respondent a reasonable notice and opportunity to be heard sufficient to protect his or her right to due process. If the foreign protection order is an ex parte injunction or order, the respondent shall have been given notice and an opportunity to be heard within a reasonable time after the order was issued sufficient to protect his or her right to due process.
- 2.** The tribunal that issued the order had jurisdiction over the parties and over the subject matter.
- 3.** The order identifies the protected individual and the respondent.
- 4.** The order is currently in effect.

(b) A foreign protection order or modification of the foreign protection order that meets the requirements under this section has the same effect as an order issued under s. 813.12, 813.122, 813.123 or 813.125, except that the foreign protection order or modification shall be enforced according to its own terms.

(c) A foreign protection order issued against the person who filed a written pleading with a tribunal for a protection order

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(f) “Respondent” means the individual against whom enforcement of a protection order is sought.

(g) “Tribunal” means a court, agency, or other entity of a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, an American Indian tribe or band, or any territory or insular possession subject to the jurisdiction of the United States, authorized by law to issue or modify a protection order.

(3g) Filing and enforcement of a foreign protection order.

(a)

- 1.** A copy of any foreign protection order, or of a modification of a foreign protection order that is on file with the circuit court, that is authenticated in accordance with an act of congress, an Indian tribal legislative body or the statutes of another state may be filed in the office of the clerk of circuit court of any county of this state. The clerk may not charge a fee for the filing of a foreign protection order. The clerk shall treat any foreign protection order or modification so filed in the same manner as a judgment of the circuit court.
- 2.** Within one business day after a foreign protection order or a modification of a foreign protection order is filed under this subsection, the clerk of circuit court shall send a copy of the foreign protection order or modification of the order to the sheriff in that circuit or to the local law enforcement agency that is the central repository for orders and injunctions in that circuit.
- 3.** The sheriff or law enforcement agency that receives a copy of a foreign protection order or of a modification of an

is not entitled to full faith and credit under this subsection if any of the following occurred:

- 1.** No written pleading was filed seeking the foreign protection order against the person who filed a written pleading with a tribunal for a protection order.
- 2.** A cross or counter petition was filed but the tribunal did not make a specific finding that each party was entitled to a foreign protection order.

(3g) Filing and enforcement of a foreign protection order.

(b) A law enforcement officer shall arrest and take the subject of a foreign protection order into custody if all of the following occur:

- 1.** A person protected under a foreign protection order presents the law enforcement officer with a copy of a foreign protection order issued against the subject, or the law enforcement officer determines that a valid foreign protection order exists against the subject through communication with appropriate authorities. If a law enforcement officer examines a copy of a foreign protection order, the order, with any modification, is presumed to be valid if the order or modification appears to be valid on its face and circumstances suggest that the order and any modification are in effect.
- 2.** The law enforcement officer has probable cause to believe that the person has violated the terms of the foreign protection order or modification of the order.
- 3.** The order identifies the protected individual and the respondent.

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order from the clerk under subd. 2. shall enter the information received concerning the order or modification of an order into the transaction information for management of enforcement system no later than 24 hours after receiving the information. The sheriff or law enforcement agency shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or modification of an order filed under this subsection. The information need not be maintained after the order or modification is no longer in effect.

WIS. STAT. § 813.128(1g),(3g)(a)

Section 806.245 - Indian tribal documents: full faith and credit.

(6) A foreign protection order, as defined in s. 813.128 (1g) (c), issued by an Indian tribal court in this state shall be accorded full faith and credit under s. 813.128.

WIS. STAT. § 806.245(6)

Section 813.1283 (2), (5)- Uniform recognition and enforcement of Canadian domestic violence protection orders act.

(2) Definitions. In this section:

(a) “Canadian domestic violence protection order” means a judgment or part of a judgment or order issued in a civil proceeding by a court of Canada under law of the issuing jurisdiction which relates to domestic violence and prohibits a respondent from doing any of the following:

- 1.** Being in physical proximity to a protected individual or following a protected individual.

4. The order is currently in effect.

(b) A foreign protection order or modification of the foreign protection order that meets the requirements under this section has the same effect as an order issued under s. 813.12, 813.122, 813.123 or 813.125, except that the foreign protection order or modification shall be enforced according to its own terms.

(c) A foreign protection order issued against the person who filed a written pleading with a tribunal for a protection order is not entitled to full faith and credit under this subsection if any of the following occurred:

- 1.** No written pleading was filed seeking the foreign protection order against the person who filed a written pleading with a tribunal for a protection order.
- 2.** A cross or counter petition was filed but the tribunal did not make a specific finding that each party was entitled to a foreign protection order.

(3g) Filing and enforcement of a foreign protection order.

(b) A law enforcement officer shall arrest and take the subject of a foreign protection order into custody if all of the following occur:

- 1.** A person protected under a foreign protection order presents the law enforcement officer with a copy of a foreign protection order issued against the subject, or the law enforcement officer determines that a valid foreign protection order exists against the subject through communication with appropriate authorities. If a law enforcement officer examines a copy of a foreign protection order, the order, with any modification, is presumed to be valid if the order or modification

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- 2.** Directly or indirectly contacting or communicating with a protected individual or other individual described in the order.
- 3.** Being within a certain distance of a specified place or location associated with a protected individual.
- 4.** Molesting, annoying, harassing, or engaging in threatening conduct directed at a protected individual.
- (b)** “Domestic protection order” means an injunction or other order issued by a tribunal which relates to domestic or family violence laws to prevent an individual from engaging in violent or threatening acts against, harassment of, direct or indirect contact or communication with, or being in physical proximity to another individual.
- (c)** “Issuing court” means the court that issues a Canadian domestic violence protection order.
- (d)** “Law enforcement officer” means an individual authorized by law of this state other than this section to enforce a domestic protection order.
- (e)** “Person” means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (f)** “Protected individual” means an individual protected by a Canadian domestic violence protection order.
- (g)** “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (h)** “Respondent” means an individual against whom a Canadian domestic violence protection order is issued.
- (i)** “State” means a state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, a federally

- appears to be valid on its face and circumstances suggest that the order and any modification are in effect.
- 2.** The law enforcement officer has probable cause to believe that the person has violated the terms of the foreign protection order or modification of the order.
- 3.** For the purposes of this paragraph, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.
- (c)** If a foreign protection order is not presented, a law enforcement officer of this state may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.
- (d)** If a law enforcement officer of this state determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.
- (e)** A tribunal of this state shall enforce the provisions of a valid foreign protection order that govern custody, physical placement, and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody, physical placement, and visitation orders in the issuing state.

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recognized American Indian tribe or band, or any territory or insular possession subject to the jurisdiction of the United States.

(j) “Tribunal” means a court, agency, or other entity authorized by law of this state other than this section to establish, enforce, or modify a domestic protection order.

(5) Filing.

(a) A certified copy of any Canadian domestic violence protection order, or of a modification of a Canadian domestic violence protection order that is on file with the circuit court may be filed in the office of the clerk of circuit court of any county of this state. The clerk may not charge a fee for the filing of a Canadian domestic violence protection order. The clerk shall treat any Canadian domestic violence protection order or modification so filed in the same manner as a judgment of the circuit court. Filing of a Canadian domestic violence protection order under the laws of this state is not required for its enforcement under this section.

(b) Within one business day after a Canadian domestic violence protection order or a modification of a foreign protection order is filed under this subsection, the clerk of circuit court shall send a copy of the Canadian domestic violence protection order or modification of the order to the sheriff in that circuit or to the local law enforcement agency that is the central repository for orders and injunctions in that circuit.

(c) The sheriff or law enforcement agency that receives a copy of a Canadian domestic violence protection order or of a modification of an order from the clerk under par. (b) shall enter the information received concerning the order or

(f) A foreign protection order that is valid on its face is prima facie evidence of its validity.

(g) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(h) A tribunal of this state may enforce provisions of a foreign mutual protection order that favor a respondent only if the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state and the tribunal of the issuing state made specific findings in favor of the respondent.

(i) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(4) Penalty. A person who knowingly violates a condition of a foreign protection order or modification of a foreign protection order that is entitled to full faith and credit under this section shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both. If a foreign protection order and any modification of that order that is entitled to full faith and credit under this section remains current and in effect at the time that a court convicts a person for a violation of that order or modification of that order, but that order or modification has not been filed under this section, the court shall direct the clerk of circuit court to file the order and any modification of the order.

(5) Immunity. A law enforcement officer, law enforcement agency, prosecuting attorney, state, local, or Indian tribe or band governmental official, or clerk of circuit court is immune from

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modification of an order into the transaction information for management of enforcement system no later than 24 hours after receiving the information. The sheriff or law enforcement agency shall make available to other law enforcement agencies, through a verification system, information on the existence and status of any order or modification of an order filed under this subsection. The information need not be maintained after the order or modification is no longer in effect.

WIS. STAT. § 813.1283(2),(5)

civil and criminal liability for his or her acts or omissions arising out of a decision related to the filing of a foreign protection order or modification or to the detention or arrest of an alleged violator of a foreign protection order or modification if the act or omission is done in a good faith effort to comply with this section and s. 806.247, 2013 stats.

WIS. STAT. § 813.128 (2g), (3g)(b), (4)-(5)

Section 813.1283 – Uniform recognition and enforcement of Canadian domestic violence protection orders act.

(3) Enforcement by a law enforcement officer.

(a) If a law enforcement officer determines under par. (b) or (c) that there is probable cause to believe a valid Canadian domestic violence protection order exists and the order has been violated, the officer shall enforce the terms of the Canadian domestic violence protection order as if the terms were in an order of a tribunal. Presentation to a law enforcement officer of a certified copy of a Canadian domestic violence protection order is not required for enforcement.

(b) Presentation to a law enforcement officer of a record of a Canadian domestic violence protection order that identifies both a protected individual and a respondent and on its face is in effect constitutes probable cause to believe that a valid order exists.

(c) If a record of a Canadian domestic violence protection order is not presented as provided in par. (b), a law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid Canadian domestic violence protection order exists.

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(d) If a law enforcement officer determines that an otherwise valid Canadian domestic violence protection order cannot be enforced because the respondent has not been notified of or served with the order, the officer shall notify the protected individual that the officer will make reasonable efforts to contact the respondent, consistent with the safety of the protected individual. After notice to the protected individual and consistent with the safety of the individual, the officer shall make a reasonable effort to inform the respondent of the order, notify the respondent of the terms of the order, provide a record of the order, if available, to the respondent, and allow the respondent a reasonable opportunity to comply with the order before the officer enforces the order.

(e) If a law enforcement officer determines that an individual is a protected individual, the officer shall inform the individual of available local victim services.

(4) Enforcement by a tribunal.

(a) A tribunal may issue an order enforcing or refusing to enforce a Canadian domestic violence protection order on application by any of the following:

- 1.** A person authorized by law of this state other than this section to seek enforcement of a domestic protection order.
- 2.** A respondent.

(b) In a proceeding under par. (a), the tribunal shall follow the procedures of this state for enforcement of a domestic protection order under s. 813.12, 813.122, 813.123, or 813.125. An order entered under this subsection is limited

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to the enforcement of the terms of the Canadian domestic violence protection order as described in sub. (2) (a).

(c) A Canadian domestic violence protection order is enforceable under this subsection if all of the following are true:

- 1.** The order identifies a protected individual and a respondent.
- 2.** The order is valid and in effect.
- 3.** The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court.
- 4.** The order was issued after any of the following:
 - a.** The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order.
 - b.** In the case of an ex parte order, the respondent was given a reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(d) A Canadian domestic violence protection order valid on its face is prima facie evidence of its enforceability under this subsection.

(e) A claim that a Canadian domestic violence protection order does not comply with par. (c) is an affirmative defense in a proceeding seeking enforcement of the order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order that the Canadian domestic violence protection order is not enforceable under this

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subsection and sub. (3) and may not be registered under sub. (5).

(f) This subsection applies to enforcement of a provision of a Canadian domestic violence protection order against a party to the order in which each party is a protected individual and respondent only if the party seeking enforcement of the order filed a pleading requesting the order from the issuing court and the court made specific findings that entitled the party to the enforcement sought.

(6) Immunity. A state, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity are immune from civil and criminal liability for an act or omission arising out of the filing or enforcement of a Canadian domestic violence protection order or the detention or arrest of an alleged violator of a Canadian domestic violence protection order if the act or omission was a good faith effort to comply with this section.

Wis. STAT. § 813.1283(3)-(4), (6)

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WYO. STAT. ANN. §§

35-21-106

35-21-109

35-21-110

35-21-111

6-4-404

5-1-111

Section 35-21-109 - Full faith and credit for valid foreign protection orders; affirmative defense; exclusion.

(a) A valid injunction or order for protection against domestic violence is defined as one:

- (i)** That was issued by a court of another state, tribe or territory;
- (ii)** Where the issuing court had jurisdiction over the parties and the matter under the laws of the state, tribe or territory;
- (iii)** Where the respondent was given reasonable notice and the opportunity to be heard before the order of the foreign state, tribe or territory was issued, provided, in the case of ex parte orders, notice and opportunity to be heard was given as soon as possible after the order was issued, consistent with due process; and
- (iv)** Which has not expired.

(b) There shall be a presumption in favor of validity where an order appears valid on its face. The presumption may be rebutted by a showing that the respondent was not given reasonable notice and opportunity to be heard.

(c) A valid protection order shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state.

WYO. STAT. ANN. § 35-21-109

Section 35-21-110 - Statewide protection order registry.

(c) The clerk of the issuing court or the clerk of the court where a foreign order of protection is registered shall send a copy of the protection order to the local sheriff and chief of police who shall promptly enter the protection order into the statewide protection order registry.

WYO. STAT. ANN. § 35-21-110(c)

Section 6-4-404 - Violation of domestic violence order of protection; penalty.

(a) Any person who willfully violates a protection order issued pursuant to W.S. 35-21-104 or 35-21-105 or valid injunction or order for protection against domestic violence as defined in W.S. 35-21-109(a), is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

(b) Repealed by Laws 2018, ch. 97, § 2.

WYO. STAT. ANN. § 6-4-404

Section 35-21-106 - Service of order; duration and extension of order; violation; remedies not exclusive.

(c) Willful violation of an order of protection is a crime as defined by W.S. 6-4-404. An order of protection granted under this act has statewide applicability and a criminal prosecution under this subsection may be commenced in any county in which the respondent commits an act in violation of the order of protection.

(d) The remedies provided by this act are in addition to any other civil or criminal remedy available to the petitioner.

WYO. STAT. ANN. § 35-21-106(c)-(d)

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Section 35-21-111 - Filing and registration of foreign protection orders.

(a) A petitioner who obtains a valid order of protection in another state, tribe or territory may file that order by presenting a certified copy of the foreign order to the clerk of district court in the judicial district where the petitioner believes enforcement may be necessary.

(b) Filing shall be without fee or cost.

(c) The clerk of district court shall forward a copy of the foreign protection order to the local sheriff's office and the chief of police for entry into the statewide protection order registry upon application of a petitioner seeking enforcement.

(d) The clerk of district court shall provide the petitioner with a receipt bearing proof of submission of the foreign protection order for entry into the statewide protection order registry system.

(e) Filing and registration of the foreign order in the statewide protection order registry shall not be prerequisites for enforcement of the foreign protection order in this state.

WYO. STAT. ANN. § 35-21-111

Section 5-1-111 - Full faith and credit for tribal acts and records.

(a) The judicial records, orders and judgments of the courts of the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Indian Reservation shall have the same full faith and credit in the courts of this state as do the judicial records, orders and judgments of any other governmental entity, unless at least one (1) of the following conditions is shown not to be met:

(i) The tribal documents meet the authentication requirements of subsection (b) of this section;

(ii) The court is a court of record;

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(iii) The court judgment is a valid judgment; and

(iv) The court certifies that it grants full faith and credit to the judicial records, orders and judgments of the courts of this state.

(b) To qualify for admission as evidence in the courts of this state:

(i) Copies of acts of a tribal legislative body shall be authenticated in accordance with the laws of the tribes and attested to by the appropriate tribal secretary;

(ii) Copies of records, orders and judgments of a tribal court shall be authenticated by the attestation of the clerk of the court. The seal, if any, of the court shall be affixed to the attestation.

(c) In determining whether a tribal court is a court of record, the Wyoming court shall determine that:

(i) The court keeps a permanent record of its proceedings;

(ii) Either a transcript or an electronic recording of the proceeding at issue in the court is available;

(iii) Final judgments of the tribal court are reviewable by a tribal appellate court; and

(iv) The court has authority to enforce its own orders through contempt proceedings.

(d) In determining whether a tribal court judgment is a valid judgment, the Wyoming court on the motion of a party may examine the tribal court record to assure that:

(i) The court had jurisdiction of the subject matter and over the person named in the judgment;

(ii) The judgment is final under the laws of the rendering court;

(iii) The judgment was procured without fraud, duress or coercion;

(iv) The judgment was procured in compliance with procedures required by the rendering court; and

(v) The proceedings of the court comply with the Indian Civil Rights Act of 1968 under 25 U.S.C. §§ 1301 to 1341.

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(e) No lien or attachment based on a tribal court judgment may be filed, docketed or recorded in this state against the real or personal property of any person unless the judgment has been filed following the procedures set forth in W.S. 1-17-701 et seq.

(f) This section shall not apply to the Tribal Water Code nor any official documents, public acts, records or proceedings of the Eastern Shoshone and Northern Arapaho Tribes related to water rights or the administration of water laws.

(g) Nothing in this section shall be deemed or construed to expand or limit the jurisdiction either of the state of Wyoming or the Eastern Shoshone or Northern Arapaho Tribes.

WYO. STAT. ANN. § 5-1-111

AMERICAN SAMOA

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**AM. SAMOA CODE
ANN. §§**
47.0207
47.0206

Section 47.207 – Registration and enforcement of foreign orders for protection-Duties of court clerk.

(a) A certified copy of an order for protection issued in the United States may be filed in the office of the clerk of the High Court. The clerk shall act upon the order in the same manner as the clerk acts upon an order for protection issued by the High Court.

AM. SAMOA CODE ANN. § 47.0207(a)

Section 47.0206 – Court costs and fees.

Fees for filing and service of process must not be charged for any proceeding seeking only the relief provided in this chapter.

AM. SAMOA CODE ANN. § 47.0206

Section 47.207 – Registration and enforcement of foreign orders for protection-Duties of court clerk.

(b) A filed order for protection has the same effect and must be enforced in the same manner as an order for protection issued by a court of this Territory. The court shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in this Territory.

AM. SAMOA CODE ANN. § 47.0207(b)

GUAM

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19 GUAM CODE

ANN. §§

14105

14104

14106

Section 14105 – Registration and Enforcement of Foreign Orders for Protection; Duties of Court Clerk.

(a) A certified copy of an order for protection or restraining order issued in another state may be filed in the office of the Clerk of the Superior Court. The Clerk shall act upon the order **in the same manner*** as the clerk acts upon an order for protection or restraining order issued by the Superior Court.

(b) Any valid protection order related to abuse, or domestic or family violence, issued by a court of another state, tribe, territory or commonwealth of the United States, and filed in accordance with Subsection (a) shall be afforded full faith and credit by the courts of Guam and enforced as if it were issued on Guam, pursuant to the Violence Against Women Act, 18 U.S.C. § 2265.

(c) The Clerk of the Superior Court shall:

(1) maintain a registry in which to enter certified orders for protection or restraining orders issued in other states that are received for filing; and

(2) at the request of a court of another state or at the request of a person who is affected by or has a legitimate interest in an order for protection, certify and forward a copy of the order to that court or person at no cost to the requesting party.

19 GUAM CODE ANN. § 14105

***Section 14104 – Court Costs and Fees.**

Fees for filing and service of process must *not* be charged for any proceeding seeking injunctive relief for protection from family violence

19 GUAM CODE ANN. § 14104

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Section 14106 – State Registry for Protection.

(a) The Superior Court shall maintain a registry of all orders for protection and restraining orders issued by the Court, or issued by a court from another state, tribe, territory or commonwealth of the United States and registered in this Court. The orders must be included in the registry within twenty-four (24) hours after issuance or registration.

The information contained in the registry is available at all times to a court, a law enforcement agency and other governmental agency upon request.

19 GUAM CODE ANN. § 14106

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P.R. Laws Ann. tit. 8 §§

674

675

Section 674 – Inclusion of orders from other states, territories, tribes.

(a) Any restraining order duly issued by a court of another state, tribe, or territory of the United States, shall have full faith and credit in the courts of Puerto Rico and shall be enforced as if it were issued by a court from this jurisdiction, provided it complies with the requirements of due process of law, at the moment of the issuance and serving of said order.

(b) Any person who has obtained a restraining order duly issued in another state, tribe, or territory of the United States may request the same to be included in the electronic file, by filing a certified copy thereof at the office of the clerk of any court of Puerto Rico, free of charge. Upon filing such order which seems to be authentic in its face, it shall be presumed to be valid and shall be enforced, although the same has not been presented before any office of the clerk in the courts of Puerto Rico.

P.R. Laws Ann. tit. 8, § 674(a)-(b)

Section 675 – Transfer procedure.

(a) The clerk of the court that issued the order, or that in which a restraining order issued by any other court of a state, tribe, or territory of the United States has been filed, shall remit copy of the restraining order to the corresponding Puerto Rico Police headquarters within the next twenty-four (24) hours after same was filed or issued, as the case may be.

(b) The Puerto Rico Police shall process the information provided in the restraining order into the electronic file and in the National Crime Information Center Protection Order File (NCIC POF), within

Section 674 – Inclusion of orders from other states, territories, tribes.

(c) Law enforcement officers shall consider a restraining order duly issued by a court of another state, tribe, or territory of the United States as a valid and legal document, and shall make an arrest for any violation to such restraining order, as it would be made for a violation to a restraining order issued by a court of Puerto Rico, pursuant to §§ 601 et seq. of this title and §§ 4013 et seq. of Title 33.

(d) Any violation to a restraining order duly issued by a court of another state, tribe, or territory of the United States shall be given the same treatment as in cases of violations to restraining orders related to domestic abuse and stalking, as typified by §§ 601 et seq. of this title and §§ 4013 et seq. of Title 33.

(e) Any provision on the custody of a minor included in a restraining order duly issued by a court of another state, tribe, or territory of the United States, shall [be] enforced in this jurisdiction, if it complies with federal or Commonwealth laws regarding custody of minors, including Public Law 96-611, of December 28, 1980 as amended, known as the “Federal Parental Kidnapping Prevention Act”.

P.R. Laws Ann. tit. 8, § 674(c)-(e)

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eight (8) hours after the same is received and shall serve the order as provided by §§ 601 et seq. of this title and §§ 4013 et seq. of Title 33.

(c) Government bodies are hereby empowered, in coordination with the Puerto Rico Police, to establish the regulations and procedures needed for the implementation of this chapter, pursuant to §§ 2101 et seq. of Title 3, which shall include all that pertains to the disposal of information, if the restraining order has expired.

P.R. Laws Ann. tit. 8, § 675

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V.I. Code Ann. tit. 5 §§

552
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Section 552 - Definition.

In this subchapter, “foreign judgment” means any judgment, decree, or order of a court of the United States or any other court which is entitled to full faith and credit in the United States Virgin Islands.

V.I. Code Ann. tit. 5, § 552

Section 553 - Filing and status of foreign judgments.

A copy of any foreign judgment authenticated in accordance with an act of Congress or the statutes of the United States Virgin Islands may be filed in the Office of the Clerk of the Superior Court. The Clerk shall treat the foreign judgment in the same manner as a judgment of the Superior Court of the Virgin Islands. A judgment so filed shall have the same effect and shall be subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of the Superior Court of the Virgin Islands and may be enforced or satisfied in like manner.

V.I. Code Ann. tit. 5, § 553

Section 585 - Registration.

(a) Any individual may register a foreign protection order in this State. To register a foreign protection order, an individual shall:

- (1) present a certified copy of the order to the Office of the Clerk of the Superior Court; or
- (2) present a certified copy of the order to Office of the Attorney General and request that the order be registered with the Office of the Clerk of the Superior Court.

(b) Upon receipt of a foreign protection order, the Office of the Attorney General shall register the order in accordance with this

Section 583 – Enforcement.

(a) A person authorized by the law of this State to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a tribunal of this State. The tribunal shall enforce the terms of the order, including terms that provide relief that a tribunal of this State would lack power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this State for the enforcement of protection orders.

(b) A tribunal of this State may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of this State shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

(d) A foreign protection order is valid if it:

- (1) identifies the protected individual and the respondent;
- (2) is currently in effect;
- (3) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and

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section. After the order is registered, the Office of the Clerk of the Superior Court shall furnish to the individual registering the order a certified copy of the registered order.

(c) The Office of the Clerk of the Superior Court shall register an order upon presentation of a copy of a protection order which has been certified by the issuing State. A registered foreign protection order that is inaccurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this State.

(d) An individual registering a foreign protection order shall file an affidavit by the protected individual stating that, to the best of the protected individual's knowledge, the order is currently in effect.

(e) A foreign protection order registered under this chapter may be entered in any existing state or federal registry of protection orders, in accordance with applicable law.

(f) A fee may not be charged for the registration of a foreign protection order under this chapter.

V.I. CODE ANN. tit. 5, § 585

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(4) was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

(e) A foreign protection order valid on its face is prima facie evidence of its validity.

(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of the order.

(g) A tribunal of this State may enforce provisions of a mutual foreign protection order which favor a respondent only if:

- (1)** the respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and
- (2)** the tribunal of the issuing State made specific findings in favor of the respondent.

V.I. CODE ANN. tit. 5, § 583

Section 584 - Enforcement by law enforcement officer.

(a) A law enforcement officer of this State, upon determining that there is probable cause to believe that a valid foreign protection order exists and that the order has been violated, shall enforce the order as if it were the order of a tribunal of this State. Presentation of a protection order that identifies both the protected individual and the respondent and, on its face, is currently in effect constitutes probable cause to believe

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that a valid foreign protection order exists. For the purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form. Presentation of a certified copy of a protection order is not required for enforcement.

(b) If a foreign protection order is not presented, a law enforcement officer of this State may consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.

(c) If a law enforcement officer of this State determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent, and allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of an order in this State is not required for the enforcement of a valid foreign protection order pursuant to this chapter.

V.I. CODE ANN. tit. 5, § 584

Section 586 - Civil and criminal liability.

The Government of the Virgin Islands, a law enforcement officer, prosecuting attorney, clerk of court, or any governmental official acting in an official capacity, except for gross negligence, is immune from civil and criminal liability for an act or omission

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arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this chapter.

V.I. CODE ANN. tit. 5, § 586

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