



VAWA

“NO FEE” TOOLKIT

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INTRODUCTION

The Violence Against Women Act (VAWA) prohibits jurisdictions that receive or apply for funding from the STOP (Services, Training, Officers, Prosecutors) Violence Against Women Formula Grant Program and the Improving Criminal Justice Responses (ICJR) Program from charging victims any costs associated with civil and criminal cases of domestic violence, dating violence, sexual assault, and stalking.¹ This prohibition is commonly referred to as the “no fee” provision. States, Indian tribal governments, local governments, and state and local courts must certify compliance with this requirement as a prerequisite for receiving grant funds.

This Toolkit, authored by the National Center on Protection Orders and Full Faith & Credit (NCPOFFC), was created for advocates, attorneys, court personnel, and law enforcement officials who assist survivors in issuing, serving, and enforcing their protection orders.

The purpose of this toolkit is to help ensure compliance with the “no fee” certification requirements that impact courts and law enforcement agencies across the nation. It includes the following resources:

- Fact sheet for advocates,
- Fact sheet for law enforcement,
- Fact sheet for court personnel,
- A link to the VAWA “no fee” state statutes,
- A “no fee” chart detailing prohibited costs under the STOP and ICJR grant certification requirements, and
- A sample “no fee” Letter.

These resources are designed to enhance understanding and compliance with the certification requirements, ensuring survivors can access legal relief in both civil and criminal justice systems, regardless of their financial situation.

¹ See 34 U.S.C. § 10450(a)(1); 34 U.S.C. § 10461(c)(1)(D).

IMPORTANT INFORMATION FOR JURISDICTIONS

Is our jurisdiction in compliance?

- If the laws of the state, Tribe, or local government conflict with the “no fee” provision, the applicant cannot certify, even if the jurisdiction has a policy of never charging fees.²
- If the statute does not specify fees, the jurisdiction need not pass a law, as the policy need not be codified in legislation. However, jurisdictions must ensure that their policies and practices do not require victims to bear any relevant costs. Jurisdictions are encouraged to pass a law or adopt a written policy to guarantee that victims are not responsible for these costs.³
- Grantees cannot charge victims fees and later provide reimbursement because this would require the victim to bear the cost from when they pay the fee until they receive reimbursement.⁴
- Grant funds may not cover these fees and costs, as the statute requires grantees to certify that victims are not responsible for these expenses before receiving grant funds. Grantees would not be entitled to funds unless they are able to first certify that they have met the “no fee” provision.⁵

For questions or assistance, please contact:

The National Center on Protection Orders and Full Faith & Credit (NCPOFFC)

Toll-Free: 1-800-903-0111, prompt 2

Email: ncffc@bwjp.org

Website: www.fullfaithandcredit.org

² U.S. Dep’t of Justice, Frequently Asked Questions (FAQs) About STOP Formula Grants, C. Costs and Fees, 41 (Question 19) (October 2017), available at www.justice.gov/ovw/page/file/1008816/dl.

³ Id. at 41 (Question 20).

⁴ Id at 42 (Question 25).

⁵ Id. at 42 (Question 22).

VAWA “NO FEE” TOOLKIT

FACT SHEET FOR ADVOCATES

**UNDERSTANDING THE “NO FEE” CERTIFICATION REQUIREMENTS FOR PROTECTION ORDERS
AND CRIMINAL CHARGES FOR PROTECTION ORDERS AND CRIMINAL CHARGES**

FACT SHEET FOR ADVOCATES

UNDERSTANDING THE “NO FEE” CERTIFICATION REQUIREMENTS FOR PROTECTION ORDERS AND CRIMINAL CHARGES FOR PROTECTION ORDERS AND CRIMINAL CHARGES

Jurisdictions that apply for or receive funding under the STOP Violence Against Women Formula Grant (STOP) Program must certify that their laws, policies and practices do not require victims of domestic violence, dating violence, sexual assault or stalking bear the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, petition for a protection order, protection order or witness subpoena.¹ This includes the prohibition on costs associated with the filing of criminal charges against the offender in domestic violence, dating violence, sexual assault, and stalking offenses.² All states receive STOP funding and have certified compliance; thus, victims should not be required to pay such costs in any state.

Many states have enacted statutes similar to the federal “no fee” certification requirement. However, the federal requirement is applicable regardless of whether or not a jurisdiction has a similar statute. The VAWA “No Fee” Matrix [insert link] contains state laws that prohibit fees for victims in protection order cases, and the Chart [insert link] lists prohibited fees.

“This provision is designed to ensure that jurisdictions are not forcing victims to bear costs related to criminal and civil domestic violence, dating violence, sexual assault, and stalking cases.”³

¹ See 34 U.S.C. § 10450(a)(1)

² Id. Additionally, applicants of the Improving Criminal Justice Responses (ICJR) Program have similar certification requirements to STOP with exception of “withdrawal.” The program statute is silent on this issue. See 34 U.S.C. § 10461(c)(1)(D). Note, in 2016, the Grants to Encourage Arrest Policies and Enforcement of Protection Orders (Arrest) Program was renamed the ICJR Program to better reflect the program’s scope. See, *Important Notice to OVW Grantees, Applicants and Stakeholders: Title Change to the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program*, U.S. Dep’t of Justice, <https://www.justice.gov/ovw/blog/important-notice-ovw-grantees-applicants-and-stakeholders-title-change-grants-encourage> (last visited May 22, 2025).

³ U.S. Dep’t of Justice, Frequently Asked Questions (FAQs) About STOP Formula Grants, C. Costs and Fees, 41 (Question 21) (October 2017), available at <https://www.justice.gov/ovw/page/file/1008816/dl>.

FREQUENTLY ASKED QUESTIONS

Q: What fees are prohibited for victims of domestic violence, dating violence, sexual assault, and stalking under the certification requirements?

A: The NCPOFFC has created the VAWA “No Fee” Prohibition in Connection with Protection Orders and Criminal Charges chart that lists the type of fees prohibited under the certification requirements.

Q: Who is defined as a victim under this provision?

A: The statutory language specifically refers to victims of domestic violence, dating violence, sexual assault, and stalking. Whether a person is eligible to file for relief as a victim of domestic violence, dating violence, sexual assault, or stalking is determined by the issuing jurisdiction’s statute. This also includes persons who apply for general orders such as “anti-harassment” or “repeat violence” orders, where the person applying is a victim of one of these crimes.

Q: What types of protection orders are covered by the requirement?

A: “The requirement specifically applies to an order ‘to protect a victim of domestic violence, dating violence, sexual assault, or stalking.’ This includes any civil order of any type or duration so long as it was issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person. This also includes orders issued by criminal courts, and pendente lite orders in other proceedings, as described in 18 U.S.C. § 2266.”⁴

Q: Can fees be charged for general protection orders such as “anti-harassment” or “repeat violence” orders?

A: “If the person applying for the order is a victim of domestic violence, dating violence, sexual assault, or stalking and is applying to get an order because of that crime, then the order would constitute an order ‘to protect a victim of domestic violence, dating violence, sexual assault, or stalking.’ Jurisdictions may charge for general protection orders when the applicant is not a victim of these crimes.” TIP: Advocates can help facilitate service of a general protection order by making sure it is clearly denoted that the order was issued to “protect a victim of domestic violence, dating violence, sexual assault or stalking” as specified in the issuing jurisdiction’s statute.

Q: Can fees be charged if the petitioner fails to appear at the hearing?

A: The petitioner can only be charged if the court makes a finding that the petitioner is not a victim of domestic violence, dating violence, sexual assault, or stalking. TIP: There are many extenuating circumstances in which a victim may fail to appear at a final protection order hearing, including intimidation by the respondent. Advocates should work to educate the court on reasons why a victim may fail to appear.

Q: Can fees be charged if the victim requests a dismissal of a protection order?

A: No. The statute expressly prohibits charging a victim for dismissing a protection order. TIP: Advocates should educate the court on survivor safety and autonomy and the many circumstances in which a survivor may seek a dismissal.

⁴ U.S. DEP’T OF JUSTICE, FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS, C. Costs and Fees, 43 (Question 27) (October 2017), available at <https://www.justice.gov/ovw/page/file/1008816/dl>.

⁵ Id. at 43 (Question 28).

Q: What if a victim of domestic violence, dating violence, sexual assault, or stalking returns to court to request a modification of a protection order?

A: “‘Modification’ of orders is expressly covered by the certification, so the victim cannot pay for this.”⁶

Q: Can a victim be charged to file an extension of a protection order?

A: No, a victim cannot be charged. This would be considered a cost associated with the modification of the terms of an order which is expressly covered by the certification.

Q: If the court denies a petition for an order, can the petitioner then be charged court fees?

A: “Possibly, depending on the specific circumstances of the case. It is possible that a court may deny a protection order even though the petitioner is a victim of domestic violence, dating violence, sexual assault, or stalking. For example, if the state law requires physical abuse to have occurred within a certain time period, a victim could be denied an order because there was not a recent enough incident of physical abuse. The petitioner may be charged fees if the court makes a finding that the petitioner is not a victim of the domestic violence, dating violence, sexual assault, or stalking and denies the order based on that finding.”

Q. If a petition is denied and the petitioner appeals, can the court charge a fee or cost for filing an appeal?

A: The court may only charge a fee if the court made a specific finding that the petitioner was not a victim of domestic violence, dating violence, sexual assault, or stalking. For additional information, please see the question above and contact NCPOFFC for technical assistance.

Q: Can a jurisdiction charge a fee if the victim files a petition for contempt for violating the protection order?

A: No. The victim could not be charged for the petition because it would constitute a fee associated with enforcing the order, which should be free of charge.

Q: Can fees be charged for a protection order filed within a divorce or custody proceeding to protect a victim of domestic violence, dating violence, sexual assault, or stalking?

A: If a victim of domestic violence, dating violence, sexual assault, or stalking files for a protection order within a custody or divorce case, the petitioner cannot be charged fees associated with the protection order. However, the provision does not limit the ability of a jurisdiction to charge fees for the divorce or custody case.⁸

Q: Can the court assess attorney fees against the petitioner?

A: Only if the court determines the petitioner is not a victim of domestic violence, dating violence, sexual assault, or stalking.

Q: Can a fee be charged if a petitioner filed a stalking protection order against a stranger or non-intimate partner?

A: No, if the petitioner is a victim of stalking the court cannot charge them a fee.

Q: Can a victim be charged for service or registration of a foreign protection order?

A: The statute refers to orders “whether issued inside or outside the State, tribal, or local jurisdiction.” Jurisdictions must not charge a victim for registration of a foreign protection order, service of the order, or fees or copies bearing proof of registration or filing of the order.

⁶ Id. (Question 29).

⁷ Id. (Question 30).

⁸ Id. (Question 31).

Q: Law enforcement contracts with a private process server to serve all orders in our jurisdiction. Can the private process server charge the victim for service of the protection order?

A: A private process server contracted by a jurisdiction to serve petitions and protection orders may not charge a victim of domestic violence, dating violence, sexual assault, or stalking if the jurisdiction offers no fee-free method to serve an order.

Q: Who must pay if the petition for protection must be translated into English?

A: Translation of a petition into English cannot be borne by the victim petitioning for protection. Charging the petitioner would be considered a cost associated with filing the protection order and is not allowed under the statute.

Q: Can the respondent or defendant be charged fees concerning protection orders or criminal cases?

A: Nothing in the STOP or ICJR grant requirements prevents jurisdictions from charging the respondents or defendants.⁹ Advocates should check their laws, policies, and practices to determine if this is permitted in their jurisdiction.

Q: Can a victim be required to pay or split the cost of visitation center fees?

A: No. If the court issues a protection order contingent upon the victim paying a fee, it effectively creates an issuance fee. Ordering the victim to split the cost also constitutes a “mutual provision,” which is contrary to best practices on issuance of orders, would limit enforceability under VAWA and may render the jurisdiction noncompliant with ICJR funding requirements.

Q: The court often issues orders allowing the petitioner or the respondent to retrieve necessary items from the home with the assistance of law enforcement, also commonly known as a “stand-by” order. Who is responsible for paying the fee charged by law enforcement?

A: The VAWA “no fee” prohibition does not specifically include costs associated with “stand-by” fees incurred. The court should consult its laws, policies, and practices to determine whether the respondent can be ordered to pay this fee instead of it being imposed on the victim.

Q: In our jurisdiction, anyone can serve an order of protection, so it is difficult to help get foreign out-of-state protection orders served because law enforcement is not mandated to serve without charging a fee.

A: Work with your STOP administrator, state domestic violence coalition and your coordinated community response team to identify sources of income that may assist in paying for process service and to create community discussions on fees as a barrier to victim safety. Identify friendly law enforcement that may be willing to serve the order without a fee.

Q: The sheriff/law enforcement agency states that it does not directly receive STOP funding. Must they comply with the prohibition on fees?

A: Yes. All states receive STOP grant funds and have certified that their laws, policies, and practices comply with the prohibition on charging victims. If the sheriff/law enforcement agency charges a fee, the state would not be in compliance with its federal funding. Thus, law enforcement agencies must follow their jurisdiction’s laws, policies, and practices that prohibit charging victims for service of a warrant, petition for a protection order, protection order, or witness subpoena.

Q: What can an advocate do if a survivor is being charged a fee prohibited by VAWA?

An advocate can use the sample VAWA “no fee” letter in this toolkit to inform a court, sheriff, law enforcement agency, or any other agency that charging a fee is prohibited. The advocate can also inform the court or agency of state or territorial laws or statutes prohibiting charging a victim a fee.

NCPOFFC can provide customized training and technical assistance on this issue. Contact NCPOFFC at 1-800-903-0111, prompt 2, ncffc@bwjp.org, or www.fullfaithandcredit.org.

⁹ Id. at 42 (Question 23).

VAWA “NO FEE” TOOLKIT

LAW ENFORCEMENT FACT SHEET

**COMPLYING WITH THE “NO FEE” CERTIFICATION REQUIREMENTS
FOR PROTECTION ORDERS AND CRIMINAL CHARGES**

LAW ENFORCEMENT FACT SHEET

COMPLYING WITH THE “NO FEE” CERTIFICATION REQUIREMENTS FOR PROTECTION ORDERS AND CRIMINAL CHARGES

Law enforcement agencies that serve protection orders, petitions for protection orders, warrants, and witness subpoenas issued in civil and criminal domestic violence, dating violence, sexual assault, or stalking cases must do so free of charge. This prohibition on service of process fees is based on the STOP Violence Against Women Formula Grant (STOP) Program and the Improving Criminal Justice Response (ICJR) Program certification requirements.

Jurisdictions that apply for or receive STOP funding must certify that their laws, policies and practices do not require victims to bear “...the costs associated with the filing of criminal charges against the offender or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, petition for a protection order, protection order or witness subpoena...”¹ All states receive STOP funding and have certified compliance; thus victims cannot be required to pay such costs in any state. Note: Jurisdictions that apply for or receive ICJR funding have similar certification requirements to STOP with the exception of “withdrawal.”² The statute is silent on this issue.

“This provision is designed to ensure that jurisdictions are not forcing victims to bear costs related to criminal and civil domestic violence, dating violence, sexual assault, and stalking cases.”³

Many states have enacted statutes similar to the federal “no fee” certification requirement. However, the federal requirement is applicable regardless of whether or not a jurisdiction has a similar statute [insert VAWA No Fee Statutes]. Additionally, the VAWA “No Fee” Prohibition in Connection with Protection Orders and Criminal Charges chart contains a list of fees prohibited under the grant certification.

What can law agencies do to help facilitate the service of protection orders?

- Provide clear information and guidelines for service of process
- Use a form to capture needed information regarding the respondent
- Provide victim notification of the outcome of service attempts
- Review the [service checklist](#) for additional best practices

¹ See [34 U.S.C. § 10450\(a\)\(1\)](#).

² See 34 U.S.C. § 10461(c)(1)(D). Note, in 2016, the Grants to Encourage Arrest Policies and Enforcement of Protection Orders (“Arrest”) program was renamed the ICJR Program to better reflect the programs scope. See, Important Notice to OVW Grantees, Applicants and Stakeholders: Title Change to the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, U.S. Dep’t of Justice, www.justice.gov/ovw/blog/important-notice-ovw-grantees-applicants-and-stakeholders-title-change-grants-encourage (last visited May. 23, 2025).

³ U.S. Dep’t of Justice, Frequently Asked Questions (FAQs) About STOP Formula Grants, C. Costs and Fees, 40 (Question 21) (October 2017), available at www.justice.gov/ovw/page/file/1008816/dl.

FREQUENTLY ASKED QUESTIONS

Q: What types of protection orders are covered by the requirements?

A: “The requirement specifically applies to an order ‘to protect a victim of domestic violence, dating violence, sexual assault, or stalking.’ This includes any civil order of any type or duration so long as it was issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person. This also includes orders issued by criminal courts, and pendente lite orders in other proceedings, as described in 18 U.S.C. § 2266.”⁴

2. Q: Can fees be charged for general protection orders such as “anti-harassment” or “repeat violence” orders?

A: “If the person applying for the order is a victim of domestic violence, dating violence, sexual assault, or stalking and is applying to get an order because of that crime, then the order would constitute an order ‘to protect a victim of domestic violence, dating violence, sexual assault, or stalking.’ Jurisdictions may charge for general protection orders when the applicant is not a victim of these crimes.”⁵

3. Q: Our law enforcement department does not directly receive STOP funding; must we comply with the prohibition on fees?

A: All states receive STOP grant funds and have certified that their laws, policies, and practices are compliant. This means law enforcement should follow their jurisdiction’s laws, policies, and practices that prohibit charging victims for service of a warrant, petition for a protection order, protection order, or witness subpoena. Additionally, applicants of the

ICJR Program have similar certification requirements to STOP with the exception of “withdrawal.” The program statute is silent on this issue.

4. Q: Are we required to serve supporting documents issued as part of a petition and protection order?

A: Victims cannot bear the costs associated with the issuance of a petition for a protection order or protection order. If the document is related to the issuance, enforcement or service of the order, then it must be served free of charge. For example, a jurisdiction may require a notice of hearing and information about the protection order process to be issued as part of the petition and order as a packet of information required for the respondent. These documents must be served free of charge.

5. Q: In our jurisdiction, law enforcement contracts with a private process server to serve all orders in our jurisdiction. Can the contracted private process server charge the victim for service of the protection order?

A: A private process server contracted by a jurisdiction to serve petitions and protection orders may not charge a victim of domestic violence, dating violence, sexual assault, or stalking if the jurisdiction offers no fee-free method to serve an order.

6. Q: Can the respondent or defendant be charged fees in connection with protection orders or criminal cases?

A: Nothing in the program statutes prevents jurisdictions from charging the respondents or defendants.⁶

⁴ Id. at 43 (Question 27).

⁵ Id. at 43 (Question 28).

⁶ Id. at 42 (Question 23).

Q: If the respondent, defendant, or subject of a protection order, warrant, or witness subpoena lives out-of-state, who should pay the cost of service in each case?

A: “The statute specifies that the requirement applies whether the warrant, protection order, petition for a protection order, or witness subpoena is ‘issued inside or outside the state, tribal, or local jurisdiction.’ This makes clear that victims cannot be charged in such cases. However, the statute does not specify which jurisdiction is required to cover the fees in such a case.”⁷

Q: What can law enforcement do if a survivor is being charged a fee that is prohibited by VAWA?

The agency can inform a court, sheriff, law enforcement agency, or any other agency that charging a fee is prohibited by using the sample VAWA “no fee” letter in this Toolkit. NCPOFFC can provide customized training and technical assistance on this issue. Contact NCPOFFC at 1-800-903-0111, prompt 2, ncffc@bwjp.org, or www.fullfaithandcredit.org.

⁷ Id. at 42 (Question 26).

VAWA “NO FEE” TOOLKIT

COURT COST FACT SHEET

COMPLYING WITH THE “NO FEE” CERTIFICATION REQUIREMENTS
FOR PROTECTION ORDERS AND CRIMINAL CHARGES

COURT COST FACT SHEET

COMPLYING WITH THE “NO FEE” CERTIFICATION REQUIREMENTS FOR PROTECTION ORDERS AND CRIMINAL CHARGES

Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This prohibition is based on the STOP and ICJR program grant certification requirements.¹ This no-fee provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault. Imposing these costs will render a jurisdiction ineligible for certain VAWA funds.²

Many jurisdictions have enacted similar statutes to facilitate compliance with the federal grant certification requirement.

Examples of noncompliance with the federal grant certification requirements include:

- Charging victims an upfront fee for issuance of an order with a provision for reimbursement later.
- Providing a fee waiver to persons below a certain income in place of charging the fee.³
- Using grant funds to cover the cost.⁴

¹ Jurisdictions that apply for or receive funding under the STOP Violence Against Women Formula Grant (STOP) Program must certify that their laws, policies and practices do not require victims of domestic violence, dating violence, sexual assault, or stalking to bear any costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, petition for a protection order, protection order or witness subpoena. See 34 U.S.C. § 10450(a)(1). This includes prohibiting costs associated with the filing of criminal charges against the offender in domestic violence, dating violence, sexual assault and stalking offenses.

Since all states receive STOP funding and have certified compliance, victims should not be required to pay such costs in any state. Additionally, applicants of the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence and Stalking Grant (ICJR) Program have similar certification requirements to STOP, except regarding “withdrawal,” as the program’s statute is silent on this issue. See 34 U.S.C. § 10461(c)(1)(D).

² For more information on the VAWA “no fee” provisions, see U.S. DEP’T OF JUSTICE, FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , C. Costs and Fees, 40 (October 2017), available at <https://www.justice.gov/ovw/page/file/1008816/dl?inline>.

³ It is not sufficient to provide a fee waiver to person below a certain income. The certification requirement applies to all victims regardless of income. Id. 42 at (Question 24)

⁴ Id. at 42. (Question 22).

FREQUENTLY ASKED QUESTIONS

Q: Who is defined as a victim under this provision?

A: The statutory language specifically refers to victims of domestic violence, dating violence, sexual assault, and stalking. Whether a person is eligible to file for relief as a victim of domestic violence, dating violence, sexual assault, or stalking is determined by the issuing jurisdiction's statute. This also includes persons who apply for general orders such as "anti-harassment" or "repeat violence" orders, where the person applying is a victim of domestic violence, dating violence, sexual assault, and stalking.

Q: What types of protection orders are covered by the requirement?

A: "The requirement specifically applies to an order 'to protect a victim of domestic violence, dating violence, sexual assault, or stalking.' This includes any civil order of any type or duration so long as it was issued to prevent violent or threatening acts or harassment against, or contact or communication with, or physical proximity to, another person. This also includes orders issued by criminal courts and pendente lite orders in other proceedings, as described in 18 U.S.C. § 2266."⁵

Q: Must the victim have an intimate partner relationship with the respondent?

A: No. The "no fee" provision applies to victims of domestic violence, dating violence, sexual assault, or stalking. Whether the person meets the definition of a "victim" for purposes of the "no fee" provision depends on how the jurisdiction defines the term, but it does not include a requirement that the victim be an intimate partner of the abuser. Many jurisdictional statutes allow orders such as stalking and sexual assault orders to victims who do not have an intimate partner relationship with the respondent.

Q: If the respondent, defendant, or subject of a protection order, warrant or witness subpoena lives out-of-state, who should pay the service cost in each case?

A: The "no fee" requirement applies whether the warrant, protection order, petition for a protection order, or witness subpoena is issued inside or outside the state, tribal, or local jurisdiction. Victims cannot be charged in such cases. However, the statute does not specify which jurisdiction is required to cover the fees when service is needed across jurisdictional lines.⁶

Q: Can the respondent or defendant be charged fees in connection with protection orders or criminal cases?

A: There is nothing in the program statute that prevents jurisdictions from charging the respondents or defendants.⁷

Q: Can the court assess attorney fees against the petitioner?

A: Only if the court determines the petitioner is not a victim of domestic violence, dating violence, sexual assault, or stalking.

Q: Can a fee be charged if a petitioner filed a stalking or assault protection order against a stranger or non-intimate partner?

A: No, if the petitioner is a victim of stalking or sexual assault, the court cannot charge them a fee.

⁵ Id. at 43 (Question 27).

⁶ Id. at 42 (Question 26).

⁷ Id. at 42 (Question 23).

Q: Can a victim be charged for service or registration of a foreign protection order?

A: No. The statute refers to orders “whether issued inside or outside the State, tribal, or local jurisdiction.” Jurisdictions must not charge a victim for registration of a foreign protection order, service of the order, or fees or copies bearing proof of registration or filing.

Q: Can a victim be required to pay or split the cost of visitation center fees?

A: No. If the court can hold the victim in contempt for failing to pay the supervised visitation costs, it effectively creates an issuance fee, since the victim would be unable to get a protection order without paying. Ordering the victim to split the cost also constitutes a “mutual provision,” which is contrary to best practices on issuance of orders, would limit enforceability under VAWA and may render the jurisdiction to be noncompliant with ICJR funding requirements.

Q: Can fees be charged if the petitioner fails to appear at the hearing?

A: The petitioner can only be charged if the court makes a specific finding that the petitioner is not a victim of domestic violence, dating violence, sexual assault, or stalking. There are many extenuating circumstances that may explain why a victim may fail to appear at a final protection order hearing, including intimidation by the respondent. Courts should be mindful of the chilling effect of imposing fees against a victim who fails to appear for a hearing.

Q: Can fees be charged if the victim requests a dismissal of a protection order?

A: No. The statute expressly prohibits charging a victim for dismissing a protection order. Courts should be mindful of a victim’s safety and autonomy and the many circumstances in which a victim may seek a dismissal.

Q: Can fees be charged if the victim withdraws their petition for a protection order?

A: No. The statute expressly prohibits charging a victim for withdrawing their petition for a protection order.⁸

Q: The court often issues orders allowing the petitioner or the respondent to retrieve necessary items from the home with the assistance of law enforcement also commonly known as a “stand-by” order. Who is responsible for paying the fee charged by law enforcement?

A: The VAWA “no fee” prohibition does not include costs associated with “stand-by” fees incurred. The court should consult its laws, policies, and practices to determine whether the respondent can be ordered to pay this fee instead of being imposed on the victim.

Q: The sheriff/law enforcement agency states that it does not directly receive STOP funding. Must they comply with the prohibition on fees?

A: Yes. All states receive STOP grant funds and have certified that their laws, policies, and practices are compliant with the prohibition on charging victims. If the sheriff/law enforcement agency charges a fee, the state would not be in compliance with its federal funding. Thus, law enforcement agencies must follow their jurisdiction’s laws, policies and practices that prohibit charging victims for service of a warrant, petition for a protection order, protection order, or witness subpoena. NCPOFFC can provide customized training and technical assistance on this issue.

⁸ Note that the statute governing ICJR’s grant certifications is silent on the issue of whether a Petitioner can be charged for withdrawing a protection order petition. 34 U.S.C. § 10461(c)(1)(D). However, charging a fee to a Petitioner to withdraw a petition for a protection order could be a deterrent to that petitioner filing again due to another act of domestic violence.

15. Q: Are sheriff/law enforcement agencies required to serve supporting documents issued as part of a petition and protection order?

A: Victims cannot bear the costs associated with filing a petition for a protection order or the issuance of a protection order itself. If the document is related to the issuance, enforcement, or service of the order, it must be served free of charge. For example, a jurisdiction may require a notice of hearing and information about the protection order process to be issued as part of the petition and order as a packet of information required for the respondent. These documents must be served free of charge.

16. Q: If the court denies a petition for an order, can the petitioner be charged court fees?

A: “Possibly, depending on the specific circumstances of the case. It is possible that a court may deny a protection order even though the petitioner is a victim of domestic violence, dating violence, sexual assault, or stalking. For example, if the state law requires physical abuse to have occurred within a certain time period, a victim could be denied an order because there was not a recent enough incident of physical abuse. The petitioner may be charged fees if the court makes a finding that the petitioner is not a victim of the domestic violence, dating violence, sexual assault, or stalking and denies the order based on that finding.”⁹

17. Q. If a petition is denied and the petitioner appeals, can the court charge a fee or cost for filing an appeal?

A: The court may only charge a fee if the court made a specific finding that the petitioner was not a victim of domestic violence, dating violence, sexual assault, or stalking. For additional information, please see the question above and contact NCPOFFC for technical assistance.

18. Q: Who must pay if the petition for protection must be translated into English?

A: Translation of a petition into English cannot be borne by the victim petitioning for protection because that would be considered a filing fee

23. Q: What can a clerk’s office do if a survivor is charged a fee prohibited by VAWA?

A clerk’s office can inform another court, sheriff, law enforcement agency, or any other agency that charging a fee is prohibited by using the sample VAWA “no fee” letter in this Toolkit. NCPOFFC can provide customized training and technical assistance on this issue. Contact NCPOFFC at 1-800-903-0111, prompt 2, ncffc@bwjp.org, or www.fullfaithandcredit.org.

⁹ U.S. DEP’T OF JUSTICE, FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS, C. Costs and Fees, 42 (Question 30) (October 2017), available at <https://www.justice.gov/ovw/page/file/1008816/dl>.



VAWA “NO FEE” TOOLKIT

APPENDIX

APPENDIX

VAWA PROHIBITION ON “FEES” IN CONNECTION WITH PROTECTION ORDERS AND CRIMINAL CHARGES

The following chart identifies fees prohibited under the grant certification requirements of the STOP Violence Against Women Formula Grant (STOP) Program and the Improving Criminal Justice Responses (ICJR) Program.

Types of fees victims must not pay in domestic violence, dating violence, sexual assault, and stalking protection order and criminal cases.	STOP grant applicants must certify their laws, policies and practices do not require victims to bear the following costs marked below. See 34 U.S.C. § 10450.	ICJR grant applicants must certify that their laws, policies and practices do not require victims to bear the costs marked below. See 34 U.S.C. § 10461(c)(1)(D).
Costs associated with filing of criminal charges against the offender (in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault or stalking offense), or	×	×
Costs associated with the filing,	×	×
Issuance,	×	×
Registration,	×	×
Modification,	×	×
Enforcement,	×	×
Dismissal,	×	×
Withdrawal, or	×	×
Service	×	×
of a warrant, protection order, petition for a protection order or witness subpoena in the civil and criminal justice systems, whether issued inside or outside the State, tribal, or local jurisdiction.		

APPENDIX

Sample VAWA “no fee” Letter

[Insert Date]

[Insert Name and Address]

RE: Caption [insert case name]; [insert docket number]

Fee for Service of Protection Order

Dear [Insert Name]:

Our organization, [insert name of organization or agency], is assisting [insert Petitioner’s name] with the service of their [domestic violence, dating violence, sexual assault, or stalking] protection order. We kindly request that this order be served without fees to the Petitioner.

Jurisdictions that apply for or receive STOP Violence Against Women Formula Grant (STOP) Program funding must certify that their laws, policies, and practices do not require victims of domestic violence, dating violence, sexual assault, or stalking to bear the costs associated with filing criminal charges against the offender. This includes costs related to filing, issuing, registering, modifying, enforcing, dismissing, withdrawing, or serving warrants, protection orders, or petitions for protection orders, as well as witness subpoenas, regardless of whether they are issued within or outside the state, tribal, or local jurisdiction (see 34 U.S.C. §10450(a)(1)). All states receive STOP grant funds and have certified that their laws, policies, and practices are compliant. Therefore, states may not charge victims for these costs. Your role is crucial in ensuring that the certification requirements are met.

Law enforcement should adhere to their jurisdiction’s laws, policies, and practices that explicitly prohibit charging victims for the service of a protection order. This adherence is essential to ensure that victims can access the legal system, regardless of their financial circumstances. It may be possible that costs associated with the service of a protection order may later be assessed against the respondent, unless prohibited by state law. The main policy is not to charge victims for protection order services.

If you have additional questions about the certification requirement, the National Center on Protection Orders and Full Faith & Credit (NCPOFFC), a comprehensive technical assistance provider funded by the U.S. Department of Justice’s Office on Violence Against Women (OVW) to provide technical assistance on issuance, service, and enforcement of protection orders is available to assist. You may reach them at 1-800-903-0111, prompt 2, ncffc@bwjp.org, or www.fullfaithandcredit.org.

Thank you for your time and attention to this matter.



RESTRAINING ORDERS

NATIONAL RESTRAINING ORDER CENTER



PROTECTION ORDERS

NATIONAL CENTER ON PROTECTION
ORDERS AND FULL FAITH AND CREDIT

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