



State and Territorial Full Faith and Credit Statutes

Compiled by the National Center on Protection Orders and Full Faith & Credit

Revised August 2010

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Prepared by the National Center on Protection Orders and Full Faith & Credit www.fullfaithandcredit.org

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| Alabama | <p>Code of Ala. § 30-5-4 (2010) (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.</p> <p>Code of Ala. § 30-5A-2 (2010) -Definitions (3) Protection order or Restraining order. Any order of a court of competent jurisdiction, whether or not located in this state, the purpose of which is to prohibit a person from committing any or all of the following acts: harass, annoy, alarm, intimidate, assault, communicate with, or otherwise bother another person. This definition shall include, but not be limited to, protection orders issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, and restraining orders or injunctions issued in domestic relations, family violence or juvenile cases in accordance with the Alabama Rules of Civil Procedure or the Alabama Rules of Juvenile Procedure, or both, and other applicable statutes and court rules. 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.</p> <p>Code of Ala. § 30-5B-2 (2010) - Definitions In Uniform Enforcement of Interstate Domestic Violence Protection Orders chapter, "protection order" has the following definition: (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.</p> <p>Code of Ala. § 30-5B-5 (2010) - 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</p> | <p>Code of Ala. § 30-5B-3 (2010) - 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. (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</p> |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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 Center in any existing state or federal registry of protection orders, in accordance with applicable law.</p> <p>(f) A fee may not be charged for the registration of a foreign protection order.</p> | <p>protection order which favor a respondent only if both of the following criteria are met:</p> <p>(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.</p> <p>(2) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>Code of Ala. § 30-5B-4 (2010) - Nonjudicial enforcement of order</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Code of Ala. § 30-5B-6 (2010) - Immunity</p> <p>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</p> |

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| | | 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. |
| Alaska | <p>Alaska Stat. §18.66.140 (2010) - Filing and enforcement of protective orders issued in other states</p> <p>(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.</p> <p>(b) A protective order filed in accordance with (a) of this section has the same effect and must be enforced in the same manner as a protective order issued by a court of this state.</p> <p>(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.</p> | <p>Alaska Stat. §18.66.170 (2010) - Notification of Law Enforcement Agencies</p> <p>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.</p> |
| American Samoa | None found. | |
| Arizona | <p>A.R.S. § 13-3602 (R) (2010)</p> <p>(R) 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:</p> <p>(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.</p> <p>(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,</p> | <p>A.R.S. § 13-3602 (R)(4) (2010)</p> <p>(R)(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.</p> |

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| | <p>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.</p> <p>(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:</p> <p>(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.</p> <p>(b) The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order.</p> | |
| Arkansas | <p>A.C.A. § 9-15-302 (2010) - Full faith and credit</p> <p>(a) Any order of protection that meets the subsection (b) or subsection (c) of this section issued by a court of another state, a federally recognized Indian tribe, or a territory 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.</p> <p>(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:</p> <p>(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</p> <p>(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.</p> <p>(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.</p> | <p>A.C.A. § 9-15-302 (e) (2010) - Full faith and credit</p> <p>(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.</p> <p>(B) A law enforcement officer may rely upon:</p> <p>(i) An out-of-state order of protection that has been provided to the officer by any source; or</p> <p>(ii) (a) The statement of any person protected by an out-of-state order of protection that the order exists; and</p> <p>(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.</p> <p>(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.</p> <p>(B) The law enforcement officer may rely upon:</p> <p>(i) Any events he or she witnessed;</p> <p>(ii) The statement of any person who claims to be a witness; or</p> <p>(iii) Any other evidence.</p> <p>(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</p> |

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| | <p>(c) An order of protection issued against both the petitioner and the respondent by a court of another state, a federally recognized Indian tribe, or a territory shall not be enforceable against the petitioner unless:</p> <p>(1) The respondent filed a cross or counter petition, complaint, or other written pleading seeking an order of protection;</p> <p>(2) The issuing court made specific findings against both the petitioner and the respondent; and</p> <p>(3) The issuing court determined that each party was entitled to an order.</p> <p>(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.</p> <p>(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.</p> <p>(3) There shall be no fee for entering the out-of-state order of protection.</p> <p>(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.</p> <p>(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.</p> <p>A.C.A. § 12-12-215 (2010) - Registry of orders of protection</p> <p>(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.</p> <p>(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 sheriff of the county for service.</p> <p>(2) The sheriff shall immediately enter, or cause to be entered, such orders and any subsequent modifications or cancellations, into the center system.</p> <p>(3) If the sheriff does not have a center terminal and entries are</p> | <p>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.</p> <p>A.C.A. § 9-15-303 (2010) Immunity from liability.</p> <p>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.</p> <p>A.C.A. § 5-53-134 (2010) - Violation of an order of protection</p> <p>(a)(2) A person commits the offense of violation of an out-of-state order of protection if:</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(D) The requirements of § 9-15-302 concerning the full faith and credit for an out-of-state order of protection have been met.</p> <p>(b) Violation of an order of protection under this section is a Class A misdemeanor.</p> <p>(c) (1) A law enforcement officer may arrest and take into custody without a warrant any person who the law enforcement officer has probable cause to believe:</p> <p>(A) Is subject to an order of protection issued pursuant to the laws of this state; and</p> <p>(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.</p> <p>(2) Under § 9-15-302, a law enforcement officer or law enforcement agency may arrest and take into custody without a warrant any person who the law enforcement officer or law</p> |

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| | <p>made by another agency that does have a center terminal, that agency shall make such entries immediately upon receipt of information from the sheriff.</p> <p>(4) Only orders which are consistent with § 9-15-302(b) may be entered into the center system.</p> <p>(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.</p> <p>(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.</p> | <p>enforcement agency has probable cause to believe:</p> <p>(A) Is subject to an order of protection issued pursuant to the laws or rules of another state, a federally recognized Indian tribe, or a territory; and</p> <p>(B) Has violated the terms of the out-of-state order of protection, even if the violation did not take place in the presence of the law enforcement officer.</p> <p>(d) It is an affirmative defense to a prosecution under this section that the parties have reconciled prior to the violation of the order of protection.</p> <p>(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.</p> |
| California | <p>Cal Fam Code § 6404 (2009) - Registration of foreign protection order</p> <p>(a) Any 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 Domestic Violence Restraining Order System established under Section 6380. The Judicial Council shall adopt rules of court to do the following:</p> <p>(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 Domestic Violence Restraining Order System.</p> <p>(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.</p> <p>(b) No fee may 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.</p> | <p>Cal Fam Code § 6402 (2009) - Enforcement of valid foreign protection order in state tribunal</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it meets all of the following criteria:</p> <p>(1) Identifies the protected individual and the respondent.</p> <p>(2) Is currently in effect.</p> |

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| | | <p>(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state.</p> <p>(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.</p> <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(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:</p> <p>(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state.</p> <p>(2) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>Cal Fam Code § 6403 (2009) - Enforcement of foreign protection order by law enforcement officer</p> <p>(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, 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.</p> <p>(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.</p> |

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| | | <p>(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.</p> <p>(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.</p> <p>Cal Fam Code § 6405 (2009) - Liability of peace officer acting on foreign protection order There shall be no civil liability on the part of, and no cause of action for false arrest or false imprisonment against, any peace officer who makes an arrest pursuant to a foreign protection 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. If there is more than one civil order regarding the same parties, the peace officer shall enforce the order that was issued last. If there are both civil and criminal orders regarding the same parties, the peace officer shall enforce the criminal order issued last. 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.</p> <p>Cal Fam Code § 6409 (2009) - Application of part 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.</p> |

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| <p>Colorado</p> | <p>C.R.S. § 13-14-104 (2009) - 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 U.S. territory or commonwealth. (2) Full faith and credit. A foreign protection order shall be accorded full faith and credit by the courts of this state 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 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 due process rights. (b) The court that issued the order had jurisdiction over the parties and over the subject matter; (c) The order complies with section 13-14-102 (18). (3) Process. A person entitled to protection under a foreign protection order may, but shall not be required to, file such order in the district or county court by filing with such court a certified copy of such order, which shall be entered into the central registry of protection orders created in section 18-6-803.7, C.R.S. The certified order shall 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.</p> | <p>C.R.S. § 13-14-104 (4) (2009) - 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 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 shall not be civilly or criminally liable pursuant to section 18-6-803.5 (5), C.R.S.</p> |
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| Connecticut | <p>Conn. Gen. Stat. § 46b-15a (2010) - Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.</p> <p>(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.</p> <p>(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 Public Safety 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.</p> <p>Conn. Gen. Stat. § 46b-15a (e)-(g) (2010) - Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.</p> <p>(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.</p> <p>(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</p> | <p>Conn. Gen. Stat. § 46b-15a (c)-(d) (2010) - Foreign order of protection. Full faith and credit. Enforcement. Affirmative defense. Child custody provision. Registration.</p> <p>(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.</p> <p>(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.</p> <p>Conn. Gen. Stat. § 53a-107 (2010) - Criminal trespass in the first degree: Class A misdemeanor.</p> <p>(a) A person is guilty of criminal trespass in the first degree when:</p> <p>(1) Knowing that such person is not licensed or privileged to do so, such person enters or remains in a building or any other premises after an order to leave or not to enter personally communicated to such person by the owner of the premises or other authorized person; or</p> <p>(2) such person enters or remains in a building or any other premises in violation of a restraining order issued pursuant to section 46b-15 or a protective order issued pursuant to section 46b-38c, 54-1k or 54-82r by the Superior Court; or</p> <p>(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</p> <p>(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.</p> <p>(b) Criminal trespass in the first degree is a class A misdemeanor.</p> |

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| | <p>seeking registration, except if the disclosure of such name and address would jeopardize the safety of such person.</p> <p>(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.</p> <p>Conn. Gen. Stat. § 51-5c (2010) - Automated registry of protective orders.</p> <p>(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-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.</p> <p>(b) (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:</p> <p>(A) Any information that would identify a person protected by an order contained in the registry;</p> <p>(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.</p> <p>(2) Any employee of the Judicial Department authorized by</p> | <p>Conn. Gen. Stat. - § 53a-217 (2010) - Criminal possession of a firearm or electronic defense weapon: Class D felony.</p> <p>(a) A person is guilty of criminal possession of a firearm or electronic defense weapon when such person possesses a firearm or electronic defense weapon and</p> <p>(1) has been convicted of a felony,</p> <p>(2) has been convicted as delinquent for the commission of a serious juvenile offense, as defined in section 46b-120,</p> <p>(3) knows that such person is subject to</p> <p>(A) a restraining or protective order of a court of this state that has been issued against such person, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, or</p> <p>(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,</p> <p>(4) knows that such person is subject to a firearms seizure order issued pursuant to subsection (d) of section 29-38c after notice and an opportunity to be heard has been provided to such person, or</p> <p>(5) is prohibited from shipping, transporting, possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the purposes of this section, "convicted" means having a judgment of conviction entered by a court of competent jurisdiction.</p> <p>(b) Criminal possession of a firearm or electronic defense weapon is a class D felony, for which two years of the sentence imposed may not be suspended or reduced by the court.</p> <p>Conn. Gen. Stat. § 53a-223b (2010) - Criminal violation of a restraining order: Class D felony</p> <p>(a) A person is guilty of criminal violation of a restraining order when</p> <p>(1) (A) a restraining order has been issued against such person pursuant to section 46b-15, or</p> <p>(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</p> <p>(2) such person, having knowledge of the terms of the order,</p> |

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| | <p>policies and procedures adopted by the Chief Court Administrator shall have access to such information. The Chief Court Administrator may grant access to such information to personnel of the Department of Public Safety, 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.</p> <p>(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 Public Safety. Nothing in this section shall be construed to permit public access to the Connecticut on-line law enforcement communications teleprocessing system.</p> <p>(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.</p> <p>(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.</p> <p>(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</p> | <p>(A) does not stay away from a person or place in violation of the order,</p> <p>(B) contacts a person in violation of the order,</p> <p>(C) imposes any restraint upon the person or liberty of a person in violation of the order, or</p> <p>(D) threatens, harasses, assaults, molests, sexually assaults or attacks a person in violation of the order.</p> <p>(b) Criminal violation of a restraining order is a class D felony.</p> |

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| | <p>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.</p> | |
| <p>Delaware</p> | <p>10 Del. C. § 1049A (2010) 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 protected individuals seeking enforcement of the order and the respondents. (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. (9) "Court" means the Family Court of the State of Delaware.</p> <p>10 Del. C. § 1049D (2010) - 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</p> | <p>10 Del. C. § 1049B (2010) - 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 (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.</p> |

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| | <p>registered, the Court shall furnish to the individual registering the order a certified copy of the registered order.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(f) A fee may not be charged for the registration of a foreign protection order.</p> | <p>(g) The Court may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and</p> <p>(2) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>10 Del. C. § 1049C (2010) - 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.</p> <p>10 Del. C. § 1049E (2010) - 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.</p> |
| <p>District of Columbia</p> | <p>D.C. Code § 16-1044 (2010) - Registration of order</p> <p>(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.</p> <p>(b) Any individual may register a foreign protection order in the District. To register a foreign protection order, an individual shall:</p> <p>(1) Present a certified copy of the order to the Superior Court; and</p> <p>(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.</p> <p>(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</p> | <p>D.C. Code § 16-1042 (2010) - Judicial enforcement of order</p> <p>(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 shall follow the procedures of the District for the enforcement of protection orders.</p> <p>(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</p> |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | <p>tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it:</p> <ol style="list-style-type: none"> (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. <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <ol style="list-style-type: none"> (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 <p>D.C. Code § 16-1005 (2010) - Hearing; evidence; protection order</p> <p>(f) Violation of any temporary or final 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, and respondent's failure to appear as required by § 16-1004(b), shall be punishable as contempt. Upon conviction, criminal contempt shall be punished by a fine not exceeding \$ 1,000 or imprisonment for not more than 180 days, or both.</p> |

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| | | <p>(g) Any person who violates any protection order issued under this subchapter, or any person who violates in the District of Columbia any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable with a misdemeanor and upon conviction shall be punished by a fine not exceeding \$ 1,000 or by imprisonment for not more than 180 days, or both.</p> <p>(g-1) Enforcement proceedings under subsections (f) and (g) of this section in which the respondent is a child as defined by § 16-2301(3) shall be governed by subchapter I of Chapter 23 of this title.</p> <p>(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.</p> <p>(i) 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.</p> <p>D.C. Code § 16-1043 (2010) - Nonjudicial enforcement of order</p> <p>(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.</p> <p>(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.</p> <p>(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</p> |

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| | | <p>subchapter.</p> <p>D.C. Code § 16-1045 (2010) - Immunity 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.</p> |
| <p>Florida</p> | <p>Fla. Stat. § 741.315 (2010) - 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, or s. 784.047 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</p> | <p>Fla. Stat. § 741.315 (4) (2010) – 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 §§ 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 respondent told petitioner he or she knows of the content of the order and date of the return hearing.</p> |

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| | <p>order of protection to any sheriff in this state and request that the 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.</p> <p>(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.</p> <p>(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).</p> | <p>2. By respondent: Respondent states under oath that he or she was or was not served with the order.</p> <p>(e) Enforcement and arrest for violation of a foreign protection order shall be consistent with the enforcement of orders issued in this state.</p> <p>(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.</p> <p>(g) Law enforcement shall not require petitioner to sign a registration affidavit as a condition of enforcement.</p> <p>(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.</p> <p>(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.</p> <p>(6) In the event 18 U.S.C. s. 2265 is held to be unconstitutional, this section shall be null and void.</p> <p>Fla. Stat. § 741.31(4) (2010) - Violation of an injunction for protection against domestic violence</p> <p>(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:</p> <ol style="list-style-type: none"> 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 |

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| | | <p>intentional unlawful threat, word, or act to do violence to the petitioner;</p> <p>5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;</p> <p>6. Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;</p> <p>7. Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or</p> <p>8. Refusing to surrender firearms or ammunition if ordered to do so by the court</p> <p>commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.</p> <p>(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.</p> <p>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.</p> <p>Fla. Stat. § 901.15 (2010)– When arrest by an officer without a warrant is lawful</p> <p>A law enforcement officer may arrest a person without a warrant when:</p> <p>(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 or s. 784.047 which violates an injunction for protection entered pursuant to s. 741.30 or s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, over the objection of the petitioner, if necessary.</p> <p>(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</p> |

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| | | 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 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. |
| Georgia | <p>O.C.G.A. § 19-13-54 (2010) - Foreign protective orders</p> <p>(a) A petitioner who obtains a valid 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.</p> <p>(b) Filing shall be without fee or cost.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | <p>O.C.G.A. § 19-13-56 (2010) - Liability of court or law enforcement personnel</p> <p>(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, to transmit information contained in protective orders, or to enter such information in the registry.</p> <p>(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.</p> |
| Guam | <p>19 GCA § 14105 (2009)</p> <p>§ 14105. Registration and Enforcement of Foreign Orders for Protection; Duties of Court Clerk.</p> <p>(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.</p> <p>(b) Any valid protection order related to abuse, or domestic or</p> | |

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| | <p>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.</p> <p>(c) The Clerk of the Superior Court shall:</p> <p>(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</p> <p>(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.</p> | |
| <p>Hawaii</p> | <p>HRS § 586-21 (2010)</p> <p>[§ 586-21.] Foreign protective orders.</p> <p>Any valid protective order, as defined in 18 U.S.C. § 2266, issued by a court or tribunal of another state, tribe, or territory of the United States 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.</p> <p>HRS § 586-22 (2010) - Valid protective order.</p> <p>(a) A protective order issued by another state, tribe, or territory shall be considered valid if:</p> <p>(1) The issuing court or tribunal had jurisdiction over the parties and matter under the laws of the state, tribe, or territory; and</p> <p>(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.</p> | <p>HRS § 586-24 (2010) - Enforcement of foreign protective orders.</p> <p>(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.</p> <p>(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.</p> <p>(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 order orders issued in this State.</p> <p>HRS § 586-25 (2010) - Good faith immunity.</p> <p>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.</p> |

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| | <p>(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. HRS § 586-23 (2010) Filing of foreign protective order; not required.</p> <p>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 the court shall not be required for enforcement of the foreign protective order in this State.</p> | <p>HRS § 586-26 (2010) - Penalties.</p> <p>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:</p> <p>(1) For a first conviction for violation of the protective order, the person shall serve a mandatory minimum jail sentence of forty-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</p> <p>(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.</p> <p>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.</p> |
| Idaho | <p>Idaho Code § 39-6306A (2) (2010) - Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (2) Definitions. As used in this section:</p> <p>(a) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(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.</p> <p>(c) "Protected individual" means an individual protected by a protection order.</p> | <p>Idaho Code § 39-6306A (3)-(4) (2010) - Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (3) Judicial Enforcement of Order.</p> <p>(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</p> |

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| | <p>(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.</p> <p>(e) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>Idaho Code § 39-6306A (5) (2010) - Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (5) Registration of Order.</p> <p>(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.</p> <p>(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.</p> <p>(c) A fee may not be charged for the registration of a foreign protection order.</p> <p>(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.</p> | <p>procedures of this state for the enforcement of protection orders.</p> <p>(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.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it:</p> <ul style="list-style-type: none"> (i) Identifies the protected individual and the respondent; (ii) Is currently in effect; (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. <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <ul style="list-style-type: none"> (i) The respondent filed a written pleading seeking a protection |

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| | | <p>order from the tribunal of the issuing state; and</p> <p>(ii) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>(4) Nonjudicial Enforcement of Order.</p> <p>(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 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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Idaho Code § 39-6306A (6) (2010) - Uniform Interstate Enforcement of Domestic Violence Protection Orders Act</p> |

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| | | <p>(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.</p> |
| <p>Illinois</p> | <p>725 ILCS 5/112A-22.5 (2010) - Filing of an order of protection issued in another state.</p> <p>(a) A person entitled to protection under an order of protection issued by the court of another state, tribe, or United States territory 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.</p> <p>(b) The clerk shall:</p> <p>(1) treat the foreign order of protection 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</p> <p>(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 Department of State Police records as set forth in Section 112A-22 of this Act [725 ILCS 5/112A-22].</p> <p>(c) Neither residence in this State nor filing of a foreign order of protection 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.</p> <p>(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.</p> | <p>750 ILCS 60/223 (2010) - Enforcement of orders of protection</p> <p>(a) When violation is crime. A violation of any order of protection, whether issued in a civil or criminal proceeding, shall be enforced by a criminal court when:</p> <p>(1) The respondent commits the crime of violation of an order of protection pursuant to Section 12-30 of the Criminal Code of 1961 [720 ILCS 5/12-30], by having knowingly violated:</p> <ul style="list-style-type: none"> (i) remedies described in paragraphs (1), (2), (3), (14), or (14.5) of subsection (b) of Section 214 of this Act [750 ILCS 60/214]; or (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3), (14), and (14.5) of subsection (b) of Section 214 of this Act [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 [720 ILCS 5/1-1 et seq.]. <p>Prosecution for a violation of an 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 order of protection; or</p> <p>(2) The respondent commits the crime of child abduction pursuant to Section 10-5 of the Criminal Code of 1961 [720 ILCS 5/10-5], by having knowingly violated:</p> <ul style="list-style-type: none"> (i) remedies described in paragraphs (5), (6) or (8) of subsection (b) of Section 214 of this Act [750 ILCS 60/214]; or (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of subsection (b) of |

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| | <p>(e) The sheriff shall inform the Department of State Police as set forth in Section 112A-28 of this Act [725 ILCS 5/112A-28]. 725 ILCS 5/112A-28 (2010) - Data maintenance by law enforcement agencies</p> <p>(a) All sheriffs shall furnish to the Department of State Police, daily, in the form and detail the Department requires, copies of any recorded orders of protection issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court pursuant to subsection (b) of Section 112A-22 of this Act [725 ILCS 5/112A-22]. Each order of protection shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court. If an emergency order of protection was issued in accordance with subsection (c) of Section 112A-17 [725 ILCS 5/112A-17], the order shall be entered in the Law Enforcement Agencies Data System as soon as possible after receipt from the clerk.</p> <p>(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded orders of protection issued or filed pursuant to 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 an order of protection of any recorded prior incident of abuse involving the abused party and the effective dates and terms of any recorded order of protection.</p> <p>(c) The data, records and transmittals required under this Section shall pertain to any valid emergency, interim or plenary order of protection, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.</p> | <p>Section 214 of this Act [750 ILCS 60/214], in a valid order of protection which is authorized under the laws of another state, tribe, or United States territory.</p> <p>(b) When violation is contempt of court. A violation of any valid Illinois order of protection, whether issued in a civil or criminal proceeding, 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 order of protection were committed, to the extent consistent with the venue provisions of this Act. Nothing in this Act shall preclude any Illinois court from enforcing any valid order of protection issued in another state. Illinois courts may enforce orders of protection 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.</p> <p>(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.</p> <p>(2) A petition for a rule to show cause for violation of an order of protection shall be treated as an expedited proceeding.</p> <p>(c) Violation of custody or support orders. A violation of remedies described in paragraphs (5), (6), (8), or (9) of subsection (b) of Section 214 of this Act [750 ILCS 60/214] may be enforced by any remedy provided by Section 611 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/611]. The court may enforce any order for support issued under paragraph (12) of subsection (b) of Section 214 [750 ILCS 5/214] in the manner provided for under Parts V and VII of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/501 et seq. and 750 ILCS 5/701 et seq.].</p> <p>(d) Actual knowledge. An order of protection may be enforced</p> |

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| | | <p>pursuant to this Section if the respondent violates the order after the respondent has actual knowledge of its contents as shown through one of the following means:</p> <p>(1) By service, delivery, or notice under Section 210 [750 ILCS 60/210].</p> <p>(2) By notice under Section 210.1 or 211 [750 ILCS 60/210.1 or 750 ILCS 60/211].</p> <p>(3) By service of an order of protection under Section 222 [750 ILCS 60/222].</p> <p>(4) By other means demonstrating actual knowledge of the contents of the order.</p> <p>(e) The enforcement of an order of protection in civil or criminal court shall not be affected by either of the following:</p> <p>(1) The existence of a separate, correlative order, entered under Section 215 [750 ILCS 60/215].</p> <p>(2) Any finding or order entered in a conjoined criminal proceeding.</p> <p>(f) Circumstances. The court, when determining whether or not a violation of an order of protection has occurred, shall not require physical manifestations of abuse on the person of the victim.</p> <p>(g) Penalties.</p> <p>(1) Except as provided in paragraph (3) of this subsection, where the court finds the commission of a crime or contempt of court under subsections (a) or (b) of this Section, the penalty shall be the penalty that generally applies in such criminal or contempt proceedings, and may include one or more of the following: incarceration, payment of restitution, a fine, payment of attorneys' fees and costs, or community service.</p> <p>(2) The court shall hear and take into account evidence of any factors in aggravation or mitigation before deciding an appropriate penalty under paragraph (1) of this subsection.</p> <p>(3) To the extent permitted by law, the court is encouraged to:</p> <p>(i) increase the penalty for the knowing violation of any order of protection over any penalty previously imposed by any court for respondent's violation of any order of protection or penal statute involving petitioner as victim and respondent as defendant;</p> <p>(ii) impose a minimum penalty of 24 hours imprisonment for</p> |

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| | | <p>respondent's first violation of any order of protection; and</p> <p>(iii) impose a minimum penalty of 48 hours imprisonment for respondent's second or subsequent violation of an order of protection unless the court explicitly finds that an increased penalty or that period of imprisonment would be manifestly unjust.</p> <p>(4) In addition to any other penalties imposed for a violation of an order of protection, a criminal court may consider evidence of any violations of an order of protection:</p> <p>(i) to increase, revoke or modify the bail bond on an underlying criminal charge pursuant to Section 110-6 of the Code of Criminal Procedure of 1963 [725 ILCS 5/110-6];</p> <p>(ii) to revoke or modify an order of probation, conditional discharge or supervision, pursuant to Section 5-6-4 of the Unified Code of Corrections [730 ILCS 5/5-6-4];</p> <p>(iii) to revoke or modify a sentence of periodic imprisonment, pursuant to Section 5-7-2 of the Unified Code of Corrections [730 ILCS 5/5-7-2].</p> <p>(5) In addition to any other penalties, the court shall impose an additional fine of \$ 20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections [730 ILCS 5/5-9-1.11] upon any person convicted of or placed on supervision for a violation of an order of protection. The additional fine shall be imposed for each violation of this Section.</p> <p>720 Ill. Comp. Stat. 5/12-30 (2010) - Violation of an order of protection</p> <p>(a) A person commits violation of an order of protection if:</p> <p>(1) He or she commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:</p> <p>(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],</p> <p>(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 [750 ILCS 60/214], in a valid order of protection, which is</p> |

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| | | <p>authorized under the laws of another state, tribe or United States territory,</p> <p>(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</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(b) For purposes of this Section, an "order of protection" may have been issued in a criminal or civil proceeding.</p> <p>(c) 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.</p> <p>(d) Violation of an order of protection under subsection (a) of this Section is a Class A misdemeanor. Violation of an order of protection under subsection (a) of this Section 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 12-30) [720 ILCS 5/12-30]. Violation of an order of protection is a Class 4 felony if the defendant has any prior</p> |

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| | | <p>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 12-4) [720 ILCS 5/12-4], heinous battery (Section 12-4.1) [720 ILCS 5/12-4.1], aggravated battery with a firearm (Section 12-4.2) [720 ILCS 5/12-4.2], aggravated battery of a child (Section 12-4.3 [720 ILCS 5/12-4.3]), aggravated battery of an unborn child (Section 12-4.4 [720 ILCS 5/12-4.4]), aggravated battery of a senior citizen (Section 12-4.6) [720 ILCS 5/12-4.6], 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 12-13 [720 ILCS 5/12-13]), aggravated criminal sexual assault (12-14 [720 ILCS 5/12-14]), 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 12-14.1 [720 ILCS 5/12-14.1]), aggravated criminal sexual abuse (Section 12-16 [720 ILCS 5/12-16]), 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], or aggravated discharge of a firearm (Section 24-1.2 [720 ILCS 5/24-1.2]), 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 under Section 5-5-6 of the Unified Code of Corrections. [730 ILCS 5/5-5-6] In addition to any other penalties, including those imposed by Section 5-9-1.5 of the Unified Code of Corrections [730 ILCS 5/5-9-1.5], the court shall impose an additional fine of \$ 20 as authorized by Section 5-9-1.11 of the Unified Code of Corrections [730 ILCS 5/5-9-1.11] upon any person convicted of or placed on supervision for a violation of this Section. The additional fine shall be imposed for each violation of this Section.</p> |

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| | | (e) 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. |
| Indiana | <p>Ind. Code Ann. § 34-6-2-121.6 (2010) 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:</p> <ul style="list-style-type: none"> (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; <p>another person, including temporary and final orders issued by civil and criminal courts.</p> <p>(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.</p> <p>(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.</p> <p>Ind. Code § 34-26-5-17 (2010) - Foreign protection orders (a) A foreign protection order is facially valid if it:</p> <ul style="list-style-type: none"> (1) identifies the protected person and the respondent; (2) is currently in effect; | <p>Ind. Code Ann. § 34-26-5-17 (f)-(g) (2010) - Foreign protection orders (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.</p> <p>(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; (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.</p> <p>Ind. Code Ann. § 35-46-1-20 (2010) – Enforcement of foreign protection order A law enforcement officer shall enforce a foreign protection order (as defined in IC 34-6-2-48.5) in conformity with the procedures in IC 34-26-5-17.</p> |

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| | <p>(3) was issued by a state or tribal court with jurisdiction over the:</p> <ul style="list-style-type: none"> (A) parties; and (B) subject matter; <p>under the law of the issuing state or Indian tribe; and</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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 a written pleading for protection against a family or household member, unless:</p> <ul style="list-style-type: none"> (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. <p>(e) Registration or filing of a foreign protection order is not a prerequisite to enforcement of the order in Indiana, and a</p> | |

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| | <p>protection order that is consistent with this section shall be accorded full faith 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 division of state court 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.</p> | |
| Iowa | <p>Iowa Code § 236.19 (2010) - Foreign protective orders -- registration – enforcement</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> | <p>Iowa Code § 236.19 (4) (2010) - Foreign protective orders – registration -- enforcement</p> <p>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.</p> <p>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.</p> <p>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.</p> |

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| | <p>whose favor the order was entered.</p> <p>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.</p> <p>b. A foreign protective order is valid if it meets all of the following:</p> <p>(1) The order states the name of the protected individual and the individual against whom enforcement is sought.</p> <p>(2) The order has not expired.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>5. Filing and service costs in connection with foreign protective orders are waived as provided in section 236.3.</p> | |
| Kansas | <p>K.S.A. § 21-3843 (2009) - Violation of a protective order</p> <p>(a) Violation of a protective order is knowingly or intentionally violating:</p> <p>(1) A protection from abuse order issued pursuant to K.S.A. 60-3105, 60-3106 and 60-3107, and amendments thereto;</p> <p>(2) a protective order issued by a court or tribunal of any state or Indian tribe that is consistent with the provisions of 18 U.S.C. 2265, and amendments thereto;</p> <p>(3) a restraining order issued pursuant to K.S.A. 2009 Supp. 38-2243, 38-2244 and 38-2255 and K.S.A. 60-1607, and amendments thereto;</p> | <p>K.S.A. § 60-31b03 (2009)– Judicial Enforcement of Order</p> <p>(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.</p> <p>(b) A court of this state may not enforce a foreign protection order</p> |

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| | <p>(4) an order issued in this or any other state as a condition of pretrial release, diversion, probation, suspended sentence, postrelease supervision or at any other time during the criminal case that orders the person to refrain from having any direct or indirect contact with another person;</p> <p>(5) an order issued in this or any other state as a condition of release after conviction or as a condition of a supersedeas bond pending disposition of an appeal, that orders the person to refrain from having any direct or indirect contact with another person; or</p> <p>(6) a protection from stalking order issued pursuant to K.S.A. 60-31a05 or 60-31a06, and amendments thereto.</p> <p>(c) No protective order, as set forth in this section, shall be construed to prohibit an attorney, or any person acting on the attorney's behalf, who is representing the defendant in any civil or criminal proceeding, from contacting the protected party for a legitimate purpose within the scope of the civil or criminal proceeding. The attorney, or person acting on the attorney's behalf, shall be identified in any such contact.</p> <p>(d) Violation of a protective order is a class A person misdemeanor.</p> <p>Kan. Stat. Ann. § 60-3112 (2009) Entering protection orders into the national criminal information center protection order file.</p> <p>(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</p> | <p>issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of that order.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it:</p> <ol style="list-style-type: none"> (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 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. <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(g) A court of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <ol style="list-style-type: none"> (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. <p>K.S.A. § 60-31b04 (2009)– Nonjudicial enforcement of order</p> <p>(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</p> |

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| | <p>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 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.</p> <p>(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:</p> <ol style="list-style-type: none"> (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. <p>(c) This section shall be part of and supplemental to the protection from abuse act.</p> <p>K.S.A. § 60-31b02 (2009) Definitions. In this act, these terms mean the following:</p> <p>(a) "Foreign protection order" means a protection order issued by a tribunal of another state.</p> | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>K.S.A. § 60-31b06 (2009)– 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.</p> |

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| | <p>(b) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(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.</p> <p>(d) "Protected individual" means an individual protected by a protection order.</p> <p>(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.</p> <p>(f) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>(h) "Tribunal" means a court, agency or other entity authorized by law to issue or modify a protection order.</p> <p>K.S.A. § 60-31b05 (2009)– Registration of order</p> <p>(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.</p> | |

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| | <p>(b) A fee shall not be charged for the registration of a foreign protection order.</p> <p>(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.</p> <p>K.S.A. § 60-31b07 (2009)– Other remedies A protected individual who pursues remedies under this act is not precluded from pursuing other legal or equitable remedies against the respondent.</p> <p>K.S.A. § 60-31b08 (2009)– 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.</p> <p>K.S.A. § 60-31b09 (2009)– 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.</p> | |
| Kentucky | <p>KRS §403.7521 (2010) - Foreign protective orders -- Filing -- Affidavit certifying validity -- Uncertified orders</p> <p>(1) In KRS 403.715 to 403.785, "foreign protective order" means any judgment, decree, or order of protection issued by a court of a state of the United States or of any other court which is entitled to full faith and credit in this state pursuant to 18 U.S.C. sec. 2265.</p> <p>(2) A copy of any foreign protective order entitled to full faith and credit in this state in accordance with the Act of Congress or the statutes of this state may be filed in the office of the clerk of any</p> | <p>KRS §403.7529 (2010) - Presumption of validity -- Enforcement by peace officer</p> <p>(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.</p> <p>(2) All peace officers shall treat a foreign protective order as a legal document, valid in Kentucky, and shall make arrests for a violation</p> |

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| | <p>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 emergency protective order issued by a court of this state.</p> <p>(3) (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. Knowingly making a false statement in an affidavit required by this subsection shall be a violation of KRS 523.030.</p> <p>(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.</p> <p>(4) (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 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.</p> <p>(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 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 emergency protective order but shall be subject to verification by the circuit clerk. The order shall be valid for a period</p> | <p>thereof in the same manner as for a violation of an emergency protective order or domestic violence order issued in Kentucky.</p> <p>(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 conduct being complained of. Officers acting in good faith shall be immune from criminal and civil liability.</p> <p>(4) In the event that 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.</p> <p>KRS §403.7527 (2010) - Enforcement of foreign protective orders</p> <p>A court of this state shall enforce a foreign protective order authenticated pursuant to KRS 403.737, 403.7521, and 403.7524, including an order which grants relief to a person who is not eligible for a protective order in this state. A court of this state shall enforce all provisions of a foreign protective order including provisions which grant relief that is not available in this state. Any foreign protective order that has been properly authenticated and that comes within the purview of KRS 403.7524 shall be effective for the period of time fixed by the issuing court.</p> <p>KRS §403.7539 (2010) - Civil and criminal proceedings for violations of foreign protective orders</p> <p>(1) 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.</p> <p>(2) If criminal proceedings for violation of a foreign protective order are undertaken, the following shall apply:</p> |

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| | <p>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 emergency protective order of this state 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.</p> <p>(c) Upon the filing of an uncertified 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 foreign order shall be grounds for the issuance of a domestic violence order.</p> <p>(d) If the clerk has not received a certified copy of the foreign 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 order will be extended for another fourteen (14) days, but will be dismissed at that time. If the clerk informs the judge in writing that the certified foreign order has been requested but has not yet been received, the judge shall extend the emergency protective order for a period of fourteen (14) days. If certification of the foreign order is not received within twenty-eight (28) days, the emergency protective order shall expire and shall not be reissued. If the applicant meets the qualifications for the issuance of a Kentucky emergency protective order or a Kentucky domestic violence order, the court may, upon proper application and showing of evidence, be issued a Kentucky order in accordance with the provisions of KRS 403.715 to 403.785.</p> <p>(5) Notwithstanding any provision to the contrary, a person filing a foreign protective order shall not be required to pay a fee or other costs in conjunction with the filing or other matters associated with the authentication of the order.</p> <p>(6) The right of a person filing a foreign protective order to bring an action to enforce the order instead of proceeding under KRS</p> | <p>(a) A person is guilty of violation of a foreign protective order when the person intentionally violates the provisions of a foreign protective order properly authenticated, or filed and awaiting authentication, pursuant to KRS 403.7521 and 403.7524.</p> <p>(b) Violation of a foreign protective order is a violation of KRS 403.763.</p> <p>(3) If civil proceedings for violation of a foreign protective order are undertaken, intentional violation of the foreign protective order by the person against whom it was issued shall constitute contempt of court.</p> <p>KRS §403.7531 (2010) - Clearing of foreign protective orders from Law Information Network of Kentucky. A foreign protective order which has been entered into the Law Information Network of Kentucky shall be forthwith cleared as an active record from the computer system when:</p> <p>(1) The order expires according to the terms contained therein;</p> <p>(2) A Kentucky court notifies the Law Information Network of Kentucky that a foreign protective order has been dismissed, either by court order or entry of notification by a circuit clerk; or</p> <p>(3) A circuit clerk notifies the Law Information Network of Kentucky that a foreign protective order tendered to the clerk has not been authenticated in the time period specified in KRS 403.7521.</p> <p>KRS §403.7535 (2010) - Changes in orders – Notification. (1) A person who has tendered a foreign protective order to a court in Kentucky is under a continuing obligation to inform the court to which the foreign protective order was tendered of any expiration of the order, vacation of the order, modification of the provisions of the order, or other change in the order which the person tendering the order has received from the issuing foreign court. (2) A person who has tendered a foreign protective order to a court in Kentucky shall, within two (2) working days of the happening of any event specified in subsection (1) of this section, notify the clerk of the court in which the foreign protective order was tendered of the</p> |

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| | <p>403.715 to 403.785 remains unimpaired.</p> <p>KRS §403.7524 (2010) - Authentication of foreign protective orders. (1) Upon ex parte review of the foreign protective order and the affidavit filed pursuant to KRS 403.725, 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 direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with, if applicable. (3) If the court declares the order to be authenticated, the court shall order its enforcement in any county of the Commonwealth in the same manner as a domestic violence order of this state issued pursuant to KRS 403.7521. Officers acting in good faith shall be immune from criminal and civil liability. (4) 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.</p> <p>KRS §403.737 (2010) - Forms for documents entered into Law Information Network of Kentucky. All forms, affidavits, emergency protective orders, domestic violence orders, orders amending an existing protective order, or other orders issued pursuant to KRS 403.715 to 403.785, or the laws of another jurisdiction which are entitled to full faith and credit in Kentucky pursuant to the provisions of 18 U.S.C. sec. 2265, which require entry into the Law Information Network of Kentucky shall be entered on forms prescribed by the Administrative Office of the Courts after consultation with the Justice and Public Safety Cabinet. If the provisions of a protective order are contained in an order which is narrative in nature, the prescribed form shall be used in addition to the narrative order.</p> <p>KRS §403.751 (2010) - Statement to assist out-of-state court in determining whether protective order is entitled to full faith and credit .</p> | <p>fact of the changed order and present the clerk with a copy of the order for authentication as provided in KRS 403.7521 or 403.7524. The clerk shall forthwith 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 the provisions of this section. (4) Intentional failure of a person who has tendered 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.</p> <p>KRS §403.765 (2010) - Certification of existence of domestic violence protective orders - Efficacy of existing orders. If, following the entry of an order authorized by KRS 403.740 or 403.750, or the authentication of a foreign protective order pursuant to KRS 403.737, 403.7521, 403.7524, 403.7527, 403.7529, 403.7531, or 403.7535, the petitioner or the adverse party initiate an action in the Circuit Court under the provisions of this chapter, the party filing the petition shall certify the existence and status of any domestic violence protective orders. Unless the Circuit Court issues and serves an order pertaining to the same subject matter of any existing domestic violence order, orders of the District Court or the issuing court shall remain in effect and shall be enforced in either District or Circuit Court.</p> <p>KRS §403.770 (2010) - Nonpublication of petitioner's and minor children's addresses -- Forwarding of orders to Law Information Network of Kentucky and other agencies. (1) The court, when issuing an emergency protective order, when authenticating a foreign protective order, or when causing the issuance of a summons, shall order the omission or deletion of the petitioner's address, and the address of any minor children from any documents to be made available to the public, or to the person or persons who engaged in the alleged act or acts of domestic violence</p> |

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| | <p>In order to assist a court of another state in determining whether a protective order issued in this state is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265, all protective orders issued pursuant to KRS 403.715 to 403.785 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. In the case of ex parte emergency protective orders issued pursuant to KRS 403.740, the statement shall certify 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. The Administrative Office of the Courts shall prescribe the form to be used for this purpose.</p> | <p>and abuse.</p> <p>(2) The circuit clerk, in cooperation with the court shall cause a copy of each summons or order issued pursuant to KRS 403.740, 403.745, or 403.750, or foreign protective order, fully completed, authenticated pursuant to KRS 403.737, 403.7521, 403.7524, 403.7527, 403.7529, 403.7531, or 403.7535, to be 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 domestic violence records 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.</p> <p>(3) Each agency designated for entry of summonses and orders issued pursuant to the provisions of KRS 403.740, 403.745, or 403.750, or foreign protective order authenticated pursuant to KRS 403.737, 403.7521, 403.7524, 403.7527, 403.7529, 403.7531, or 403.7535, 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.</p> <p>(4) A copy of the petition and each order issued pursuant to KRS 403.740 and 403.750 shall be certified and forwarded by the circuit clerk, within twenty-four (24) hours to the circuit clerk in the usual county of residence and county where the petitioner and minor children, if any, currently reside.</p> <p>KRS §403.771 (2010) - Printout of foreign orders -- Annual validation.</p> <p>For validation purposes the Law Information Network of Kentucky shall provide the Circuit Court clerk with a printout of foreign orders. The clerk shall validate each order annually by contacting the original issuing court or jurisdiction. If the clerk has not received information from the foreign jurisdiction within thirty-one (31) days</p> |

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| | | the clerk shall cause orders not validated within thirty-one (31) days to be cleared from the Law Information Network of Kentucky. |
| Louisiana | <p>La. R.S. 46:2136 (2010) Protective orders; content; modification; service</p> <p>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:</p> <p>(1) The parties enter into a consent agreement.</p> <p>(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.</p> <p>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.</p> <p>La. R.S. 14:79 (A)(2)-(A)(3) (2010) - Violation of protective orders.</p> <p>(A)</p> <p>(2) Violation of protective orders shall also include the willful disobedience of an order of protection issued by a foreign state.</p> <p>(3) Violation of protective orders shall also include the willful disobedience of the following:</p> <p>(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.</p> <p>(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,</p> | <p>La. R.S. 14:79 (E)-(F) (2010) - Violation of protective orders.</p> <p>E. Law enforcement officers shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce a preliminary or permanent injunction or protective order obtained pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1, 335.1 and 871.1 after a contradictory court hearing, or to enforce a temporary restraining order or ex parte protective order issued pursuant to R.S. 9:361, R.S. 9:372, R.S. 46:2131 et seq., R.S. 46:2151, Children's Code Article 1564 et seq., Code of Civil Procedure Articles 3604 and 3607.1, or Code of Criminal Procedure Articles 327.1 and 335.1 if the defendant has been given notice of the temporary restraining order or ex parte protective order by service of process as required by law.</p> <p>F. This Section shall not be construed to limit the effect of any other criminal statute or civil remedy.</p> |

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| | <p>federal, parish, municipal, or city criminal offense stay away from any specific person as a condition of that defendant's release on probation.</p> <p>(c) A condition of a parole release which requires that the parolee stay away from any specific person.</p> <p>La. R.S.13:4248 (2010) - Foreign protective orders</p> <p>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.</p> <p>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.</p> <p>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.</p> | |
| Maine | <p>15 M.R.S. § 321 (6) (2009) - Protective orders in crimes between family members</p> <p>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.</p> | <p>19-A M.R.S. § 4011 (2009) - Violation</p> <p>1. CRIME COMMITTED. Except as provided in subsections 2 and 4, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:</p> <p>A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or</p> <p>B. A court-approved consent agreement.</p> <p>2. EXCEPTION. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraphs H to N, the violation must be treated as contempt and punished in accordance with law.</p> <p>3. WARRANTLESS ARREST. Notwithstanding any statutory</p> |

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| | | <p>provision to the contrary, an arrest for criminal violation of an order or consent agreement 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.</p> <p>4. RECKLESS CONDUCT; ASSAULT. A defendant who violates a protective order issued pursuant to section 4007 through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.</p> <p>5 M.R.S. § 4659 Ann. (2009) - Violation</p> <p>1. CRIME COMMITTED. Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a court-approved consent agreement, when the defendant has prior actual notice of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F. Violation of these paragraphs must be treated as contempt and punished in accordance with law.</p> <p>2. WARRANTLESS ARREST. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation as defined in this section of an order or consent agreement may be made 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.</p> <p>17-A Me. Rev. Stat. §506-B (2009) Violation of protective order</p> <p>1. Violation of a protection from harassment order issued under Title 5, section 4654 or 4655, subsection 1, paragraphs A to C-1, is a Class D crime as provided in Title 5, section 4659, subsection 1.</p> <p>2. Violation of a protective order in crimes between family members</p> |

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| | | <p>issued under Title 15, section 321 is a Class D crime as provided in Title 15, section 321, subsection 6.</p> <p>3. Violation of a protection from abuse order issued under Title 19-A, section 4006 or 4007, subsection 1, paragraphs A to G, is a Class D crime as provided in Title 19-A, section 4011, subsection 1 or a Class C crime as provided in Title 19-A, section 4011, subsection 4.</p> |
| <p>Maryland</p> | <p>Md. FAMILY LAW Code Ann. § 4-508.1 (2010) - Out-of-state protective orders</p> <p>(a) "Order for protection" defined. --</p> <p>(1) In this section, "order for protection" means a temporary or final order or injunction that:</p> <p>(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;</p> <p>(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</p> <p>(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.</p> <p>(2) "Order for protection" does not include a support or child custody order.</p> <p>(b) Full faith and credit. -- 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:</p> <p>(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</p> <p>(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.</p> <p>(c) Duty to arrest. -- A law enforcement officer shall arrest with or without a warrant and take into custody a person whom 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:</p> <p>(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the</p> | <p>Md. CRIMINAL PROCEDURE Code Ann. § 5-202 (2010) - Restrictions on pretrial release</p> <p>(c) Crimes of violence. --</p> <p>(1) A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted:</p> <p>(i) in this State of a crime of violence; or</p> <p>(ii) in any other jurisdiction of a crime that would be a crime of violence if committed in this State.</p> <p>(2) (i) A judge may authorize the pretrial release of a defendant described in paragraph (1) of this subsection on:</p> <ol style="list-style-type: none"> 1. suitable bail; 2. any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or 3. both bail and other conditions described under item 2 of this subparagraph. <p>(ii) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.</p> <p>(3) There is a rebuttable presumption that a defendant described in paragraph (1) of this subsection will flee and pose a danger to another person or the community.</p> <p>(e) Violators of ex parte orders or orders for protection. --</p> <p>(1) A District Court commissioner may not authorize the pretrial release of a defendant charged with violating:</p> <p>(i) the provisions of a temporary protective order described in § 4-505(a)(2)(i) of the Family Law Article or the provisions of a</p> |

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| | <p>order; or</p> <p>(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.</p> <p>(d) Officer immunity. -- 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.</p> | <p>protective order described in § 4-506(d)(1) of the Family Law Article that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief; or</p> <p>(ii) the provisions of an order for protection, as defined in § 4-508.1 of the Family Law Article, issued by a court of another state or of a Native American tribe that order the defendant to refrain from abusing or threatening to abuse a person eligible for relief, if the order is enforceable under § 4-508.1 of the Family Law Article.</p> <p>(2) A judge may allow the pretrial release of a defendant described in paragraph (1) of this subsection on:</p> <p>(i) suitable bail;</p> <p>(ii) any other conditions that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or</p> <p>(iii) both bail and other conditions described under item (ii) of this paragraph.</p> <p>(3) When a defendant described in paragraph (1) of this subsection is presented to the court under Maryland Rule 4-216(f), the judge shall order the continued detention of the defendant if the judge determines that neither suitable bail nor any condition or combination of conditions will reasonably ensure that the defendant will not flee or pose a danger to another person or the community before the trial.</p> <p>Md. FAMILY LAW Code Ann. § 4-505 (a)(2) (2010) - 4-505. Temporary protective orders (Abrogation of amendment effective December 31, 2011.)</p> <p>(2) The temporary protective order may order any or all of the following relief:</p> <p>(i) order the respondent to refrain from further abuse or threats of abuse of a person eligible for relief;</p> <p>(ii) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief;</p> <p>(iii) order the respondent to refrain from entering the residence of a person eligible for relief;</p> <p>(iv) where the person eligible for relief and the respondent are residing together at the time of the alleged abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or in</p> |

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| | | <p>the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has resided in the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;</p> <p>(v) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;</p> <p>(vi) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;</p> <p>(vii) award temporary custody of a minor child of the person eligible for relief and the respondent; and</p> <p>(viii) order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the temporary protective order if the abuse consisted of:</p> <ol style="list-style-type: none"> 1. the use of a firearm by the respondent against a person eligible for relief; 2. a threat by the respondent to use a firearm against a person eligible for relief; 3. serious bodily harm to a person eligible for relief caused by the respondent; or 4. a threat by the respondent to cause serious bodily harm to a person eligible for relief. <p>Md. FAMILY LAW Code Ann. § 4-506 (d) (2010) - Protective orders</p> <p>(d) Contents. -- The final protective order may include any or all of the following relief:</p> <ol style="list-style-type: none"> (1) order the respondent to refrain from abusing or threatening to abuse any person eligible for relief; (2) order the respondent to refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) order the respondent to refrain from entering the residence of |

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| | | <p>any person eligible for relief;</p> <p>(4) where the person eligible for relief and the respondent are residing together at the time of the abuse, order the respondent to vacate the home immediately and award temporary use and possession of the home to the person eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award temporary use and possession of the home to an adult living in the home, provided that the court may not grant an order to vacate and award temporary use and possession of the home to a nonspouse person eligible for relief unless the name of the person eligible for relief appears on the lease or deed to the home or the person eligible for relief has shared the home with the respondent for a period of at least 90 days within 1 year before the filing of the petition;</p> <p>(5) order the respondent to remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members;</p> <p>(6) order the respondent to remain away from a child care provider of a person eligible for relief while a child of the person is in the care of the child care provider;</p> <p>(7) award temporary custody of a minor child of the respondent and a person eligible for relief;</p> <p>(8) establish temporary visitation with a minor child of the respondent and a person eligible for relief on a basis which gives primary consideration to the welfare of the minor child and the safety of any other person eligible for relief. If the court finds that the safety of a person eligible for relief will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of any person eligible for relief;</p> <p>(9) award emergency family maintenance as necessary to support any person eligible for relief to whom the respondent has a duty of support under this article, including an immediate and continuing withholding order on all earnings of the respondent in the amount of the ordered emergency family maintenance in accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;</p> <p>(10) award temporary use and possession of a vehicle jointly owned by the respondent and a person eligible for relief to the person eligible for relief if necessary for the employment of the</p> |

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| | | <p>person eligible for relief or for the care of a minor child of the respondent or a person eligible for relief;</p> <p>(11) direct the respondent or any or all of the persons eligible for relief to participate in professionally supervised counseling or a domestic violence program; or</p> <p>(12) order the respondent to pay filing fees and costs of a proceeding under this subtitle.</p> <p>Md. Courts and Judicial Proceedings Code Ann. § 5-610.1 (2010) Law enforcement officer enforcing out-of-state order for protection from domestic violence</p> <p>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.</p> <p>Md. FAMILY LAW Code Ann. § 4-508. (2010) Sanctions for violating order</p> <p>(a) In general. -- An interim protective order, temporary protective order, and final protective order issued under this subtitle shall state that a violation of the order may result in:</p> <p>(1) criminal prosecution; and</p> <p>(2) imprisonment or fine or both.</p> <p>(b) Contempt. -- A temporary protective order and final protective order issued under this subtitle shall state that a violation of the order may result in a finding of contempt.</p> |
| Massachusetts | <p>ALM GL ch. 209A §1 (2010) - Definitions</p> <p>"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.</p> <p>ALM GL ch. 209A §5A (2010) - Protection Orders Issued By</p> | <p>ALM GL ch. 209A §6 (7) (2010) - Powers and Duties of Law Officers; Notice of Rights</p> <p>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:</p> <p>(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,</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> | <p>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:</p> <ul style="list-style-type: none"> (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. |
| Michigan | <p>MCLS §600.2950h (2010) - Definitions As used in this section and sections 2950i, 2950j, 2950k, 2950l, and 2950m:</p> <p>(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</p> | <p>MCLS §600.2950i (2010) - Foreign protection order; validity; affirmative defenses</p> <p>(1) A foreign protection order is valid if all of the following conditions are met:</p> <ul style="list-style-type: none"> (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 |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>MCLS § 600.2950 (2010) - Personal protection order; restraining or enjoining spouse, former spouse, individual with child in common, individual in dating relationship, or person residing or having resided in same household from certain conduct; respondent required to carry concealed weapon; omitting address of residence from documents; issuance, contents, effectiveness, duration, and service of personal protection order; entering order into L.E.I.N.; notice; failure to comply with order; false statement to court; enforcement; minor; definitions</p> <p>(9) A personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge. Upon service, a personal protection order may also be enforced by another state, an Indian tribe, or a territory of the United States.</p> <p>(11) A personal protection order shall include all of the following, and to the extent practicable the following shall be contained in a single form:</p> <p>(a) A statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:</p> <p>(iii) If the respondent violates the personal protection order in a jurisdiction other than this state, the respondent is subject to the enforcement procedures and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation</p> | <p>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.</p> <p>(2) All of the following may be affirmative defenses to any charge or process filed seeking enforcement of a foreign protection order:</p> <p>(a) Lack of jurisdiction by the issuing court over the parties or subject matter.</p> <p>(b) Failure to provide notice and opportunity to be heard.</p> <p>(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.</p> <p>MCLS §600.2950j (2010) - Foreign protection order; subject to full faith and credit and enforcement; child custody or support provision</p> <p>(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.</p> <p>(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.</p> <p>MCLS § 600.2950k (2010) - Foreign protection order; issuance against petitioner and respondent; conditions; "spouse or intimate partner" defined</p> <p>(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.</p> <p>(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:</p> <p>(a) The respondent filed a cross- or counter-petition, complaint, or</p> |

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| | <p>occurred.</p> <p>(b) A statement that the personal protection order is effective and immediately enforceable anywhere in this state when signed by a judge, and that, upon service, a personal protection order also may be enforced by another state, an Indian tribe, or a territory of the United States.</p> | <p>other written pleading seeking the foreign protection order.</p> <p>(b) The issuing court made specific findings against both the petitioner and the respondent and determined that each party was entitled to relief.</p> <p>(3) For purposes of this section, "spouse or intimate partner" means all of the following:</p> <ul style="list-style-type: none"> (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. <p>MCLS §600.2950I (2010) - Foreign protection order</p> <p>(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 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.</p> <p>(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.</p> <p>(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:</p> <ul style="list-style-type: none"> (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. |

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| | | <p>(e) The signature of or on behalf of a judicial officer.</p> <p>(f) No obvious indication that the order is invalid, such as an expiration date that is before the date enforcement is sought.</p> <p>(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 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.</p> <p>(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:</p> <ul style="list-style-type: none"> (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. <p>(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).</p> <p>(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</p> |

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| | | <p>law.</p> <p>(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 XIIA 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.</p> <p>(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 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.</p> <p>(10) A law enforcement officer, prosecutor, or court personnel acting in good faith are immune from civil and criminal liability in any action</p> |

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| | | <p>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.</p> <p>MCLS §600.2950m (2010) - 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.</p> <p>MCLS §764.15b (5)-(6) (2010) - Arrest without warrant for violation of personal protection order; answering to charge of contempt; hearing; bond; show cause order; jurisdiction to conduct contempt proceedings; prosecution of criminal contempt; prohibited actions by court; definitions (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 pursuant to 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</p> |

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| | | <p>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 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.</p> <p>(9) As used in this section:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>MCLS § 764.15c (5) (2010) - 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</p> <p>(5) As used in this section:</p> <p>(a) "Dating relationship" means that term as defined in section 2950 of the revised judicature act of 196, 1961 PA 236, MCL 600.2950.</p> <p>(b) "Domestic violence incident" means an incident reported to a law enforcement agency involving allegations of 1 or both of the following:</p> <p>(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.</p> <p>(c) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.</p> <p>(d) "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</p> |

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| | | <p>600.2950i.</p> <p>MCLS § 769.1f (2010) - 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</p> <p>(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 for an emergency response and expenses for prosecuting the person, as provided in this section:</p> <p>(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.</p> <p>MCLS. § 776.22 (2010) - Domestic violence calls; development, implementation, and evaluation of written policies and standards by police agencies; definitions</p> <p>(5) As used in this section:</p> <p>(a) "Foreign protection order" means that term as defined in section 2950h of the revised judiciary act of 1961, 1961 PA 236, MCL 600.2950h.</p> <p>(b) "Valid foreign protection order" means 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.</p> |
| Minnesota | <p>Minn. Stat. §518B.01 (2010)-Subd. 19a Entry and enforcement of foreign protective orders.</p> <p>(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 temporary or permanent order or protective order to exclude a respondent from</p> | <p>Minn. Stat. §518B.01 (2010) - Subd. 14. Violation of an order for protection</p> <p>(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).</p> <p>(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or</p> |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(d) The court administrator shall provide copies of the order as required by this section.</p> <p>(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.</p> <p>(f) A foreign protective order is presumed valid if it meets all of the following:</p> <ol style="list-style-type: none"> (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. <p>(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any</p> | <p>pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, or United States territories, 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 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.</p> <p>Minn. Stat. §518.01 (2010)-Subd. 22 Domestic abuse no contact order.</p> <p>(a) A domestic abuse no contact order is an order issued by a court against a defendant in a criminal proceeding for:</p> <ol style="list-style-type: none"> (1) domestic abuse; (2) harassment or stalking charged under section 609.749 and committed against a family or household member; (3) violation of an order for protection charged under subdivision 14; or (4) violation of a prior domestic abuse no contact order charged under this subdivision. <p>It includes pretrial orders before final disposition of the case and probationary orders after sentencing.</p> <p>(b) A person who knows of the existence of a domestic abuse no contact order issued against the person and violates the order is guilty of a misdemeanor.</p> <p>(c) A person is guilty of a gross misdemeanor who knowingly 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 as provided in section 518B.02. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this</p> |

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| | <p>action seeking enforcement of the order.</p> <p>(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 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.</p> <p>(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.</p> <p>(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.</p> <p>(k) Filing and service costs in connection with foreign protective orders are waived.</p> | <p>paragraph for gross misdemeanor convictions.</p> <p>(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 knowingly 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 court must impose and execute the minimum sentence provided in this paragraph for felony convictions.</p> <p>(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 a domestic abuse no contact order, 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 person 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.</p> |
| Mississippi | <p>Miss. Code Ann. § 93-21-16 (2010) - Full faith and credit for certain protective orders issued in other jurisdictions</p> <p>(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 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.</p> <p>(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</p> | <p>Miss. Code Ann. § 93-22-5 (2010) - Judicial enforcement of order</p> <p>(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</p> |

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| | <p>of Section 93-22-7.</p> <p>(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.</p> <p>Miss. Code Ann. § 93-22-3 (2010) - Definitions The following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:</p> <p>(a) “Foreign protection order” means a protection order issued by a tribunal of another state.</p> <p>(b) “Issuing state” means the state whose tribunal issues a protection order.</p> <p>(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.</p> <p>(d) “Protected individual” means an individual protected by a protection order.</p> <p>(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.</p> | <p>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.</p> <p>(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.</p> <p>(3) A tribunal of this state may not enforce under this chapter an order or provision of an order with respect to support.</p> <p>(4) A protection order is valid if it:</p> <p>(a) Identifies the protected individual and the respondent;</p> <p>(b) Is in effect at the time enforcement is being sought;</p> <p>(c) Was issued by a tribunal that had jurisdiction over the parties and matter under the law of the issuing state; and</p> <p>(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.</p> <p>(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</p> |

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| | <p>(f) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>(h) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>Miss. Code Ann. § 93-22-9 (2010) - Registration of order (1) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:</p> <p>(a) Present a certified copy of the order to the chancery clerk's office of any county in this state; or</p> <p>(b) Present a certified copy of the order to the Department of Human Services and request that the order be registered.</p> <p>(2) Upon receipt of a protection order, the chancery clerk shall register the order in accordance with this section. After the order is registered, the chancery clerk shall furnish to the individual registering the order a certified copy of the registered order.</p> <p>(3) The Department of Human Services shall be responsible for the registration of foreign protection orders, and it 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 in effect at the time of registration shall be corrected or removed from the registry in accordance with the law of this</p> | <p>face.</p> <p>(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.</p> <p>(7) A tribunal of this state may enforce the provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(a) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and</p> <p>(b) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>Miss. Code Ann. § 93-22-7 (2010) - 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 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.</p> <p>(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</p> |

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| | <p>state.</p> <p>(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 in effect at the time of the registration.</p> <p>(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.</p> <p>Miss. Code Ann. § 93-22-13 (2010) - Transitional provision This chapter applies to any protection order issued before July 1, 2004, including any continuing action for enforcement of a foreign protection order commenced before July 1, 2004. A request for enforcement of a foreign protection order brought on or after July 1, 2004 for violations of a foreign protection order occurring before July 1, 2004, is governed by the provisions of this chapter.</p> | <p>exists.</p> <p>(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.</p> <p>(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.</p> <p>Miss. Code Ann. § 93-22-11 (2010) - 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 is done in good faith in an effort to comply with this chapter.</p> |
| Missouri | <p>R.S. Mo. §455.067 (2010) - Order of protection issued by other jurisdiction, full faith and credit--registration and modification of foreign order of protection</p> <p>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</p> | <p>§455.085 R.S. Mo. (2010) Arrest for violation of order -- penalties -- good faith immunity for law enforcement officials</p> <p>1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to abuse or assault, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the</p> |

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| | <p>manner as any order of protection issued by a court in this state.</p> <p>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 described in subsection 1 of this section shall be enforceable in this state so long as it is in effect in the issuing state.</p> <p>3. Filing of the foreign order of protection shall be without fee or cost.</p> <p>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.</p> | <p>offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.</p> <p>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.</p> <p>3. When an officer makes an arrest he is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:</p> <p>(1) The intent of the law to protect victims of domestic violence</p> |

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| | | <p>from continuing abuse;</p> <p>(2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;</p> <p>(3) The history of domestic violence between the persons involved.</p> <p>No law enforcement officer investigating an incident of family violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether he should seek a warrant for an arrest.</p> <p>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.</p> <p>5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.</p> <p>6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.</p> |

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| | | <p>7. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.</p> <p>8. A violation of the terms and conditions, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class D felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the</p> |

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| | | <p>punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the law enforcement officer responding to a call of a reported incident of abuse or violation of an order of protection presented a copy of the order of protection to the respondent.</p> <p>9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270, RSMo.</p> <p>10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.</p> <p>§455.083. R.S. Mo. (2010) Copy of protection order, reliance by law enforcement officer A law enforcement officer in this state may rely upon a copy of any order of protection issued undersections 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 and455.085.</p> <p>§ 455.040. R.S. Mo. (2010) Hearing--duration of order--renewal--service of petition, notice and order on respondent--information to law enforcement agency 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system or any other comparable law</p> |

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| | | <p>enforcement system the same day the order is granted. The law enforcement agency responsible for maintaining MULES shall enter information contained in the order for purposes of verification within twenty-four hours from the time the order is granted. A notice of expiration or of termination of any order of protection shall be issued to the local law enforcement agency and to the law enforcement agency responsible for maintaining MULES or any other comparable law enforcement system. The law enforcement agency responsible for maintaining the applicable law enforcement system shall enter such information in the system. The information contained in an order of protection may be entered in the Missouri uniform law enforcement system or comparable law enforcement system using a direct automated data transfer from the court automated system to the law enforcement system.</p> |
| <p>Montana</p> | <p>Mont. Code Ann. § 40-15-402 (2009) - Definitions As used in this part, the following definitions apply:</p> <p>(1) "Foreign protection order" means a protection order issued by a court of another state.</p> <p>(2) "Issuing state" means the state whose court issues a protection order.</p> <p>(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.</p> <p>(4) "Protected individual" means an individual protected by a protection order.</p> <p>(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</p> | <p>Mont. Code Ann. § 40-15-403 (2009) – Judicial enforcement of order</p> <p>(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.</p> <p>(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.</p> <p>(3) A court of this state shall enforce the provisions of a valid</p> |

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| | <p>individual.</p> <p>(6) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>Mont. Code Anno., § 40-15-405 (2009) - Registration of order</p> <p>(1) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:</p> <p>(a) present a certified copy of the order to the department of justice; or</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) A foreign protection order registered under this part must be entered into the database of the national crime</p> | <p>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.</p> <p>(4) A court of this state may not enforce under this part a provision of a foreign protection order with respect to support.</p> <p>(5) A foreign protection order is valid if it:</p> <p>(a) identifies the protected individual and the respondent;</p> <p>(b) is currently in effect;</p> <p>(c) was issued by a court that had jurisdiction over the parties and subject matter under the law of the issuing state; and</p> <p>(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.</p> <p>(6) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(8) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if:</p> <p>(a) the respondent filed a written pleading seeking a protection order from the court of the issuing state; and</p> <p>(b) the court of the issuing state made specific findings in favor of the respondent.</p> <p>Mont. Code Anno., § 40-15-404 (2009) - Nonjudicial enforcement of order</p> <p>(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,</p> |

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| | <p>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.</p> <p>(6) A fee may not be charged for the registration of a foreign protection order.</p> | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Mont. Code Anno., § 40-15-406 (2009) - 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.</p> |

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| | | <p>Mont. Code Ann. §45-5-626 (2009) Violation of order of protection.</p> <p>(1) A person commits the offense of violation of an order of protection if the person, with knowledge of the order, purposely or knowingly violates a provision of any order provided for in 40-4-121 or an order of protection under Title 40, chapter 15. It may be inferred that the defendant had knowledge of an order at the time of an offense if the defendant had been served with the order before the time of the offense. Service of the order is not required upon a showing that the defendant had knowledge of the order and its content.</p> <p>(2) Only the respondent under an order of protection may be cited for a violation of the order. The petitioner who filed for an order of protection may not be cited for a violation of that order of protection.</p> <p>(3) An offender convicted of violation of an order of protection shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both, for a first offense. Upon conviction for a second offense, an offender shall be fined not less than \$200 and not more than \$500 and be imprisoned in the county jail not less than 24 hours and not more than 6 months. Upon conviction for a third or subsequent offense, an offender shall be fined not less than \$500 and not more than \$2,000 and be imprisoned in the county jail or state prison for a term not less than 10 days and not more than 2 years.</p> |
| <p>Nebraska</p> | <p>R.R.S. Neb. § 42-931 (2009) - Foreign harassment protection order; enforcement</p> <p>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</p> | <p>R.R.S. Neb. § 42-928. (2009) Protection order; restraining order; violation; arrest, when</p> <p>A peace officer shall with or without a warrant arrest a person if (1) the officer has probable cause to believe that the person</p> |

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| | <p>state and enforced pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.</p> <p>R.R.S. Neb. § 42-903 (2009) - Terms, defined For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:</p> <p>(1) Abuse means the occurrence of one or more of the following acts between household members: (a) Attempting to cause or intentionally and knowingly causing bodily injury with or without a dangerous instrument; (b) Placing, by physical menace, another person in fear of imminent bodily injury; or (c) Engaging in sexual contact or sexual penetration without consent as defined in section 28-318; (2) Department means the Department of Health and Human Services; (3) Family or household members includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, other persons related by consanguinity or affinity, and persons who are presently involved in a dating relationship with each other or who have been involved in a dating relationship with each other. For purposes of this subdivision, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context; and (4) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol.</p> | <p>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.</p> <p>R.R.S Neb. § 42-924. (2009) Protection order; when authorized; term; violation; penalty; construction of sections 1) Any victim of domestic abuse may file a petition and affidavit for a protection order as provided in subsection (2) of this section. Upon the filing of such a petition and affidavit in support thereof, the judge or court may issue a protection order without bond granting the following relief:</p> <p>(a) Enjoining the respondent from imposing any restraint upon the petitioner or upon the liberty of the petitioner; (b) Enjoining the respondent from threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the petitioner; (c) Enjoining the respondent from telephoning, contacting, or otherwise communicating with the petitioner; (d) Removing and excluding the respondent from the residence of the petitioner, regardless of the ownership of the residence; (e) Ordering the respondent to stay away from any place</p> |

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| | <p>R.R.S. Neb. § 42-936. (2008) Registration of order</p> <p>(a) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:</p> <p>(1) present a certified copy of the order to the Nebraska State Patrol for the registration of such orders; or</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(f) A fee shall not be charged for the registration of a foreign protection order.</p> | <p>specified by the court;</p> <p>(f) Awarding the petitioner temporary custody of any minor children not to exceed ninety days; or</p> <p>(g) Ordering such other relief deemed necessary to provide for the safety and welfare of the petitioner and any designated family or household member.</p> <p>(2) Petitions for protection orders shall be filed with the clerk of the district court, and the proceeding may be heard by the county court or the district court as provided in section 25-2740.</p> <p>(3) A petition filed pursuant to subsection (1) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) of this section shall specify that it is effective for a period of one year and, if the order grants temporary custody, the number of days of custody granted to the petitioner unless otherwise modified by the court. Any person who knowingly violates an order issued pursuant to subsection (1) of this section or section 42-931 after service shall be guilty of a Class II misdemeanor, except that (a) any person convicted of violating such order who has a prior conviction for violating a protection order shall be guilty of a Class I misdemeanor and (b) any person convicted of violating such order who has a prior conviction for violating the same protection order or a protection order granted to the same petitioner shall be guilty of a Class IV felony.</p> <p>R.R.S. Neb. § 42-934 (2009) - Judicial enforcement of order</p> <p>(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</p> |

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| | | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it:</p> <ol style="list-style-type: none"> (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 |

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| | | <p>order was issued, in a manner consistent with the rights of the respondent to due process.</p> <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(g) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(1) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and</p> <p>(2) the tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>R.R.S. Neb. § 42-935. (2009) Nonjudicial enforcement of order</p> <p>(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.</p> <p>(b) If a foreign protection order is not presented, a law</p> |

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| | | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>R.R.S. Neb. § 42-937 (2009) - 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.</p> <p>R.R.S. Neb. § 42-940 (2009) - Applicability of act The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act applies to protection orders issued before 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</p> |

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| | | 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. |
| Nevada | <p>Nev. Rev. Stat. Ann. § 33.085 (2009) 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.</p> <p>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:</p> <p>(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</p> <p>(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.</p> <p>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:</p> | |

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| | <p>(a) No counter or cross-petition or other pleading was filed by the adverse party; or</p> <p>(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,</p> <p>the court shall refuse to enforce the order against the applicant and may determine whether to issue its own temporary or extended order.</p> <p>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:</p> <p>(a) The names of the parties;</p> <p>(b) Information indicating that the order has not expired; and</p> <p>(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.</p> <p>An officer may determine that any other order is authentic on its face.</p> | |

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| | <p>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:</p> <p>(a) A copy of an order for protection against domestic violence that has been provided to the officer;</p> <p>(b) An order for protection against domestic violence that is included in the Repository for Information Concerning Orders for Protection Against Domestic Violence pursuant to NRS 33.095 or in any national crime information database;</p> <p>(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</p> <p>(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.</p> <p>5. The fact that an order has not been registered or included in the Repository for Information Concerning Orders for Protection Against Domestic Violence 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.</p> <p>6. A court or law enforcement officer who enforces an order</p> | |

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| | <p>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.</p> <p>Nev. Rev. Stat. § 33.090. (2009) 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.</p> <p>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 by presenting a certified copy of the order to the clerk of the court in a judicial district in which the person believes that enforcement may be necessary.</p> <p>2. The clerk of the court shall:</p> <p>(a) Maintain a record of each order registered pursuant to this section;</p> <p>(b) Provide the protected party with a certified copy of the order registered pursuant to this section bearing proof of registration with the court;</p> <p>(c) Forward, 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 child care, or place of employment of the protected party or the child of the protected party; and</p> | |

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| | <p>(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.</p> <p>3. The clerk of the court shall not:</p> <p>(a) Charge a fee for registering an order or for providing a certified copy of an order pursuant to this section.</p> <p>(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.</p> <p>4. A person who registers an order pursuant to this section must not be charged to have the order served in this State.</p> <p>Nev. Rev. Stat. Ann. § 33.095 (2009) - Duty to transmit information concerning temporary or extended order to central repository 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 or receives any information or takes any other action pursuant to NRS 33.017 to 33.100, 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 received by the Central Repository by the end of the next business day.</p> | |
| <p>New Hampshire</p> | <p>RSA 173-B:13 (2010) - Orders Enforceable 173-B:13 Orders Enforceable. I. Any protective order issued under this chapter shall be effective throughout the state.</p> | <p>RSA § 173-B:9 (2010) - 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</p> |

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| | <p>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.</p> <p>III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.</p> <p>IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior 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 district or superior 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.</p> <p>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.</p> <p>VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.</p> <p>VII. A mutual protective order issued by any other state,</p> | <p>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.</p> <p>(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.</p> <p>(e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.</p> <p>V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.</p> <p>N.H. Stat. § 173-B:5 (2010) Relief . A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership, or possession of the</p> |

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| | <p>tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:</p> <p>(a) A cross or counter petition, complaint, or other written pleading was filed seeking such protection order; and</p> <p>(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.</p> <p>RSA § 173-B:5 (2008) - Relief 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.</p> | <p>defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:</p> <p>(a) Protective orders:</p> <p>(1) Restraining the defendant from abusing the plaintiff.</p> <p>(2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.</p> <p>(3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.</p> <p>(4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.</p> <p>(5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.</p> <p>(6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.</p> <p>(b) Other relief including, but not limited to:</p> <p>(1) Granting the plaintiff the exclusive use and possession of</p> |

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| | | <p>the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.</p> <p>(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.</p> <p>(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.</p> <p>(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.</p> <p>(5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:</p> <p>(A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.</p> <p>(B) The department may move at any time to rescind its custody of the parties' minor children.</p> <p>(6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of</p> |

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| | | <p>the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:</p> <p>(A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.</p> <p>(B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.</p> <p>(C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.</p> <p>(7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.</p> <p>(8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.</p> <p>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</p> |

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| | | <p>173-B:13, VII.</p> <p>(b) Cross orders for relief may be granted only if:</p> <p>(1) The court has made specific findings that each party has committed abuse against the other; and</p> <p>(2) The court cannot determine who is the primary physical aggressor.</p> <p>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.</p> <p>N.H. Stat. § 173-B:13 (2010) - Orders Enforceable</p> <p>I. Any protective order issued under this chapter shall be effective throughout the state.</p> <p>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.</p> <p>III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.</p> |

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| | | <p>IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior 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 district or superior 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.</p> <p>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.</p> <p>VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.</p> <p>VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:</p> <p>(a) A cross or counter petition, complaint, or other written pleading was filed seeking such protection order; and</p> <p>(b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.</p> |
| New Jersey | <p>N. J. Stat. § 2C:25-28 (p) (2010) - Complaint by victim; emergency relief; temporary restraining orders; service of process</p> <p>p. Any temporary or permanent restraining order issued</p> | <p>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.</p> |

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| | <p>pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.</p> | <p>N.J. Stat. § 2C:25-22 (2010) - 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.</p> <p>N.J. Stat. § 2A:4-30.88. (2008) Disclosure of identifying information, protective order Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if any existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.</p> |
| <p>New Mexico</p> | <p>N.M. Stat. Ann. § 40-13-6 (2010) - Service of order; duration; penalty; remedies not exclusive E. State courts shall give full faith and credit to tribal court orders of protection and orders of protection issued by courts of other states. A protection order issued by a state or tribal court against one who has petitioned, filed a complaint or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if: (1) no cross or counter petition, complaint or other written pleading was filed seeking such a protection order; or (2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.</p> | <p>N.M. Stat. Ann. §40-13-6 (2010)- Service of order; duration; penalty; remedies not exclusive D. 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 pursuant to this section. F. A person convicted of violating an order of protection granted by a court under the Family Violence Protection Act [40-13-1 NMSA 1978] is guilty of a misdemeanor and shall be sentenced in accordance with Section 31-19-1 NMSA 1978. Upon a second or subsequent conviction, an offender shall be sentenced to a jail term of not less than seventy-two consecutive hours that shall not be suspended, deferred or taken under advisement. G. In addition to any other punishment provided in the Family Violence Protection Act [40-13-1 NMSA 1978], the court shall order a person convicted to make full restitution to the party injured by the violation of an order of protection and order the person convicted to participate in and complete a program of professional counseling, at the person's own expense, if possible H. In addition to charging the person with violating an order of protection, a peace officer shall file all other possible criminal charges arising from an incident of domestic abuse when probable cause exists.</p> |

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| | | <p>I. The remedies provided in the Family Violence Protection Act [40-13-1 NMSA 1978] are in addition to any other civil or criminal remedy available to the petitioner.</p> <p>N.M. Stat. Ann. § 30-3A-2. (2010) Harassment; penalties A. Harassment consists of knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress.</p> |
| <p>New York</p> | <p>NY CLS Family Ct. Act § 154-e (2010) Orders of protection; filing and enforcement of out-of-state orders § 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.</p> <p>1. An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:</p> <p>a. the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;</p> <p>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</p> | <p>NY CLS CPL § 140.10 (2008) - 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 may make such arrest within the state, regardless of the situs of the commission of the crime. In addition, he may, if necessary, pursue such person outside the state and may arrest him in any state the laws of which contain provisions equivalent to those of section 140.55.</p> <p>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-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</p> |

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| | <p>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</p> <p>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 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.</p> <p>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.</p> <p>NY CLS Criminal Procedure Law § 530.11 (2009) – Procedures for family offense matters</p> <p>5. Filing and enforcement of out-of-state orders of protection. A</p> | <p>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.</p> <p>1998 RECOMMENDATIONS OF THE FAMILY COURT ADVISORY AND RULES COMMITTEE:</p> <p>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.</p> <p>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</p> |

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| | <p>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.</p> <p>(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:</p> <p>(i) the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;</p> <p>(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</p> <p>(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.</p> <p>(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</p> | <p>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:</p> <p>--The court that issued the order of protection must have had jurisdiction over the person and over the subject matter of the case.</p> <p>--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."</p> <p>--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.</p> <p>--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.</p> <p>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 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.</p> |

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| | <p>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.</p> <p>NY CLS Dom Rel § 240 3-c (2009) – Custody and child support; orders of protection</p> <p>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.</p> <p>a. An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:</p> <p>(1) the issuing court had personal jurisdiction over the parties and over the subject matter under the law of the issuing jurisdiction;</p> <p>(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 opportunity to be heard had been provided within a reasonable period of time after the issuance of the order; and</p> <p>(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:</p> <p>(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] [n4] knowing, intelligent and voluntary consent to its issuance.</p> | <p>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.</p> |

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| | <p>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.</p> <p>NY CLS Dom Rel § 252 (2009) Effect of pendency of action for divorce, separation or annulment on petition for order of protection</p> <p>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.</p> <p>(a) An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction shall be deemed valid if:</p> <ul style="list-style-type: none"> (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 | |

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| | <p>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.</p> <p>(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.</p> | |
| North Carolina | <p>N.C. Gen. Stat. §50B-4 (2009) Enforcement of orders (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,</p> | <p>N.C. Gen. Stat. § 50B-4.1 (2009) - Violation of valid protective order 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.</p> <p>(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).</p> |

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| | <p>shall effect service of the motion, notice, and other papers through the appropriate law enforcement agency where the defendant is to be served.</p> <p>(b) Deleted by S.L. 1999-23, § 2, eff. Feb. 1, 2000.</p> <p>(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.</p> <p>(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 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 forward a copy to the sheriff of that county for entry into the Division of Criminal Information Network pursuant to G.S. 50B-3(d).</p> <p>(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.</p> | <p>(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.</p> <p>(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 a person who is charged with or convicted of a Class A or B1 felony or to a person charged under subsection (f) or subsection (g) of this section.</p> <p>(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.</p> <p>(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.</p> |

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| | <p>(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.</p> | <p>(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.</p> <p>(h) For the purposes of this section, the term “valid protective order” shall include an emergency or ex parte order entered under this Chapter.</p> <p>N.C. Gen. Stat. § 50B-3(d) (2009) Relief (d) The sheriff of the county where a domestic violence order is entered shall provide for prompt entry of the order into the National Crime Information Center registry and shall provide for access of such orders to magistrates on a 24-hour-a-day basis. Modifications, terminations, renewals, and dismissals of the order shall also be promptly entered.</p> |
| <p>North Dakota</p> | <p>N.D. Cent. Code § 14-07.4-01 (2009) - Definitions In this chapter: In this chapter:</p> <ol style="list-style-type: none"> 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. | |

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| | <p>4. "Protected individual" means an individual protected by a protection order.</p> <p>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.</p> <p>6. "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>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.</p> <p>8. "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>N.D. Cent. Code, § 14-07.4-04 (2009) - Registration of order</p> <p>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.</p> <p>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</p> | |

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| | <p>clerk of district court shall transmit a copy of the order to the appropriate law enforcement agency.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | |
| <p>Northern Mariana Islands</p> | <p>Twelfth Northern Mariana Islands Commonwealth Legislature First Regular Session, 2000 PL 12-19 (Senate Bill No. 12-34) Chapter 9. Domestic and Family Violence Prevention Act of 2000 Article 2. Civil Orders for Protection. Section 214.</p> <p>a. A certified copy of an order for protection 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 that the clerk acts upon an order for protection issued by the Superior Court of this Commonwealth.</p> <p>b. An order for protection filed in accordance with subsection 1 has the same effect and must be enforced in the same manner as an order for protection issued by a court of this Commonwealth.</p> | |

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| | <p>c. The Clerk of the Superior Court shall:</p> <p>(1) Maintain a registry in which to enter certified orders for protection issued in another U.S. jurisdiction that are received for filing; and</p> <p>(2) At the request of a court of another U.S. jurisdiction, or at the request of a person who is affected by or has a legitimate interest in an order of protection, certify and forward a copy of the order to that court or person at no cost to the requesting party.</p> <p>d. The Superior Court of this Commonwealth shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in the Commonwealth.</p> | |
| Ohio | <p>ORC Ann. 2919.27(A)(3), (D) (2010) – Violating protection order</p> <p>(A) No person shall recklessly violate the terms of any of the following:</p> <p>(3) A protection order issued by a court of another state.</p> <p>(D) 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.</p> <p>ORC Ann. 2919.272. (2010)- Registration and filing of out-of-state protection order</p> <p>(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.</p> <p>(B) A person who has obtained a protection order issued by a</p> | |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(E) Notwithstanding any provision of law to the contrary 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 any fee, cost, deposit, or money in connection with the filing, issuance, registration, or service of a protection order or consent agreement or for obtaining a certified copy of a protection order or consent agreement, including a protection order issued by a court of another state.</p> | |

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| | <p>ORC Ann. 1901.18(A)(9) (2010) - Subject matter jurisdiction. (A) Except as otherwise provided in this division or section 1901.181 [1901.18.1] of the Revised Code, subject to the monetary jurisdiction 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 [2903.21.3] 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.</p> | |
| <p>Oklahoma</p> | <p>22 Okl. St. § 60.12 (2010) - 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.</p> <p>22 Okl. St. § 60.7. Statewide and nationwide validity of orders 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.</p> | <p>22 Okl. St. § 60.9 (2010) - 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 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.</p> |
| <p>Oregon</p> | <p>ORS 24.190 (2010)- 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:</p> | <p>ORS 133.310 (2010) – Authority of peace officer to arrest 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 copy of the foreign restraining order to the</p> |

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| | <p>(i) Violent or threatening acts or harassment against another person;</p> <p>(ii) Contact or communication with another person; or</p> <p>(iii) Physical proximity to another person.</p> <p>(B) "Restraining order" includes temporary and final orders, other than support or child custody 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.</p> <p>(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.</p> <p>(b) A foreign restraining order is not enforceable as an Oregon order if:</p> <p>(A) The person restrained by the order shows that:</p> <p>(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</p> <p>(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</p> <p>(B) The foreign restraining order was issued against a person who had petitioned for a restraining order unless:</p> <p>(i) The person protected by the foreign restraining order filed a separate petition seeking the restraining order; and</p> <p>(ii) The court issuing the foreign restraining order made specific findings that the person was entitled to the order.</p> <p>(3)(a) A person protected by a foreign restraining order may present a true copy of the 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, the county sheriff shall enter the order into the Law Enforcement Data System if the person certifies that the order is the most recent</p> | <p>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</p> <p>(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.</p> <p>(5) A peace officer shall arrest and take into custody a person without a warrant if:</p> <p>(a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy of the foreign restraining order with a court or has been identified by the officer as a party protected by a foreign restraining order entered in the Law Enforcement Data System or in the databases of the National Crime Information Center of the United States Department of Justice; and</p> <p>(b) The peace officer has probable cause to believe that the person to be arrested has violated the terms of the foreign restraining order.</p> <p>ORS §133.315 (2010) - Liability of peace officer making arrest</p> <p>(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 (5) provided the peace officer acts in good faith and without malice.</p> <p>(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:</p> <p>(a) A 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</p> <p>(b) The person restrained by the order has been personally served with a copy of the order or has actual notice of the order.</p> |

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| | <p>order in effect between the parties and provides proof of service or other written certification that the person restrained by the order has been personally served with a copy of the order or has actual notice of the order. Entry into the Law Enforcement Data System 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.</p> <p>(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.</p> <p>(c) At the time a county sheriff enters an order into the Law Enforcement Data System under paragraph (a) of this subsection, the sheriff shall also enter the order into the databases of the National Crime Information Center of the United States Department of Justice.</p> <p>(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.</p> <p>(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.</p> <p>(6) 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 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 circuit court in which the foreign judgment is filed, and may be enforced or satisfied in like manner. The filing fee provided for in ORS 21.325 (3) shall not apply to a filing under this section.</p> | |
| <p>Pennsylvania</p> | <p>23 Pa.C.S. § 6102 (2010) - Definitions</p> <p>(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: "ABUSE." The occurrence of one or more of the following acts</p> | <p>23 Pa.C.S. §6105 (h)(2010) - ENFORCEMENT OF FOREIGN PROTECTION ORDERS.--</p> <p>(h) (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</p> |

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| | <p>between family or household members, sexual or intimate partners or persons who share biological parenthood:</p> <p>(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.</p> <p>(2) Placing another in reasonable fear of imminent serious bodily injury.</p> <p>(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).</p> <p>(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).</p> <p>(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).</p> <p>"ADULT." An individual who is 18 years of age or older.</p> <p>"CERTIFIED COPY." A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.</p> <p>"COMPARABLE COURT." A foreign court that:</p> <p>(1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and</p> <p>(2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.</p> <p>"CONFIDENTIAL COMMUNICATIONS." All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the</p> | <p>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.</p> <p>(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.</p> <p>(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:</p> <p>(1) Law enforcement agencies and their agents and employees.</p> <p>(2) County correctional and detention facilities and their agents and employees.</p> <p>(3) Prothonotaries and their agents and employees.</p> <p>23 Pa.C.S. §6105 (h) (2010) Responsibilities of law enforcement agencies.</p> <p>(h) ENFORCEMENT OF FOREIGN PROTECTION ORDERS.--</p> <p>(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.</p> <p>(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.</p> |

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| | <p>relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.</p> <p>"DOMESTIC VIOLENCE COUNSELOR/ADVOCATE." An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.</p> <p>"DOMESTIC VIOLENCE PROGRAM." A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.</p> <p>"FAMILY OR HOUSEHOLD MEMBERS." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.</p> <p>"FIREARM." Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).</p> <p>"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.</p> <p>23 Pa.C.S. § 6104 (2010) - § 6104. Full faith and credit and foreign protection orders</p> <p>(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.</p> | <p>23 Pa.C.S. § 6113 (2010) - Arrest for violation of order</p> <p>(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.</p> <p>23 Pa.C.S. § 6113.1(a) (2010) - Private criminal complaints for violation of order or agreement</p> <p>(a) GENERAL RULE.-- A plaintiff may file a private criminal complaint against a defendant, alleging indirect criminal 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.</p> <p>23 Pa.C.S. § 6114 (2010) Contempt for violation of order or agreement</p> <p>(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.</p> <p>(A.1) JURISDICTION.-- A court shall have jurisdiction over indirect</p> |

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| | <p>(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 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.</p> <p>(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:</p> <ol style="list-style-type: none"> (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. <p>(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:</p> <ol style="list-style-type: none"> (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. <p>(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</p> | <p>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.</p> <p>23 Pa.C.S. § 6114.1 (2010) - Civil contempt or modification for violation of an order or agreement</p> <p>(a) GENERAL RULE.-- A plaintiff may file a petition for civil contempt with the issuing court alleging that the defendant has 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> |

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| | for enforcement purposes. | |
| <p>Puerto Rico</p> | <p>8 L.P.R.A. § 674 (2005)- Inclusion of orders from other states, territories, tribes</p> <p>(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.</p> <p>(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> <p>(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.</p> <p>(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.</p> <p>(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> <p>8 L.P.R.A. § 675 (2005)- Transfer procedure</p> <p>(a) The clerk of the court that issued the order, or that in which a</p> | <p>8 L.P.R.A. § 676 (2005)- Availability of the electronic file</p> <p>The information of the electronic file shall be available for judges, officials of the Department of Justice, and law enforcement officers to access it twenty-four (24) hours a day, seven (7) days a week, through the terminals of the Criminal Justice Information Systems, which operate in the different judicial and police regions.</p> |

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| | <p>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.</p> <p>(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 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.</p> <p>(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> | |
| Rhode Island | <p>R.I. Gen. Laws § 12-29-1.1 (2010) - Full faith and credit</p> <p>(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.</p> <p>(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.</p> | |
| South Carolina | <p>S.C. Code Ann. § 20-4-320 (2009) - Definitions.</p> <p>For purposes of this article:</p> | <p>S.C. Code Ann. § 20-4-330 (2010) – Judicial enforcement of foreign protective order; determining validity of order</p> <p>(A) A person authorized by the law of this State to seek enforcement</p> |

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| | <p>(1) "Foreign protection order" means a protection order issued by a tribunal of another state.</p> <p>(2) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(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.</p> <p>(4) "Protected individual" means an individual protected by a protection order.</p> <p>(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.</p> <p>(6) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>(8) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>S.C. Code Ann. § 20-4-330 (2010) – Judicial enforcement of foreign protective order; determining validity of order</p> <p>(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</p> | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(D) A foreign protection order is valid if it:</p> <ol style="list-style-type: none"> (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. <p>(E) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(G) A tribunal of this State may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <ol style="list-style-type: none"> (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 |

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| | <p>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</p> <p>S.C. Code Ann. § 20-4-350 (2010) - Registration; presentation to family court; affidavit of currency; entry in state or federal registry; fee.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(F) A fee may not be charged for the registration of a foreign protection order.</p> | <p>of the respondent.</p> <p>S.C. Code Ann. § 20-4-340 (2010) – Enforcement by law enforcement officer; service of order on respondent</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> |
| <p>South Dakota</p> | <p>S.D. Codified Laws § 25-10-12.1 (2010) - Foreign domestic violence, physical violence or stalking protection order -- Requirements for enforcement in state</p> <p>Any domestic violence 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 is</p> | <p>S.D. Codified Laws § 25-10-12.3 (2010) - Foreign domestic violence protection order -- Reliance on order by law enforcement -- Immunity from liability</p> <p>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</p> |

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| | <p>enforceable as if the order was issued by a court in this state if all of the following requirements are satisfied:</p> <p>(1) The respondent received notice of the order in compliance with requirements of the issuing jurisdiction;</p> <p>(2) The order is in effect in the issuing jurisdiction;</p> <p>(3) The issuing court had jurisdiction over the parties and the subject matter;</p> <p>(4) The respondent was afforded reasonable notice and opportunity to be heard sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must have 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;</p> <p>(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</p> <p>(6) The prohibited conduct violative of the foreign protection order could be prohibited by a protection order if issued in this state.</p> <p>Any protection order meeting the requirements of this section is a foreign domestic violence protection order.</p> <p>S.D. Codified Laws § 25-10-12.2 (2010) - Foreign domestic violence protection order -- Filing with circuit court clerk -- Entry in law enforcement protection order database</p> <p>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</p> | <p>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.</p> |

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| | <p>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.</p> | |
| <p>Tennessee</p> | <p>Tenn. Code Ann. § 36-3-622 (2010) Out-of-state protection orders.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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</p> | <p>Tenn. Code Ann. § 36-3-622 (2010) Out-of-state protection orders.</p> <p>(i) 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.</p> |

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| | <p>maintain such orders, along with any submitted documents. No costs, fees or 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.</p> <p>(d) A protection order entered against both the petitioner and respondent shall not be enforceable against the petitioner in a foreign jurisdiction unless:</p> <p>(1) The respondent filed a cross- or counter-petition, or a complaint or other written pleading was filed seeking such a protection order; and</p> <p>(2) The issuing court made specific findings of domestic or family violence against the petitioner.</p> <p>(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 with the order to the local police or sheriff's office, which shall enter foreign orders of protection in the Tennessee criminal information system, as provided for in § 36-3-609.</p> <p>(f) The state of Tennessee orders of protection file, known as the Tennessee criminal information system, shall be available at all</p> | |

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| | <p>times to inform courts, dispatchers and law enforcement officers of any protection order issued within this state or filed as a foreign order for purpose of enforcement in this state.</p> <p>(g) 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.</p> <p>(h) Filing and entry of the foreign order in the Tennessee criminal information system shall not be prerequisites for enforcement of the foreign protection order.</p> | |
| <p>Texas</p> | <p>Tex. Fam. Code § 88.002 (2010) - Definitions</p> <p>In this chapter:</p> <p>(1) "Foreign protective order" means a protective order issued by a tribunal of another state.</p> <p>(2) "Issuing state" means the state in which a tribunal issues a protective order.</p> <p>(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.</p> <p>(4) "Protected individual" means an individual protected by a protective order.</p> <p>(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.</p> <p>(6) "Respondent" means the individual against whom enforcement of a protective order is sought.</p> <p>(7) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States</p> | <p>Tex. Fam. Code § 88.004 (2010) - Nonjudicial Enforcement of Order</p> <p>(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 both the protected individual and the respondent and on its face, is currently in effect.</p> <p>(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.</p> <p>(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.</p> <p>(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</p> |

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| | <p>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.</p> <p>(8) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protective order.</p> <p>Tex. Fam. Code § 88.003 (2010) - Judicial Enforcement of Order</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(d) A foreign protective order is valid if the order:</p> <p>(1) names the protected individual and the respondent;</p> <p>(2) is currently in effect;</p> | <p>respondent a reasonable opportunity to comply with the order before enforcing the order.</p> <p>(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.</p> |

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| | <p>(3) was rendered by a tribunal that had jurisdiction over the parties and the subject matter under the law of the issuing state; and</p> <p>(4) was rendered after the respondent was given reasonable notice and an opportunity to be heard consistent with the right to due process, either:</p> <p>(A) before the tribunal issued the order; or</p> <p>(B) in the case of an ex parte order, within a reasonable time after the order was rendered.</p> <p>(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.</p> <p>(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).</p> <p>(g) A tribunal of this state may enforce the provisions of a mutual foreign protective order that favor a respondent only if:</p> <p>(1) the respondent filed a written pleading seeking a protective order from the tribunal of the issuing state; and</p> <p>(2) the tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>Tex. Fam. Code § 88.005 (2010) - Registration of Order</p> <p>(a) An individual may register a foreign protective order in this state. To register a foreign protective order, an individual shall:</p> <p>(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</p> | |

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| | <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(f) A fee may not be charged for the registration of a foreign protective order.</p> | |
| Utah | <p>Utah Code Ann. § 78B-7-302 (2010) - Definitions As used in this part:</p> <p>(1) "Foreign protection order" means a protection order issued by a tribunal of another state.</p> <p>(2) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(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.</p> | <p>Utah Code Ann. § 78B-7-303 (2010) - Judicial enforcement of order</p> <p>(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</p> |

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| | <p>(4) "Protected individual" means an individual protected by a protection order.</p> <p>(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.</p> <p>(6) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>(8) "Tribunal" means a court, agency, or other entity authorized by law to issue or modify a protection order.</p> <p>Utah Code Ann. § 78B-7-116 (2010) Full faith and credit for foreign protection orders</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the Administrative Office of the Courts, consistent</p> | <p>procedures of this state for the enforcement of protection orders.</p> <p>(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.</p> <p>(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.</p> <p>(4) A foreign protection order is valid if it:</p> <ul style="list-style-type: none"> (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 (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. <p>(5) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(7) A tribunal of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <ul style="list-style-type: none"> (a) the respondent filed a written pleading seeking a protection |

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| | <p>with its responsibilities to develop and adopt forms under Section 78B-7-105.</p> <p>(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.</p> <p>(e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protection order available.</p> <p>(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.</p> <p>(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.</p> <p>(3) Law enforcement personnel may:</p> <p>(a) rely upon a certified copy of any foreign protection order which has been provided to the peace officer by any source;</p> <p>(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</p> <p>(c) consider other information in determining whether there is probable cause to believe that a valid foreign protection order exists.</p> <p>(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</p> <p>Utah Code Ann. § 78B-7-305 (2010) - Registration of order Any individual may register a foreign protection order in this</p> | <p>order from the tribunal of the issuing state; and</p> <p>(b) the tribunal of the issuing state made specific findings in favor of the respondent.</p> <p>(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.</p> <p>(b) The district court has jurisdiction to enforce foreign protection orders under this section:</p> <p>(i) over which the district court would have had jurisdiction if the order had been originally sought in this state; or</p> <p>(ii) that are not under the jurisdiction of the juvenile court under Subsection (8)(a).</p> <p>Utah Code Ann. § 78B-7-304 (2010) - Nonjudicial enforcement of order</p> <p>(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.</p> <p>(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.</p> |

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| | state under Section 78B-7-116. | <p>(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.</p> <p>(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.</p> |
| Vermont | <p>15 V.S.A. §1101 (2010)- Definitions</p> <p>(3) 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 Family Court Rules, chapter 69 of Title 33, or chapter 178 of Title 12.</p> <p>(4) "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.</p> <p>(5) 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 so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.</p> <p>15 V.S.R. § 1108 (a), (c) - (d) (2010) - Enforcement</p> <p>(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.</p> <p>(c) A foreign abuse prevention order shall be enforceable in the</p> | <p>15 V.S.A. § 1108 (a), (b), (e) - Enforcement</p> <p>(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:</p> <p>(1) making an arrest in accordance with the provisions of V.R.Cr.P. 3;</p> <p>(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;</p> <p>(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.</p> <p>(b) A law enforcement officer may rely upon a copy of any order issued under this chapter or any foreign abuse prevention order which 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.</p> |

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| | <p>courts in this state if all the following are satisfied:</p> <p>(1) The defendant has received notice of the order in compliance with the requirements of the issuing state.</p> <p>(2) The order is in effect in the issuing state.</p> <p>(3) The court in the issuing state had jurisdiction over the parties and the subject matter under the law of the issuing state.</p> <p>(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.</p> <p>(d) A person entitled to protection under a foreign abuse prevention order may file the foreign abuse prevention order in any family court by filing a certified copy of the order with the court. The person shall swear under oath in an 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 court shall make a copy of the foreign abuse prevention order available.</p> <p>15 V.S.A. § 1107 (2010) - Filing orders with law enforcement personnel; department of public safety protection order database</p> <p>(a) Police departments, sheriff's departments, and state police district offices shall establish procedures for filing abuse prevention orders issued under this chapter, chapter 69 of Title 33, chapter 178 of Title 12, protective orders relating to contact with a child issued under section 5115 of Title 33, and foreign abuse prevention orders and for making their personnel aware of the existence and contents of such orders.</p> <p>(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</p> | <p>(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 which 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 turpitude or a violation of a domestic abuse order after such initial adjudication.</p> |

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| | <p>this chapter, or that issues a protective order relating to contact with a child under section 5115 of Title 33, shall transmit a copy of the order to the department of public safety protection order database.</p> | |
| <p>Virgin Islands</p> | <p style="text-align: center;">V.I. Code Ann. tit. 5 § 552 (2010)</p> <p>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.</p> <p style="text-align: center;">V.I. Code Ann. tit. 5 § 583(d)-(g)(2) (2010)</p> <p>(d) A foreign protection order is valid if it:</p> <p>(1) identifies the protected individual and the respondent;</p> <p>(2) is currently in effect;</p> <p>(3) was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing State; and</p> <p>(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.</p> <p>(e) A foreign protection order valid on its face is prima facie evidence of its validity.</p> <p>(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.</p> <p>(g) A tribunal of this State may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> | <p style="text-align: center;">V.I. Code Ann. tit. 5 § 583 (2010)</p> <p>Enforcement</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p style="text-align: center;">V.I. Code Ann. tit. 5 § 584(a)-(c) (2010)</p> <p>Enforcement by law enforcement officer</p> <p>(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</p> |

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| | <p>(1) the respondent filed a written pleading seeking a protection order from the tribunal of the issuing State; and</p> <p>(2) the tribunal of the issuing State made specific findings in favor of the respondent.</p> <p style="text-align: center;">V.I. Code Ann. tit. 5 § 553 (2010)</p> <p>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.</p> <p style="text-align: center;">V.I. Code Ann. tit. 5 § 585 (2010)</p> <p>Registration (a) Any individual may register a foreign protection order in this State. To register a foreign protection order, an individual shall:</p> <p>(1) present a certified copy of the order to the Office of the Clerk of the Superior Court; or</p> <p>(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.</p> <p>(b) Upon receipt of a foreign protection order, the Office of the Attorney General shall register the order in accordance with this 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.</p> <p>(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</p> | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p style="text-align: center;">V.I. Code Ann. tit. 5 § 586 (2010)</p> <p>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 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.</p> |

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| | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(f) A fee may not be charged for the registration of a foreign protection order under this chapter.</p> | |
| Virginia | <p>Va. Code Ann. § 16.1-279.1(F), (I)-(J) (2010)</p> <p>Protective order in cases of family abuse</p> <p>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</p> | <p>Va. Code Ann. § 16.1-279.1(F), (I)-(J) (2010) * See left column</p> <p>Va. Code Ann. § 19.2-152.10(F), (H)-(I) (2010) * See left column</p> |

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| | <p>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.</p> <p>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.</p> <p>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.</p> <p>J. No fee shall be charged for filing or serving any petition or order pursuant to this section.</p> <p style="text-align: center;">Va. Code Ann. §19.2-152.10(F), (H)-(I) (2010)</p> <p>Protective order in cases of stalking and acts of violence</p> <p>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</p> | |

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| | <p>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.</p> <p>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.</p> <p>H. 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.</p> <p>I. No fees shall be charged for filing or serving petitions pursuant to this section.</p> | |
| Washington | <p>Wash. Rev. Code § 26.52.010(1)-(3), (6)-(9) (2010)</p> <p>Definitions</p> | <p>Wash. Rev. Code § 26.52.050 (2010)</p> <p>Peace officer immunity A peace officer or a peace officer's legal advisor may not be held</p> |

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| | <p>(1) “Domestic or family violence” includes, but is not limited to, conduct when committed by one family member against another that is classified in the jurisdiction where the conduct occurred as a domestic violence crime or a crime committed in another jurisdiction that under the laws of this state would be classified as domestic violence under RCW 10.99.020.</p> <p>(2) “Family or household members” means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.</p> <p>(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.</p> <p>(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.</p> <p>(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</p> | <p>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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.070 (2010)</p> <p>Violation of foreign orders -- Penalties</p> <p>(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, 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 26.50.110.</p> <p>(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 person from knowingly coming within, or knowingly remaining within, a specified distance of a location, 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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.080 (2010)</p> <p>Child custody disputes</p> <p>(1) Any disputes regarding provisions in foreign protection orders</p> |

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| | <p>the foreign protection order.</p> <p>(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.</p> <p>(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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.020 (2010)</p> <p>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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.030 (2010)</p> <p>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,</p> | <p>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.</p> <p>(2) A peace officer shall not remove a child from his or her current placement unless:</p> <p>(a) A writ of habeas corpus to produce the child has been issued by a superior court of this state; or</p> <p>(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.</p> |

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| | <p>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.</p> <p>(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 enforcement agencies to list outstanding warrants are not prerequisites for enforcement of the foreign protection order.</p> <p>(3) The court shall accept the filing of a foreign protection order without a fee or cost.</p> <p>(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.</p> <p>(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:</p> <p>(a) The name of the person entitled to protection and any other protected parties;</p> <p>(b) The name and address of the person who is subject to the restraint provisions of the foreign protection order;</p> <p>(c) The date the foreign protection order was entered;</p> <p>(d) The date the foreign protection order expires;</p> <p>(e) The relief granted under (specify the relief awarded and citations thereto, and designate which of the violations are arrestable offenses);</p> <p>(f) The judicial district and contact information for court</p> | |

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| | <p>administration for the court in which the foreign protection order was entered;</p> <p>(g) The social security number, date of birth, and description of the person subject to the restraint provisions of the foreign protection order;</p> <p>(h) Whether the person who is subject to the restraint provisions of the foreign protection order is believed to be armed and dangerous;</p> <p>(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;</p> <p>(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.</p> <p>An inability to answer any of the above questions does not preclude the filing or enforcement of a foreign protection order.</p> <p>(6) The clerk of the court shall provide the person entitled to protection with a copy bearing proof of filing with the court.</p> <p>(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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.040 (2010)</p> <p>Filed foreign protection orders -- Transmittal to law enforcement agency -- Entry into law enforcement information system</p> <p>(1) 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.</p> | |

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| | <p>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 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.</p> <p>(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.</p> <p style="text-align: center;">Wash. Rev. Code § 26.52.060 (2010)</p> <p>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.</p> | |
| West Virginia | <p style="text-align: center;">W. Va. Code § 48-27-310 (2010)</p> <p>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</p> | <p style="text-align: center;">W. Va. Code § 48-28-3 (2010)</p> <p>Judicial enforcement of order</p> <p>(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.</p> |

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| | <p>issue protection orders shall be accorded full faith and credit and enforced in accordance with the provisions of article twenty-eight of this chapter.</p> <p style="text-align: center;">W. Va. Code § 48-28-1 (2010)</p> <p>Title This article may be cited as the "Uniform Interstate Enforcement of Domestic Violence Protection Orders Act".</p> <p style="text-align: center;">W. Va. Code § 48-28-2 (2010)</p> <p>Definitions</p> <p>In this article:</p> <p>(1) "Court" means a circuit court, family court or magistrate court which has jurisdiction over domestic violence proceedings pursuant to article twenty-seven of this chapter.</p> <p>(2) "Foreign protection order" means a protection order issued by a tribunal of another state.</p> <p>(3) "Issuing state" means the state whose tribunal issues a protection order.</p> <p>(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.</p> <p>(5) "Protected individual" means an individual protected by a protection order.</p> <p>(6) "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.</p> | <p>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.</p> <p>(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.</p> <p>(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.</p> <p>(d) A foreign protection order is valid if it:</p> <p>(1) Identifies the protected individual and the respondent;</p> <p>(2) Is currently in effect;</p> <p>(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and</p> <p>(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.</p> <p>(e) A foreign protection order which appears authentic on its face is presumed to be valid.</p> <p>(f) Absence of any of the criteria for validity of a foreign protection order is an affirmative defense in an action seeking enforcement of</p> |

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| | <p>(7) "West Virginia protective order" means an order issued pursuant to article twenty-seven of this chapter or to section five hundred nine, article five of this chapter.</p> <p>(8) "Respondent" means the individual against whom enforcement of a protection order is sought.</p> <p>(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.</p> <p>(10) "Tribunal" means a court, agency or other entity authorized by law to issue or modify a protection order.</p> <p style="text-align: center;">W. Va. Code § 48-28-5 (2010)</p> <p>Registration of order</p> <p>(a) Any individual may register a foreign protection order in this state by:</p> <p>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, article twenty-seven of this chapter.</p> <p>(b) 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.</p> <p>(c) Upon receipt of a foreign protection order for registration, the West Virginia Supreme Court of Appeals shall:</p> <p>(1) Register the order in accordance with the provisions of this section and of section eight hundred two, article twenty-seven of this chapter;</p> <p>(2) Furnish to the individual registering the order a copy of the</p> | <p>the order.</p> <p>(g) A court of this state may enforce provisions of a mutual foreign protection order which favor a respondent only if:</p> <p>(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and</p> <p>(2) The tribunal of the issuing state made specific findings in favor of the respondent.</p> <p style="text-align: center;">W. Va. Code § 48-28-4 (2010)</p> <p>Nonjudicial enforcement of order</p> <p>(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 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.</p> <p>(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.</p> <p>(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</p> |

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| | <p>proof of registration of the order.</p> <p>(d) A registered foreign protection order that is shown to be inaccurate or not currently in effect must be corrected or removed from the registry.</p> <p>(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.</p> <p>(f) A fee may not be charged for the registration of a foreign protection order.</p> <p style="text-align: center;">W. Va. Code § 48-28-9 (2010)</p> <p>Uniformity of application and construction In applying and construing this act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.</p> | <p>enforcing the order.</p> <p>(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.</p> <p style="text-align: center;">W. Va. Code § 48-28-6 (2010)</p> <p>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.</p> <p style="text-align: center;">W. Va. Code § 48-28-7 (2010)</p> <p>Criminal offenses and penalties</p> <p>(a) A respondent who abuses, as that term is defined in section two hundred two, 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.</p> |

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| | | (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. |
| Wisconsin | <p style="text-align: center;">Wis. Stat. § 813.12 (2010)</p> <p>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.</p> <p style="text-align: center;">Wis. Stat. § 806.247(1)(b)-(3) (2010)</p> <p>Full faith and credit for foreign protection orders. (b) "Foreign protection order" means any temporary or permanent injunction or order of a civil or criminal court of the United States, of an Indian tribe or of any other state issued for preventing abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts or violence by or to a person, other than support or custody orders.</p> <p>(2) Status of a foreign protection order. (a) A foreign protection order shall be accorded full faith and credit by the courts in this state and shall be enforced as if the order were an order of a court of this state if the order meets all of the following conditions:</p> <p>1. The foreign protection order was obtained after providing the person against whom the protection order was sought 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 person against whom the order was obtained shall have been given notice and an opportunity to be heard within a reasonable time after the order was issued</p> | <p style="text-align: center;">Wis. Stat. § 813.128 (2010)</p> <p>Foreign protection orders.</p> <p>(1) Enforcement of foreign protection orders. (a) A foreign protection order or modification of the foreign protection order that meets the requirements under s. 806.247(2) 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.</p> <p>(b) A law enforcement officer shall arrest and take the subject of a foreign protection order into custody if all of the following occur:</p> <p>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.</p> <p>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.</p> <p>(2) 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 s. 806.247 shall be fined not more than \$1,000 or imprisoned for not more than 9 months or both.</p> |

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| | <p>sufficient to protect his or her right to due process.</p> <p>2. The court that issued the order had jurisdiction over the parties and over the subject matter.</p> <p>(b) A foreign protection order issued against the person who filed a written pleading with a court for a protection order is not entitled to full faith and credit under this subsection if any of the following occurred:</p> <p>1. No written pleading was filed seeking the foreign protection order against that person.</p> <p>2. A cross or counter petition was filed but the court did not make a specific finding that each party was entitled to a foreign protection order.</p> <p>(3) Filing of a foreign protection order. (a) 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 shall treat any foreign protection order or modification so filed in the same manner as a judgment of the circuit court.</p> <p>(b) 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.</p> <p>(c) The sheriff or law enforcement agency that receives a copy of a foreign protection order or of a modification of an order from the clerk under par. (b) 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</p> | <p>If a foreign protection order and any modification of that order that is entitled to full faith and credit under s. 806.247 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 s. 806.247, the court shall direct the clerk of circuit court to file the order and any modification of the order.</p> <p>(3) Immunity. A law enforcement officer, law enforcement agency, prosecuting attorney or clerk of circuit court is immune from 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.</p> |

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| | <p>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.</p> <p style="text-align: center;">Wis. Stat. § 806.245 (2010)</p> <p>Indian tribal documents: full faith and credit. (6) A foreign protection order, as defined in s. 806.247(1)(b), issued by an Indian tribal court in this state shall be accorded full faith and credit under s. 806.247</p> | |
| <p>Wyoming</p> | <p style="text-align: center;">Wyo. Stat. Ann. § 35-21-109 (2010)</p> <p>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:</p> <p>(i) That was issued by a court of another state, tribe or territory;</p> <p>(ii) Where the issuing court had jurisdiction over the parties and the matter under the laws of the state, tribe or territory;</p> <p>(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</p> <p>(iv) Which has not expired.</p> <p>(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.</p> <p>(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.</p> | <p style="text-align: center;">Wyo. Stat. Ann. § 6-4-404 (2010)</p> <p style="text-align: center;">Violation of order of protection; penalty</p> <p>(a) Any person who willfully violates a protection order or valid foreign protection order 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.</p> <p>(b) For purposes of subsection (a) of this section, “protection order” means an order of protection issued pursuant to W.S. 35-21-104 or 35-21-105 or 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 so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.</p> <p style="text-align: center;">Wyo. Stat. Ann. § 35-21-106(c)-(d) (2010)</p> <p>Service of order; duration and extension of order; violation; remedies not exclusive</p> <p>(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</p> |

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| | <p style="text-align: center;">Wyo. Stat. Ann. § 35-21-110(c) (2010)</p> <p>(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.</p> <p style="text-align: center;">Wyo. Stat. Ann. § 35-21-111 (2010) Filing and registration of foreign protection orders</p> <p>(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.</p> <p>(b) Filing shall be without fee or cost.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p style="text-align: center;">Wyo. Stat. Ann. § 5-1-111 (2010)</p> <p>Full faith and credit for tribal acts and records</p> <p>(a) The judicial records, orders and judgments of the courts of the Eastern Shoshone and Northern Arapaho Tribes of the Wind River Reservation shall have the same full faith and credit in the courts</p> | <p>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.</p> <p>(d) The remedies provided by this act are in addition to any other civil or criminal remedy available to the petitioner.</p> |

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| | <p>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:</p> <p>(i) The tribal documents meet the authentication requirements of subsection (b) of this section;</p> <p>(ii) The court is a court of record;</p> <p>(iii) The court judgment is a valid judgment; and</p> <p>(iv) The court certifies that it grants full faith and credit to the judicial records, orders and judgments of the courts of this state.</p> <p>(b) To qualify for admission as evidence in the courts of this state:</p> <p>(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;</p> <p>(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.</p> <p>(c) In determining whether a tribal court is a court of record, the Wyoming court shall determine that:</p> <p>(i) The court keeps a permanent record of its proceedings;</p> <p>(ii) Either a transcript or an electronic recording of the proceeding at issue in the court is available;</p> <p>(iii) Final judgments of the tribal court are reviewable by a tribal appellate court; and</p> <p>(iv) The court has authority to enforce its own orders through contempt proceedings.</p> <p>(d) In determining whether a tribal court judgment is a valid judgment, the Wyoming court on the motion of a party may</p> | |

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| | <p>examine the tribal court record to assure that:</p> <p>(i) The court had jurisdiction of the subject matter and over the person named in the judgment;</p> <p>(ii) The judgment is final under the laws of the rendering court;</p> <p>(iii) The judgment was procured without fraud, duress or coercion;</p> <p>(iv) The judgment was procured in compliance with procedures required by the rendering court; and</p> <p>(v) The proceedings of the court comply with the Indian Civil Rights Act of 1968 under 25 U.S.C. §§ 1301 to 1341.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> | |