

D R A F T  
FOR APPROVAL

# **UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE ORDERS ACT**

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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# **UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE ORDERS ACT**

*WITH PREFATORY NOTE AND COMMENTS*

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NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS

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**UNIFORM INTERSTATE ENFORCEMENT  
OF DOMESTIC VIOLENCE ORDERS ACT**

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# UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE ORDERS ACT

## PREFATORY NOTE

### I. Introduction

The Uniform Interstate Enforcement of Domestic Violence Orders Act (“the Act”) provides a uniform mechanism for the interstate enforcement of domestic-violence protection orders. The need for such a mechanism is founded on the widespread understanding that States have not consistently or effectively enforced domestic-violence protection orders issued by other States. The Act, thus, has two main purposes. First, it defines the meaning of interstate enforcement in the context of the enforcement of domestic-violence protection orders. Second, it establishes uniform procedures for the effective interstate enforcement of domestic-violence protection orders.

The Congress of the United States, recognizing the severity of the problems with the interstate enforcement of protection orders, enacted the Violence Against Women Act (“VAWA”), 18 U.S.C. Sec. 2265, which requires States to enforce the domestic-violence protection orders of other States. VAWA, however, while mandating enforcement, is either silent or ambiguous regarding several important questions that must be answered in order to establish an effective system for the interstate enforcement of these orders.

First, VAWA does not sufficiently explain the meaning of core requirements of the federal law. For example, VAWA requires that States enforce the orders of other States as if they were the protection orders of the enforcing State. This mandate, however, does not answer the question of whether States are required to enforce provisions of foreign protection orders that would not be authorized by the law of the enforcing State. This question, and others, must be answered if there is to be effective uniform enforcement of protection orders. Second, VAWA does not specify the enforcement procedures States must establish to comply with the federal mandate. For example, VAWA is silent on whether individuals seeking the enforcement of a protection order must register or file the order with the enforcing State before action can be taken on their behalf. This Act resolves the issues left unanswered in VAWA.

### II. The Requirements of Interstate Enforcement

The Act first defines what it means to accord interstate enforcement to domestic-violence protection orders. These orders must be enforced if the issuing

1 tribunals had jurisdiction over both the parties and the matter under the law of the  
2 issuing State and if the individual against whom the order is enforced was given  
3 reasonable notice and afforded an opportunity to be heard consistent with the right  
4 to due process. If the order was obtained ex parte, this notice and opportunity to be  
5 heard must be provided within a reasonable time.

6 The Act makes it clear that all the terms of the orders of the issuing States  
7 must be enforced, even if the law of the enforcing State would not authorize  
8 particular terms of the orders. The Act also provides that all protection orders,  
9 including criminal orders issued by a State which allows the equivalent of civil  
10 protection orders to be issued by a criminal court (provided that a protected  
11 individual has standing to seek enforcement of the provisions of such a criminal  
12 order), satisfying the criteria of validity, must be enforced. In addition, provisions of  
13 protection orders governing custody and visitation matters are enforceable under  
14 this Act. Terms that concern support are not. In addition, the terms of mutual  
15 protection orders issued in favor of a respondent are also not enforceable if they  
16 were not issued in response to a written pleading filed by the respondent and if the  
17 issuing tribunal did not make specific findings in favor of the respondent.

### 18 **III. Enforcement Procedures**

19 The Act also provides uniform procedures for the interstate enforcement of  
20 domestic-violence protection orders. The Act envisions that the enforcement of  
21 foreign protection orders will require law enforcement officers of enforcing States to  
22 rely on probable cause judgments that a valid order exists and has been violated.  
23 The Act, however, provides that if a protected individual can provide direct proof of  
24 the existence of a facially valid order, by, for example, presenting a paper copy or  
25 through an electronic registry, probable cause is conclusively established. If no such  
26 proof is forthcoming, the Act provides that if officers, relying on the totality of the  
27 circumstances, determine that there is probable cause to believe that a valid  
28 protection order exists and has been violated, the order will be enforced. The  
29 individual against whom the order is enforced will have sufficient opportunity to  
30 demonstrate that the order is invalid when the case is brought before the enforcing  
31 tribunal. Law enforcement officers, as well as other government agents, will be  
32 encouraged to rely on probable cause judgments by the Act's inclusion of an  
33 immunity provision, protecting agents of the government acting in good faith.

34 The Act, once again filling a gap left by VAWA, does not require individuals  
35 seeking the enforcement of a protection order to register or file the order with the  
36 enforcing State. The Act does, however, include an optional registration process.  
37 This process permits individuals to register a protection order by presenting a copy  
38 of the order to a responsible state agency or any state officer or agency. The copy  
39 presented must be certified by the issuing State. The purpose of these procedures is

- 1 to make it as easy as possible for the protected individual to register the protection
- 2 order and facilitate its enforcement.



1                                   **UNIFORM INTERSTATE ENFORCEMENT**  
2                                   **OF DOMESTIC VIOLENCE ORDERS ACT**

3                   **SECTION 1. DEFINITIONS.** In this [Act]:

4                   (1) “Foreign protection order” means a protection order issued by a tribunal  
5 of another State.

6                   (2 ) “Issuing State” means the State whose tribunal issues a protection  
7 order.

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

11                  (4) “Protected individual” means an individual protected by a protection  
12 order.

13                  (5) “Protection order” means an injunction or other order, issued by a  
14 tribunal under the domestic-violence or family-violence laws of the issuing State, to  
15 prevent an individual from engaging in violent or threatening acts against,  
16 harassment of, contact or communication with, or physical proximity to another  
17 individual.

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

20                  (7) “State” means a State of the United States, the District of Columbia,  
21 Puerto Rico, the United States Virgin Islands, or any territory or insular possession

1 subject to the jurisdiction of the United States. The term includes an Indian tribe or  
2 band, or Alaskan native village, that has jurisdiction to issue protection orders.

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

#### 5 **Comment**

6 The term “protection order” includes only those orders issued under the  
7 domestic-violence or family-violence laws of the issuing State. Protection orders  
8 issued outside of the domestic or family violence context are not enforceable under  
9 the provisions of this Act. The scope of enforceable protection orders is further  
10 limited by the provisions of Section 2(a) and (b). In addition, the term “protection  
11 order” includes an order modifying a previous order. Thus, a modified order, is  
12 enforceable, under the Act, in the same manner as a newly issued order.

13 The terms “protected individual” and “respondent” refer to the relief sought  
14 by the parties in the action brought in the enforcing State. The Act recognizes that  
15 neither the protected individual nor the respondent may have been a named party in  
16 the action brought in the issuing State; the Act applies to individuals meeting the  
17 definition of protected individual or respondent whether they were named in the  
18 caption or the body of the protection order. The Act also recognizes that the parties  
19 may have been called by different terms, e.g. plaintiff, defendant, petitioner, in the  
20 issuing State.

21 The term “mutual protection orders” refers to protection orders in which an  
22 issuing State includes provisions protecting both parties. Enforcement of these  
23 foreign protection orders is governed by Section 2(g).

24 The Violence Against Women Act, 18 U.S.C. Sec. 2265, requires that States  
25 accord full faith and credit to tribal protection orders. Like state orders, tribal  
26 orders must satisfy the criteria for validity, as defined in Section 2(d), in order to  
27 qualify for interstate enforcement across state or tribal lines.

28 The Act uses the term “tribunal,” rather than “court,” in order to  
29 accommodate States that rely upon administrative or other entities to issue or  
30 modify protection orders.

1                   **SECTION 2. JUDICIAL ENFORCEMENT OF ORDER.**

2                   (a) A tribunal of this State shall enforce a valid foreign protection order,  
3 including terms that provide relief that a tribunal of this State may not provide. A  
4 tribunal of this State shall enforce a valid foreign protection order issued by a civil  
5 or criminal tribunal, whether the order was obtained by independent action or in  
6 another proceeding, if it is a civil order issued in response to a complaint, petition,  
7 or motion filed by or on behalf of an individual seeking protection. A tribunal of this  
8 State may not enforce an order issued by a criminal tribunal that does not recognize  
9 the standing of a protected individual to seek enforcement of the order.

10                  (b) A tribunal of this State shall enforce the provisions of a valid foreign  
11 protection order which governs custody and visitation. The custody and visitation  
12 provisions of the order must have been issued in accordance with the jurisdictional  
13 requirements governing the issuance of custody and visitation orders in the issuing  
14 State.

15                  (c) A tribunal of this State may not enforce under this [Act] an order or  
16 provision of an order governing support.

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

18                         (1) names the protected individual and the respondent;

19                         (2) has not been modified or vacated, and has not expired;

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

(4) 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.

(e) A protected individual seeking enforcement of a foreign protection order establishes a prima facie case for its validity by presenting an order valid on its face.

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

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

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

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

### Comment

The scope of enforceable protection orders defined in Sections 2 (a), (b), and (c) is adapted from the Violence Against Women Act, 18 U.S.C. Sec. 2266. Protection orders issued by criminal courts in the context of a criminal case are entitled to interstate enforcement. It is not, however, the purpose of this section, or that of the federal mandate, either to surpass the constitutional restraints against States enforcing the criminal laws of other States or to disturb the normal process of interstate criminal law enforcement. Rather, these provisions are intended to facilitate the enforcement of orders issued by States which allow the equivalent of civil protection orders to be issued by a criminal court. The Act, therefore, only provides for the interstate enforcement of protection orders issued by criminal courts if the law of the issuing State recognizes the standing of a protected individual to seek enforcement of the order. If the protection order may only be

1 enforced by criminal sanctions upon the request of the State, then it does not qualify  
2 for enforcement under this Act. For example, orders issued by criminal courts that  
3 provide for the revocation of bail, probation, or parole upon motion by the State will  
4 not qualify for enforcement under this Act. An enforcing State may, however,  
5 choose to enact and enforce a separate criminal law providing for the prosecution of  
6 individuals who violate a foreign protection order. In addition, the respondent may  
7 have violated other criminal laws of the enforcing State; the enforcing State may, of  
8 course, prosecute the respondent for these violations.

9         The provisions of protection orders that govern custody and visitation rights  
10 must also be enforced. These provisions may only be enforced, however, if they  
11 were issued in accordance with the jurisdictional requirements for the issuance of all  
12 custody and visitation orders, contained, depending on the State, either in the  
13 Uniform Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction  
14 and Enforcement Act, and the federal Parental Kidnaping Prevention Act. This Act,  
15 however, does not provide for the enforcement of orders governing custody and  
16 visitation rights that are not included in a protection order. In addition, orders or  
17 provisions of protection orders governing support are not enforceable under this  
18 Act; provisions of these orders should be enforced using the process provided in the  
19 specific laws governing the issuance, modification, and enforcement of these orders,  
20 including, but not limited to, the Uniform Interstate Family Support Act.

21         Subsection (a) implements the core purpose of the mandate of the Violence  
22 Against Women Act, 18 U.S.C. Sec. 2265(a). This section requires tribunals of  
23 enforcing States to enforce the specific terms of protection orders of other States.  
24 This provision means that the tribunals of enforcing States should enforce the  
25 specific terms of a foreign protection order even if their state law would not allow  
26 the relief in question. For example, if the law of the issuing State allows protection  
27 orders to remain effective for a longer period than is allowed by the enforcing State,  
28 the tribunal of the enforcing State should enforce the order for the time allowed by  
29 the issuing State.

30         Subsection (e) should not be interpreted to foreclose actions brought by  
31 state agencies and officers, such as prosecutors, acting on behalf of the protected  
32 individual. The Act, however, in recognizing the importance of these agencies and  
33 officers, should not be interpreted to mean that States, and their agencies and  
34 officers, are required to bring these actions when possible.

35         The respondent's constitutional right to due process is protected by the  
36 opportunity to raise defenses in the enforcement proceeding, as provided in  
37 subsection (f). If, for example, the respondent was not provided with reasonable  
38 notice and opportunity to be heard by the tribunal of the State issuing the protection  
39 order, the enforcing tribunal may not enforce the order. Thus, the interstate

1 enforcement of a valid foreign protection order, even without a prior hearing, does  
2 not deprive the respondent of any rights to due process because the respondent was  
3 provided with reasonable notice and opportunity to be heard when the order was  
4 issued.

5         The enforcement mechanisms established by the Act do not require the  
6 presentation by the protected individual of an authenticated copy of the foreign  
7 protection order. While States, as required by the Constitution and federal statutes  
8 that articulate authentication requirements, including 28 U.S.C. Sec. 1738, must  
9 accord properly authenticated foreign judgments full faith and credit enforcement,  
10 they may choose to enforce foreign orders they would not be required to enforce  
11 under the provisions of the Constitution or other federal law. By adopting this Act,  
12 States have chosen to give that extra measure of full faith and credit to foreign  
13 protection orders.

14         In addition, in recent years, particularly with regard to the enforcement of  
15 domestic relations orders, the federal government has employed the power granted  
16 to it by Article IV, Sec. 1 of the Constitution of the United States to prescribe the  
17 manner in which States give full faith and credit to the acts, records, and  
18 proceedings in other States to require States to enforce the orders of other States in  
19 circumstances in which States have traditionally been reluctant to render such  
20 enforcement. For example, the federal Parental Kidnaping Prevention Act, 28  
21 U.S.C. Sec. 1738A, requires greater interstate enforcement of child custody orders  
22 and the federal Personal Responsibility and Work Opportunity Reconciliation Act,  
23 110 Stat. 2105 (1996), requires that States, in order to facilitate the enforcement of  
24 support orders, adopt the provisions of the Uniform Interstate Family Support Act.  
25 The Violence Against Women Act extends the principle of these laws to the subject  
26 of the interstate enforcement of domestic-violence protection orders.

27         Subsection (g), adapted from the federal Violence Against Women Act, 18  
28 U.S.C. Sec. 2265(c), addresses the enforcement of mutual foreign protection orders,  
29 which contain provisions protecting both the protected individual and the  
30 respondent. Provisions of a mutual foreign protection order issued in favor of the  
31 respondent will not be enforced without proof that the respondent filed a written  
32 pleading seeking a protection order. If a respondent can prove that he or she made  
33 a specific request for relief and that the issuing tribunal made specific findings that  
34 the respondent was entitled to the requested relief, the protection orders will be  
35 enforced against the protected individual.

36         In order to facilitate the interstate enforcement of foreign protection orders,  
37 States should strongly consider requiring tribunals that issue protection orders to  
38 state clearly that these orders are entitled to interstate enforcement under both  
39 federal and state law. Such enforcement would also be greatly facilitated if issuing

1 States provided each protected individual with a certified copy of the protection  
2 order. In addition, States should consider adopting a standard certification or  
3 confirmation form stating the protection order issued by their tribunals satisfies the  
4 criteria of validity articulated in subsection (d), thus qualifying the protection order  
5 for interstate enforcement. Use of the following certification form is recommended.

6 \_\_\_\_\_(Name), : IN THE \_\_\_\_\_COURT OF  
7 Plaintiff : \_\_\_\_\_(County/Judicial District)  
8 : \_\_\_\_\_(State/Territory)  
9 vs. : CIVIL ACTION – LAW  
10 : PROTECTION/RESTRAINING ORDER  
11 \_\_\_\_\_(Name), :  
12 Defendant : Docket No. \_\_\_\_\_, 200\_\_\_\_\_

13 Certification of Protection/Restraining Order

14 It is hereby certified that the attached is a true and correct copy of the order entered  
15 in the above-captioned action on \_\_\_\_\_(date) and that the original of  
16 the attached order was duly executed by the judicial authority whose signature  
17 appears thereon. The order expires on \_\_\_\_\_ (date).

18 The order is: [ ] a civil protection/restraining order  
19 OR [ ] a criminal protection/restraining order, that recognizes the  
20 standing of the plaintiff to seek enforcement of the order

21 It is further certified that:

22 (a) the issuing court determined that it had jurisdiction over the parties and the  
23 subject matter under the laws of \_\_\_\_\_ (State or  
24 Indian tribe).

25 (b) the defendant was given reasonable notice and opportunity to be heard  
26 sufficient to protect the defendant's right to due process before this order was  
27 issued; or if the order was issued ex parte, the defendant was granted reasonable  
28 notice and opportunity to be heard within the time after the order was issued,  
29 consistent with the rights of the defendant to due process.

30 (c) the order was otherwise issued in accordance with the requirements of the  
31 Uniform Interstate Enforcement of Protection Orders Act, and the Violence Against  
32 Women Act, 18 U.S.C. § 2265.

33 For custody and visitation orders:

1           9 the order was issued in accordance with the requirements of the Uniform  
2 Child Custody Jurisdiction Act or the Uniform Child Custody Jurisdiction and  
3 Enforcement Act of this State/territory and is consistent with the provisions of the  
4 Parental Kidnaping Prevention Act. 28 U.S.C. § 1738A.

5           The attached order shall be presumed to be valid and enforceable in this and other  
6 jurisdictions.

7           Signature of Clerk of Court or other authorized official: \_\_\_\_\_

8           Judicial District: \_\_\_\_\_ Address: \_\_\_\_\_

9           Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Date: \_\_\_\_\_

10          Seal:

11                   **SECTION 3. NONJUDICIAL ENFORCEMENT OF ORDER.**

12                   (a) A law enforcement officer of this State, upon determining that there is  
13 probable cause to believe that a valid foreign protection order exists and that the  
14 order has been violated, shall enforce the order as if it were the order of a tribunal of  
15 this State. Presentation by the protected individual of a protection order that names  
16 both the protected individual and the respondent and, on its face, has not been  
17 modified or vacated and has not expired constitutes probable cause to believe that a  
18 foreign protection order exists. For the purposes of this section, the protection  
19 order may be inscribed on a tangible medium or may have been stored in an  
20 electronic or other medium if it is retrievable in perceivable form. Presentation of a  
21 certified copy of a protection order is not required for enforcement.

22                   (b) If a protected individual does not present the protection order, in  
23 determining whether there a law enforcement officer has probable cause to believe



that a valid foreign protection order exists, the officer may rely upon any relevant source of information.

(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 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.

(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].

### Comment

The enforcement procedures in subsection (a) and (b) rely on the sound exercise of the judgment of law enforcement officers to determine whether there exists probable cause to believe that a valid foreign protection order exists and has been violated. These procedures anticipate that there will be many instances in which the protected individual does not have, or cannot, under the circumstances, produce a paper copy of the foreign protection order. Subsection (a) establishes a per se rule for determining probable cause of the existence of an order. If the protected individual presents, whether by providing a paper copy (which need not be certified) of a protection order or through an electronic medium, such as access to a state registry of orders, proof of a facially valid order, the order should be enforced.

Subsection (b) concerns the circumstance in which the protected individual cannot present direct proof of the protection order. In this situation, law enforcement officers are expected to obtain information from all available sources, including interviewing the parties and contacting other law enforcement agencies, to determine whether there is a valid protection order in effect. If the officer finds, after considering the totality of the circumstances, that there is probable cause to believe that a valid foreign protection order exists and has been violated, he or she should enforce the order. If it is later determined that no such order was in place or the order was otherwise unenforceable, law enforcement agencies, officers, or other

1 state officials will be protected by the immunity provision of Section 5 for actions  
2 taken in good faith.

3 Subsection (c) provides that if a law enforcement officer discovers in the  
4 course of a probable cause investigation that the respondent has not been notified of  
5 the issuance of or served with an otherwise valid foreign protection, the officer  
6 should then inform the respondent of the terms and conditions of the protection  
7 order and make a reasonable effort to serve the order upon the respondent. Once  
8 served, the respondent should be allowed a reasonable opportunity to comply with  
9 order. If the respondent refuses to comply, the order should be enforced.

10 Subsection (d) makes clear that, if a State either adopts its own process for  
11 the registration or filing of foreign protection orders or adopts the process provided  
12 in Section 4, the State shall not require the registration or filing of a foreign  
13 protection order for enforcement.

#### 14 **[SECTION 4. REGISTRATION OF ORDER.**

15 (a) Any individual may register a foreign protection order in this State. To  
16 register a foreign protection order, an individual shall:

17 (1) present a certified copy of the order to [the state agency responsible  
18 for the registration of such orders]; or

19 (2) present a certified copy of the order to [an agency designated by the  
20 State] and request that the order be registered with [the agency responsible for the  
21 registration of such orders].

22 (b) Upon receipt of a protection order, [the agency responsible for the  
23 registration of such orders] shall register the order in accordance with this section.  
24 After the order is registered, [the responsible agency] shall furnish to the individual  
25 registering the order a certified copy of the registered order.

1           (c) [The agency of this State responsible for the registration of foreign  
2 protection orders] shall register an order upon presentation of a copy of a protection  
3 order which has been certified by the issuing State. For purposes of this section, this  
4 requirement of a certified copy may only be satisfied by a writing on paper, and may  
5 not be satisfied by a record in any other medium, even if the record ultimately may  
6 be displayed on paper.

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

10          (e) A foreign protection order registered under this [Act] may be entered in  
11 any existing state or federal registries of protection orders, in accordance with state  
12 or federal law.

13          (f) Any individual who believes that the individual has been named the  
14 respondent in a foreign protection order that has been registered in this State may  
15 prove that the order is not in effect or that the individual is not the respondent  
16 named in the order. Upon proof that a registered foreign protection order is not in  
17 effect or is inaccurate, [the agency of this State responsible for the registration of  
18 foreign protection orders] shall remove the order from the registry or shall correct  
19 the registration. The agency shall then inform any state or federal registry that the  
20 agency is aware has registered the order that the order is no longer in effect or the  
21 registration has been corrected.

1 [(g) A fee may not be charged for the registration of a foreign protection  
2 order.]]

### 3 **Comment**

4 This section is bracketed because States may prefer to use their existing  
5 systems of registration to register foreign protection orders. While a protected  
6 individual is not required to register a valid foreign protection order in order for it  
7 be enforced, it is highly desirable that States provide an optional registration  
8 process. A registration system supplies law enforcement officers and agencies more  
9 accurate information, more quickly, about both the existence and status of foreign  
10 protection orders and their terms and conditions. An enforcing State may facilitate  
11 the collection and dissemination of this information either by establishing a central  
12 registry or by providing a process by which information regarding registered orders  
13 is distributed to law enforcement officers and agencies across the State. While the  
14 management of state registries is purely governed by state law, in implementing a  
15 registration system, however, enforcing States should strongly consider keeping  
16 these protection orders under seal. The purpose of more effectively protecting  
17 victims of domestic violence will be undermined if respondents can use the process  
18 of registration to locate the very people who are trying to escape from them.

19 Subsection (a) provides that any person, including a potential respondent,  
20 may register foreign protection orders. This reason behind this provision is to  
21 ensure that all parties have the opportunity to provide relevant information to the  
22 State. Orders, for example, may be modified with custody arrangements.

23 Subsection (c) requires that a person seeking to register a foreign protection  
24 order must present a certified copy of that order. The copy must be a writing on  
25 paper, thus exempting this requirement from the provisions of the Uniform  
26 Electronic Transactions Act.

27 Subsection (e) provides that if there the State has registered orders that are  
28 no longer in effect or are inaccurate, those subject to these orders may, upon  
29 sufficient proof, request that these orders be removed from the registry or, in the  
30 case of error, corrected. The precise method of how state and federal registries  
31 manage their registries , including the deletion of inaccurate information, is  
32 governed by each government's law regarding the management of records.

33 If an order is registered under this section, the individual who registered the  
34 order is expected to inform the enforcing State of any modifications to the  
35 registered protection order.

Subsection (g) is bracketed because some States may wish to charge a fee for registration.

**SECTION 5. 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 [Act].

### Comment

States may, if they wish, substitute their own immunity provisions, so long as law enforcement officers, agencies, or other officials involved in the registration or enforcement of foreign protection orders, under the immunity scheme chosen, are not dissuaded from enforcing such orders because of the fear of potential liability. This immunity provision includes States, state and local governmental agencies, and all state and local government officials acting in their official capacity in order to prevent those seeking the imposition of criminal and civil liability for acts or omissions done in good faith in an effort to comply with the provisions of this Act from circumventing this immunity provision. The necessity for a generous immunity provision for the enforcement of foreign protection orders does not preclude state and local governments from using personnel and other internal sanctions in order to prevent and punish actions that, in the absence of this immunity provision, would have rendered the government agencies, officers, or officials civilly or criminally liable.

**SECTION 6. TRANSITIONAL PROVISION.** The [Act] applies to any protection order issued before [the effective date of his [Act]], including any continuing action for enforcement of a foreign protection order commenced before [the effective date of this [Act]]. A request for enforcement of a

1 foreign protection order brought on or after [the effective date of this [Act]] for  
2 violations of a foreign protective order occurring before [the effective date of this  
3 [Act]] is governed by the provisions of this [Act].

4 **Comment**

5 The provisions of this Act apply to all requests for enforcement of foreign  
6 protection orders, both continuing and newly filed, made on or after its effective  
7 date. In addition, the provisions of this Act apply to the enforcement of foreign  
8 protection orders issued before the effective date of this Act and to requests for  
9 enforcement of foreign protection orders in which the alleged violation took place  
10 before the effective date of the Act. Application of the Act in these circumstances  
11 does not constitute an unconstitutional ex post facto law because, under the  
12 principles of the Full Faith and Credit Clause of the Constitution of the United  
13 States, valid foreign protection orders should have always been entitled to interstate  
14 enforcement. The Act, therefore, does not effect a substantive change in the law  
15 regarding the enforcement of foreign protection orders; respondents should have  
16 always been aware that protection orders issued by States are subject to interstate  
17 enforcement. Both the federal Violence Against Women Act and this Act only  
18 ensure that States carry out their constitutional responsibility to enforce these  
19 orders.

20 **SECTION 7. OTHER REMEDIES.** Pursuit of remedies under this [Act]  
21 does not preclude a protected individual from pursuing other legal or equitable  
22 remedies against the respondent.

23 **Comment**

24 This section clarifies that the protection orders enforced under the Act are  
25 not the only means of protection available to victims of domestic violence. Other  
26 legal remedies, such as tort actions and criminal prosecution, are left undisturbed by  
27 this Act.

28 **SECTION 8. EFFECTIVE DATE.** This [Act] takes effect on  
29 .....