



WHY STATES SHOULD ADOPT THE UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTION ORDERS ACT

The Uniform Interstate Enforcement of Domestic Violence Protection Orders

Act (“UIEDVPOA”) promulgated by the Uniform Law Commission in 2000 and amended in 2002, establishes a uniform system for the enforcement of domestic violence protection orders across state lines. The Act furthers the purpose of the Federal Violence Against Women Act of 1994’s “full faith and credit” provision regarding protection orders issued by states. While the federal provision was an important step toward protection, the Act helps to answer some crucial questions regarding procedural aspects of enforcement that were left open.

In addition, while some states have enacted their own legislation regarding interstate enforcement of protection orders, these statutes vary greatly, especially with regards to methods of enforcement and the extent to which each will enforce foreign protection orders. Therefore, the UIEDVPOA should be enacted to ensure that protection orders are effectively given full faith and credit.

The Act has two purposes: (1) to define the meaning of full faith and credit as it relates to the interstate enforcement of domestic violence protection orders, and (2) to establish uniform procedures for effective interstate enforcement. The Act accomplishes these aims through broad provisions that ensure essentially any domestic violence protection order will be enforced.

The Act’s important provisions include:

- **Judicial Enforcement of an Order** – Courts must enforce the terms of valid protection orders from other states as if they were entered by the enforcing state, until the order expires.
- **Terms of the Order Enforceable** – All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state. Terms of the order made with respect to support are enforceable under the Uniform Interstate Family Support Act.
- **Non-Judicial Enforcement of an Order** – A law enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an order of the enforcing state.
- **Registration of an Order** – An individual may, but is not required to, register a foreign protection order with the enforcing state. Registration will help prevent possible challenges to an order as well as facilitate effective enforcement.
- **Immunity** – Law enforcement officers, governmental agencies, prosecuting attorneys, clerks of court, or other officials are protected from civil and criminal liability for enforcement of a protection order in good faith.

It is important for each state to enact the UIEDVPOA. Domestic violence victims need and deserve protection regardless of where a protection order was issued. The Act helps to ensure victims receive that protection across state lines. Effective interstate enforcement of protection orders can be achieved only if every state adopts the Act.