State and U.S. Territory Full Faith and Credit Legislation and Registry Information

The Full Faith and Credit Project

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Introduction

This document provides information about individual states' laws and policies regarding restraining orders. Information regarding registries was provided by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence. Information regarding state legislation and enforcement was provided by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

See a U.S. Protection Order Registries Map [/documents/ffc/matrix/enablemap.jpg]

Alabama

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Ala. Code § 30-5-4 (h) (1995) 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."

Enforcement No specific enforcement procedures for foreign orders have been established; at present, police officers are permitted to make warrantless arrests if they have knowledge of the existence of a protection order. Foreign orders will be enforced if the protected party presents a copy of the order to the officer.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence
The Administrative Office of the Courts manages Alabama's registry. Orders are entered by clerks of court at the courthouse, usually on the same business day and downloaded to the Criminal Justice Information System (CJIS). The registry includes permanent, temporary/ex parte orders, and criminal orders. Out-of-state orders can be entered in the registry. Expired orders are kept on the system indefinitely. Information is accessible either directly through the registry or through the state wants and warrants file.

Registry Contact Mike Carroll Administrative Office of the Courts 300 Dexter Avenue Montgomery, AL 346104-3741 334-242-0838 334-242-2099 Fax mikec@alaline.net [mailto:mikec@alaline.net]

Alaska

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Alaska code § 18.66.140 (b)(2000) states that "[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."

§ 18.66.140(a) provides that 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 the state. 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.

**Enforcement** No information available at this time.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Alaska began operating a registry in June of 1989; the passage of AS 18.65.540 (effective July 1, 1996), which mandates the Department of Public Safety to maintain a central registry, required enhancement of the registry. Pursuant to AS 18.66.100(d)(2), the issuing court is required to have the order delivered to the appropriate law enforcement agency for expedited service and entry into the registry. AS.18.65.540(b) requires the law enforcement agency receiving the order to take reasonable steps to ensure the order, modified order, or dismissal is entered into the registry within 24 hours of receipt. The registry contains emergency, ex parte, and final protection orders; no specific notation is made regarding whether any of these meet ffcc requirements. Both active and expired orders are stored in the system; expired orders are purged from the system five years after the expiration date. Authorized users are criminal justice agencies and the Division of Family and Youth Services. Queries may be made using the respondent's name or Social Security Number, driver's license number, or unique system number (APSIN ID). Pursuant to AS 18.66.140, for foreign orders to be entered into the registry, a certified copy of the order must be filed with the clerk of the court in any judicial district in Alaska. The court is then required to deliver the order to a local law en-
forcement agency for entry into the registry (AS 18.66.140(c)). It is not known whether any tribes are currently participating in the registry. AK is participating in the NCIC POF.

Registry Contact Technical Issues: Kathleen Mather Data Processing Manager 5700 East Tudor Road Anchorage, AK 99507 (907) 269-5701 (907) 269-5617 Fax Kathleen_mather@dps.state.ak.us
Policy Issues: Katherine TePas Program Coordinator Same as above address (907) 269-5412 (907) 337-2059 Fax Katherine_tepas@dps.state.ak.us

American Samoa

No information available at this time.

Arizona

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation "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 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." Ariz. Rev. Stat. § 13-3602 (R) (2000)

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. Id. at (R)(1). (2000)

A protection order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a U.S. territory, or an Indian tribe and the person against whom the order was issued had reasonable notice and opportunity to be heard. If the order was issued ex parte, the notice and opportunity to be heard shall be provided within the time required by the laws of the issuing state, territory, or tribe, within a reasonable time after the order was issued. Is. at (R)(2).

A mutual order is not entitled to full faith and credit if either: (a) the person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protection order or (b) the issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protection order. Id. at (R)(3)(a)-(b)(2000).
Enforcement  Law enforcement officers may presume the validity of and rely on a copy of a foreign protection order if the order is given to the officer by any source. The officer may also rely on the statement of the person protected by the order that it is still in effect. Ariz. Rev. Stat. § 13-3602 (R)(4) (2000)

Police officers acting in good faith are immune from civil and criminal liability. Id.

Registry Information  Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Arizona is planning a state registry. Currently, orders are directly entered into the NCIC system by some local law enforcement agencies.

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Arkansas

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation  Ark. Stat. Ann. § 9-15-302 (1995) "(a) Any protection order issued that is consistent with subsection (b) of this section by the issuing court of one state or Indian tribe shall be afforded full faith and credit by the courts of this state and upon registration as provided in § 9-5-301 shall be enforced by law enforcement as if it were issued in this state.

(b) A protection order issued by a state or tribal court is consistent with this section if: (1) Such court had jurisdiction over the parties and matters under the laws of such state or Indian tribe; and (2) (A) 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. (B) In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by state or tribal law, and in any event, within a reasonable period of time after the order is issued sufficient to protect the respondent's due process rights."

§ 9-15-302(d) directs that after a foreign order is submitted to the chancery clerk, the chancellor shall review the order to determine whether it complies with due process requirements of the VAWA. If the order is consistent with the VAWA, the clerk shall register the foreign order and forward a copy to law enforcement.

§ 12-12-215 (b)(4) states that "[o]nly orders which are consistent with § 9-15-302(b) may be entered into the Arkansas Crime Information Center system."

Enforcement  No information available at this time.
Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Ark. Code Ann. § 12-12-215 requires the development of a statewide registry, and for orders to be entered by each county sheriff's department. The registry contains temporary and final orders (temporary orders contain a notation as to whether service was completed), as well as criminal "no contact" orders (upon request of a court or law enforcement agency). A Brady record indicator is included. Any criminal justice agency in the state may search the registry using the respondent's name, or by running a routine warrant check. While the registry has the capacity to contain out-of-state orders, there are no established procedures for determining whether a foreign order is still valid.

Registry Contact Richard Thomas Arkansas Crime Information Center One Capital Mall 4D-200 Little Rock, AR 72201 (501) 682-2222 (501) 682-2530 Fax

California

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Cal. Fam. Code § 6401(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."

§ 6402: "(a) A person authorized by the law of this state to seek enforcement of a 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 the power to provide but for this section. The tribunal shall enforce the order, whether the order was obtained by independent action or in another proceeding, if it is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protection order, the tribunal shall follow the procedures of this state for the enforcement of protection orders. (b) A tribunal of this state may not enforce a foreign protection order issued by a tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order. (c) A tribunal of this state shall enforce the provisions of a valid foreign protection order which govern custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state. (d) A tribunal of this state may not enforce a provision of a foreign protection order with respect to support under this part."
Enforcement Cal. Fam. Code § 6403: "(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.

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

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

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

The penal code directs that written policies of law enforcement agencies must require arrest of an offender if there is probable cause that a foreign protective order has been violated. § 13701

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

CA FAM 6830 provides for a state registry maintained by the Department of Justice. Each county determines the specific entry procedures, but local law enforcement enters orders in most counties (after delivery by protected party). The registry includes permanent, temporary, ex parte, emergency, and criminal orders. Out-of-state orders can be entered after registered with court. Expired orders are held in a suspense file for 30 days and then purged (although they are reevaluating this policy). The registry does include a Brady record indicator. Information can be accessed through several mechanisms, including during "wanted person" checks. California is sending orders to NCIC.

Registry Contact Valerie Fercho Department of Justice P.O. Box 903387 Sacramento, CA 94203-3870 916-227-3732 916-227-3774 Fax

Colorado

Full Faith and Credit Enabling Legislation
Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** 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. . .if the order meets all of the following conditions:

(a) The foreign protection order was obtained after providing the person against whom the order was sought reasonable notice and 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; and

(c) The order complies with Section 14-4-102 (13). Colo. Rev. Stat. § 18-6-803.8(3)(a)-(c)(1999)

A protected party may file a certified copy of a foreign protection order in the district or county court; if the order is filed, it shall be entered into the central registry of restraining orders. The certified order shall be accompanied by an affidavit affirming to the best of protected party's knowledge the order has not been modified since it was issued. There shall be no fee for filing. Colo. Rev. Stat. § 18-6-803.8(4)(1999).

**Enforcement** Filing, domestication or registration of the foreign order is not required for enforcement. An officer shall enforce a foreign order that appears to be an authentic court order. If a paper copy of the order is unavailable and the officer determines that the order exists through the central registry, the NCIC Protection Order File, or communication with appropriate authorities, the officer shall enforce the order. Officers can rely on the statement of anyone protected by the order that remains in effect and they are protected from civil and criminal liability for good faith acts. Id. at (5).

**Registry Information** Preparing by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The statewide registry operates as part of the Colorado Criminal Information Center, authorized by C.R.S.A. § 18-6-803.7. The Colorado Bureau of Investigation maintains the registry and the Administrative Office of the Courts is responsible for sending electronic data to the registry. Clerks of court enter orders at the time of issue. The data is electronically transferred to the CCIC within 2 hours. Temporary and permanent orders are included, with criminal orders entered at the discretion of the district attorney. Old orders are archived by the system. Out-of-state orders may be included on the registry if they are docketed with the state court. Colorado is sending orders to NCIC.

Registry Contact Mike Igo CO Bureau of Investigation 690 Kipling Street Denver, CO (303) 239-4655
Connecticut

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Section 7 of Connecticut Public Act No. 99-186 (approved June 23, 1999) states as follows:

"(a) A protective order issued by a court of another state 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 protective order sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the petitioner, the order has not been modified; and (3) the name and address of the person seeking registration except where such disclosure would jeopardize the safety of such person.

(b) On receipt of the documents required in subsection (a), the registering court shall cause the protective order to be filed as a foreign judgment, together with one copy of any accompanying documents and information, regardless of their form.

(c) Within five days of the receipt by the registering court of the documents required by subsection (a) of this section, the petitioner shall notify any person named in the protective order of the registration of the documents by certified mail, return receipt requested, at the last known address or by personal service, and provide any such person with an opportunity to contest the registration in accordance with this section. This notice required by this subsection shall state that (1) a registered protective order is enforceable as of the date of the registration in the same manner as a protective order issued by a court of this state, (2) a hearing to contest the validity of the registered protective order may be requested within twenty days after service of notice, and (3) failure to contest the registration shall, upon proof of notice, result in the confirmation of the protective order and preclude further contest."

Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Connecticut currently is designing a protection order registry to be maintained by Superior Court Operations. Court clerks will enter the majority of orders, with some orders related to probation conditions entered by the probation/parole department. The registry will contain civil and criminal orders. No definite plans have been developed for the maintenance of expired or dismissed orders. CT plans to include out-of-state orders (pending legislation). The Brady indicator is an automatic flag based on established factors. Orders will be transmitted to the state police information system and forwarded to NCIC.
Delaware

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Del. Code Ann. tit. 11, § 1271A (2000) provides that a person is guilty of criminal contempt (class A misdemeanor) when he/she knowingly violates or fails to obey any provision of a protective order issued by family court or a court of any state, territory, or Indian nation as long as such violation or failure to obey occurred in Delaware.


Del. Cod Ann. tit. 10, § 1046(c) (2000) directs law enforcement officers to arrest with or without a warrant any person whom the officer has probable cause to believe has violated a protective order issued by family court or a court of another state, territory, or Indian nation. Probable cause may be established by a good faith reliance on information contained in the statewide protective order registry DELJIS or on the existence of a foreign protective order. If an officer acts in good faith upon information contained in DELJIS or on reasonable belief in the existence of a domestic or foreign protective order, the officer shall be immune from civil liability.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The Delaware protection order registry is part of the Delaware Justice Information System (DELJIS), managed by the Judicial Information Center. Clerks of court create orders directly on the registry with simultaneous transmission to law enforcement. The registry contains all civil orders of protection and maintains an historical file of expired/cancelled orders. Out-of-state orders can be entered on the system once reviewed by a commissioner (ex parte orders are excluded). The court determines Brady eligibility and indicates in the registry. The system generates automatic notification to law enforcement about the status of gun relinquishment. Software changes are needed before data from the registry can be forwarded to NCIC.

Registry Contact Frank J. Mroz Family Court Administrative Office First Federal Place 704 N. King Street, 2nd Floor Wilmington, DE 19801 (302) 577-2693 fmroz@state.de.us [mailto:fmroz@state.de.us]

District of Columbia

Full Faith and Credit Enabling Legislation
Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Not applicable.

**Enforcement** Not applicable.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Orders are entered onto the Washington Area Law Enforcement System (WALES). Court clerks enter the orders within 48 hours of issuance. The registry includes temporary and permanent civil protection orders (ex parte orders are not flagged). All orders remain on the system until a request is made for an expired order to be deleted. Out-of-state orders are entered if brought to the DC Superior Court. The system is unable to send protection order data to NCIC.

Registry Contact Paul Roddy DC Superior Court 500 Indiana Avenue, NW Room 4242 Washington, DC 20001 (202) 879-0157 (202) 879-1295 Fax

**Florida**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** "Pursuant to 18 U.S.C. § 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 … 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." Fla. Stat. ch. 741.315(2)(1999)

A protected party may present a certified copy of a foreign order to any sheriff or local law enforcement agency in the state and request that the same be entered into the statewide injunction registry. If the protected party registers the order with the law enforcement agency, she/he must also swear by affidavit that, to the best of the protected party's knowledge and belief, the foreign order is still in effect. The officer must examine the certified copy and register the order, noting that it is a foreign order. If it is not apparent from the face of the order, the officer must use best efforts to ascertain whether it was served on the respondent. Fla. Stat. ch. 741.315(3)(a)-(c) (1999).

**Enforcement** Registration of the foreign protection order is not a prerequisite for enforcement and failure to register the foreign order shall not be an impediment to enforcement. Fla. Stat. ch 741.315 (1999).
Law enforcement officers must enforce foreign orders as if they were entered by a Florida court. If a copy of an order is presented to an officer, the officer must assist in enforcement of all 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. Fla. stat. ch. 741.3154 (4)(a) (1999).

Before enforcing a foreign order, an 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 order is not required, provided that a conflicting certified copy is not presented by the respondent or the individual against whom enforcement is sought. Fla. Stat. ch. 741.315(4)(b) (1999). Enforcement and arrest for violation of a foreign protection order must be done consistent with the enforcement of Florida orders. Id. at (4)(e).

An officer acting in good faith and the employing agency shall be immune from civil and criminal liability for enforcing a foreign order. Id. at (4)(f).

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

FL Statute 741.30 authorizes the Florida Department of Law Enforcement to maintain the state domestic repeat violence injunction verification system. Orders are entered after a hard copy of the order is delivered to the local sheriff's office. The statute requires orders to be delivered to law enforcement within 24 hours and entered into the system within 24 hours after receipt. The registry includes temporary and permanent (non-expiring) orders. Criminal orders are allowed, but not routinely entered because they do not have the same statutory requirements. By state law, out-of-state orders must be entered in the system if they are brought to local law enforcement. A Brady record indicator is included, but contact not sure how it is being used. Cancelled/expired orders are archived. The registry is automatically searched as a "hot file." Florida began sending orders to NCIC in 1999.

Registry Contact Donna M. Uzzell Director of Criminal Justice Information Services Florida Department of Law Enforcement 2331 Philips Road Tallahassee, FL 32308 850-410-7100 850-410-7125 Fax donnauzzell@fdle.state.fl.us [mailto:donnauzzell@fdle.state.fl.us]

**Georgia**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

**Legislation** A petitioner with a valid foreign protective order may file the order by filing a certified copy of the order with any clerk of court of the superior court in Georgia. Filing is free of charge. The clerk of court shall provide the petitioner with a receipt bearing proof of submission of the protective order for entry into the statewide registry. Ga. Code Ann. § 19-13-54(a)-(c) (2001).
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. Foreign orders are not required to be contained on a standardized form for entry into the registry. Ga. Code Ann. § 19-13-54(d)-(e) (2001).

**Enforcement** Filing and presence in the registry of a foreign protective order are not prerequisites for enforcement. 19-13-54(f) (2001).

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Georgia is currently in "start-up" mode for a statewide registry. Currently, information on protection orders goes from the GCIC (after entry by sheriffs) to the NCIC POF.

The new Georgia Protective Order Registry will provide law enforcement officers, prosecutors, and the courts access to protective orders issued in Georgia and elsewhere (if filed in Georgia) 24 hours/day and 7 days/week. Ga. Code Ann. § 19-13-52(a). The registry will be maintained by the Georgia Crime Information Center (GCIC). Id. at (b).

The Georgia registry will become effective 180 days after promulgation of standardized forms, pursuant to Ga. Code Ann. § 19-13-53 (2001). The standardized forms will contain, at a minimum, all information required for entry of orders into the registry and the NCIC POF. Ga. Code Ann. § 19-13-53(a) (2001). The clerk of the issuing court will electronically transmit a copy of the protective order or modification thereof to the registry 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. Id. at (b). In the event of electronic failure, the clerk shall immediately notify the GCIC, which will authorize an alternative method of transmitting the protective order to the registry. Id. The GCIC will ensure that any protective orders are purged from the registry within 24 hours of expiration/termination. Id. at (c). A petitioner may file a foreign protective order by filing a certified copy of the order with any clerk of court of the superior court in Georgia. Ga. Code Ann. § 19-13-54(a) (2001). Filing will be free of charge. Id. at (b). The clerk of court shall provide the petitioner with a receipt bearing proof of submission of the order to the registry in the same manner provided in section 19-13-53. Id. at (d). Foreign orders shall not be required to be contained on a standardized form in order to be entered into the registry. Id. at (e).

The GCIC will ensure that any protective order or modification thereof is entered into the registry within 24 hours of receipt of the order from the clerk of court. Ga. Code Ann. § 19-13-53(c). Expired or terminated orders will be purged from the registry within 24 hours of expiration/termination. Id.

**Registry Contact** Rachel Ferencik Executive Director Family Violence Commission 244 Washington St., Ste. 550 Atlanta, GA 30334 (404) 657-3412

Marla Moore Administrative Office of the Courts Same as above address (404) 656-5171 (404) 651-6449 Fax
Guam

No information available at this time.

Hawaii

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Haw. Rev. Stat. § 586-A (2000) provides that "any valid protective order, as defined in 18 U.S.C. § 2266, issued by a court of 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."

Section 586-B provides that "a foreign protection order is considered valid if the issuing court had jurisdiction over the parties and the subject matter and the respondent received notice and an opportunity to be heard before the order was issued, and "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."

Section 586-C provides that a petitioner may file a certified copy of an order, along with a sworn affidavit stating that the order remains in effect and has not been vacated or modified. No fee shall be charged for the filing. Filing of an order is not required for enforcement. Id.

Enforcement Pursuant to § 586-B(b), failure to provide reasonable notice and opportunity to be heard are an affirmative defense to any charge or process filed seeking enforcement of a foreign order.

A law enforcement officer shall enforce a foreign order that "appears to be authentic on its face." "Authentic on its face" is defined as an order that contains the names of both parties and remains in effect. If a paper copy of the order is unavailable at the time enforcement is sought, but 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." Law enforcement officers shall make an arrest for violation of a foreign order in the same manner as for violations of order issued in Hawaii. § 586-D.

Section 586-E provides for immunity for civil or criminal liability for good faith actions arising in connection with enforcement of a valid foreign protective order.

Violation of a foreign order is a misdemeanor. First convictions subject the defendant to a mandatory minimum of 48 hours and a maximum of 30 days in jail and a minimum fine of $150, with a max-
imum fine of $500. Subsequent convictions subject the defendant to a minimum jail term of 30
days, and a minimum fine of $250, with a maximum fine of $1,000.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Hawaii is currently planning for an automated centralized registry, managed by the Hawaii Criminal Justice Data Center. They plan to enter the orders at the time they are filed at the courthouse. The registry will contain a scanned image of the order as well as some data fields for searching and indexing. The registry will include temporary, final and criminal orders.

Registry Contact Laureen Pang 465 South King Street, Room 101 (808) 587-3100 (808) 587-3109 Fax

**Idaho**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence


"(1) An out-of-state protection order is presumed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, district, territory or tribe and the order appears authentic on its face...

(4) A valid out-of-state protection order shall be afforded full faith and credit by the courts of this state and shall be enforced as if issued in this state."

§ 39-6306A (2) "A valid out-of-state protection order may be registered with a court of this state in order to be entered into the Idaho law enforcement telecommunications system pursuant to section 39-6311, Idaho Code. No fees are required to register an out-of-state protection order."

**Enforcement** I.C. § 39-6306A (3)"It is not necessary that the out-of-state protection order be registered pursuant to section 39-6311, in order to be enforced."

§ 39-6309 "When an order is issued or afforded full faith and credit... upon request of the petitioner, the court may order a peace officer to... assist in the execution of the protection order.... Orders issued or afforded full faith and credit... shall include a designation for an instruction to the appropriate law enforcement agency to execute, serve or enforce the order."

§ 39-6314 "No peace officer may be held criminal or civilly liable for actions or omissions... including enforcement of out-of-state protection orders if the peace officer acts in good faith and without malice."
**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

I. C. 39-6311 mandates entry of orders into the Idaho law enforcement telecommunications system. The registry is maintained by the Department of Law Enforcement. The court forwards a copy of the orders to be entered by the specified local law enforcement agency, on or before the next judicial business day. The registry includes all civil and criminal protection orders with an archival file maintained for a minimum of five years. The registry does not include out-of-state orders. Idaho is sending data to NCIC.

Registry Contact Don Peterson Department of Law Enforcement P.O. Box 700 Meridian, ID 83680-0700 (208) 884-7135 (208) 884-7196 Fax

**Illinois**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** 750 Ill. Comp. Stat. 60/223(b) (1995), provides that "[n]othing in this Article shall preclude any Illinois Court from enforcing a valid order of protection issued in another state."

725 Ill. Comp. Stat. 5/112A-22.5 (2000) provides that a protected person may file a certified copy of a foreign protection order with the clerk of court in a judicial circuit in which the person believes that enforcement may be necessary. The clerk shall not charge a fee to file a foreign order, and shall treat the foreign order in the same manner as a judgement of the circuit court for any Illinois county in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act, except that the clerk shall not mail notice of the filing of the foreign order to the respondent. The clerk shall, on the same day that the order is filed, file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining department of state police records as set forth in section 112A-22.

All sheriffs shall furnish to the state police, daily, any foreign orders of protection filed by the clerk of the court pursuant to section 112A-22. Each order for protection shall be entered in the Law Enforcement Automated Data System on the same day it is issued by the court. 725 Ill. Comp. Stat. 5/112A-28 (2000).

**Enforcement** "Neither residence in Illinois nor filing of a foreign order of protection is 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." 725 Ill. Comp. Stat. 5/112A-22.5 (2000)

750 Ill. Comp. Stat. 60/223 (a)(1) (2000). The respondent commits the crime of violation of an order of protection authorized under the laws of another state, tribe, or territory by having knowingly violated a remedy "which is substantially similar to the remedies authorized under paragraphs (1),
(2), (3), (14), and (14.5)" of 214(b) of the Illinois Domestic Violence Act. [These remedies are:
(1) prohibitions on abuse, neglect, or exploitation; (2) grant of exclusive possession of residence;
(3) stay away order; (14) prohibition of entry into the residence or household while the respondent
is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of
the protected parties; and (14.5) prohibition on firearm possession.]

750 Ill. Comp. Stat. 60/223(a)(2) (2000). The respondent commits the crime of child abduction
pursuant to Section 10-5 of the Criminal Code of 1961 by having knowingly violated a remedy in
a protection order "authorized under the laws of another state, tribe, or United States territory[,]"
which is substantially similar to the remedies authorized under paragraphs (5), (6), or (8) of 214(B)
of the Illinois Domestic Violence Act. [These remedies are: (5) physical care and possession of the
minor child; (6) temporary legal custody; and (8) prohibitions on the respondent’s removal of the
child from the state or concealment of a minor child within the state.]

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and
Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Illinois has operated its registry since 1986, after legislation was passed that mandated its develop-
ment (750 ILCS § 60 and 725 ILCS § 5); the Illinois State Police manages the registry. Orders are
entered by dispatchers in sheriff’s departments via the LIDS terminal. Smaller counties downstate
often don’t have LIDS terminals and thus must forward orders to the State Police for entry. The
registry contains final and temporary orders (there are no indicators for whether a temporary order
meets FFC requirements). Orders remain in the registry through 30 days after expiration, and are
then moved to the historical file. The information in the registry is accessible by "qualified criminal
justice agencies." While legislation requires entry within 24 hours after issuance, this may not always
happen, since some agencies are reluctant to enter orders prior to service. Out-of-state orders cur-
rently cannot be entered, although the state full faith and credit committee is considering this option.
When orders are sent to the NCIC POF in the future, it will be done automatically from the central
LIDS system, and will include a Brady record indicator.

Registry Contact Bill Firth 125 East Monroe St. P.O. Box 19461 Springfield, IL 62794-9461 (217)
524-1711

Robert McNeely Chief of Information Services Bureau Same as above address (217) 785-4838
(217) 524-8775 Fax mcneelr@icphost.state.il.us [mailto:mcneelr@icphost.state.il.us]

**Indiana**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Vi-
olence

**Legislation** Ind. Code Ann. § 34-26-2.5-2: "A valid foreign protection order shall be accorded full
faith and credit by the courts in Indiana. A court in Indiana may not enforce a foreign protection
order issued by a tribunal of an issuing state or Indian tribe if the issuing state or Indian tribe does not recognize the standing of a protected individual to seek enforcement of the order."

§ 34-26-2.5-3: "A person authorized by Indiana law to seek enforcement of a protection order may seek enforcement of a valid foreign protection order in a circuit, superior, or probate court in Indiana."

§ 34-26-2.5-4: "A circuit, superior, or probate court shall enforce the protection order provisions of an order issued by a tribunal, regardless of whether the order was obtained in an independent proceeding or as part of another proceeding. In a proceeding to enforce a foreign protection order, the circuit, superior, or probate court shall follow Indiana procedures for the enforcement of protection orders."

§ 34-26-2.5-5: "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 or Indian tribe; and

4. either:

   A. was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order; or

   B. was issued in the case of an order ex parte, and 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."

Enforcement § 34-26-2.5-10: "(a) A law enforcement officer, upon determining that:

1. there is probable cause to believe that a valid foreign protection order exists; and

2. the order has been violated;

shall enforce the order as if it were the order of an Indiana court. The 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 purposes of this section, the protection order may be inscribed on a tangible medium or may have been stored in an electronic or other medium if it is retrievable in perceivable form."

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

(b) If a foreign protection order is not presented, an Indiana law enforcement officer may consider other information in determining whether there is probable cause to believe that a valid foreign
protection order exists, including information from the National Crime Information Center (NCIC) protection order file, Indiana data and communication system (IDACS) under IC 5-2-5, or a depository established under IC 5-2-9-5.

(c) If an Indiana law enforcement officer determines that an otherwise valid foreign protection order cannot be enforced because the respondent has not been notified or served with the order, the officer shall:

1. inform the respondent of the order;
2. make a reasonable effort to serve the order upon the respondent; and
3. allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(d) Registration or filing of a foreign protection order in Indiana or in the National Crime Information Center (NCIC) protection order file is not required for the enforcement of a valid foreign protection order. The commencement of an action under section 3 of this chapter is not required for the enforcement of a valid foreign protection order.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The Indiana state registry was developed pursuant to legislative mandate, after federal legislation required the development of a national protection order file. The statewide registry was developed to be consistent with the NCIC POF, and is managed by the Indiana State Police. The governing law requires courts to notify local law enforcement when an order is issued, and law enforcement is responsible for entry. Which agency enters the orders varies among counties, as does the timeliness of entry. Only final civil orders (flagged to indicate they meet ffc requirements) and criminal orders are entered. Expired orders are automatically deleted from the system. The registry may be queried using the petitioner's name and DOB, or a "nonsolicited" search may be conducted by street officers by running a check on a tag number and driver's license number; such a search also generates a search of the "wanted" file (if the respondent's name and DOB are used), and a search of the NCIC POF. Orders are currently being entered into the NCIC POF. While the state has the capability to enter Brady-eligibility information in the NCIC, it is unclear whether this is done consistently.

Registry Contact Major Fred Prior Indiana State Police - IDACS Indiana Government Center N., Rm. N340 Indianapolis, IN 46204 (317) 232-8318 (317) 232-0652 Fax

**Iowa**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence
Legislation Iowa Code § 236.19 (1999 Supp.) provides that "[t]he foreign protection order shall have the same effect and be enforced in the same manner as a protection order issued by an Iowa court."

A copy of a permanent foreign order may be filed with the clerk of the district court in any county in which the protected party may be present.

Enforcement No information available at this time.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The Department of Public Safety manages the registry working with the Judicial Department. Entry of orders by clerks of court is required by a supervisory order of the Iowa Supreme Court. Law enforcement can later enhance records with additional information. All types of orders are included on the registry, both civil and criminal (including harassment and stalking criminal orders). Out of state orders may be included on the system if registered with the court clerk's office. Expired orders are maintained for five years. The Brady indicator is computed automatically by the system based on established criteria. All records are being sent to NCIC.

Registry Contact Jan Visser Department of Public Safety Field Service Bureau Wallace State Office Building Des Moines, IA 50319 (515) 281-8409 (515) 281-4569 Fax visser@dps.state.ia.us

Kansas

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence


Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Kansas is planning a state registry as part of the implementation of a new criminal justice information system. The Kansas Bureau of Investigation will maintain the registry. The orders will be entered either by local law enforcement or directly by the court. Some local law enforcement agencies are sending orders directly to NCIC at this time.
Kentucky

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence


"All foreign protective orders shall have the rebuttable presumption of validity... 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." Ky Rev. Stat. Ann. § 403.75291(1)(Michie 1998).

A copy of the foreign order may be filed in clerk's office of any court. At the time of the filing, the protected party must also attach an affidavit on a form prescribed by AOC, certifying that the foreign order is still in effect. Ky. Rev. Stat. Ann. § 403.7521 (Michie 1998).

**Enforcement** All police officers must treat a foreign protection order as a legal document, valid in Kentucky, and they shall make arrests for violations in the same manner as for violations of a protection order issued in Kentucky. Ky Rev. Stat. Ann. § 403.7529(2) (Michie 1998).

The fact that a foreign protection order has not been entered into LINK shall not be grounds for a police officer to refuse to enforce a foreign order unless the order appears to be invalid on its face. Officers acting in good faith shall be immune from criminal and civil liability. Ky. Rev. Stat. Ann. § 403.7529(3) (Michie 1998)

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The registry is maintained as part of the Law Enforcement Information Network of Kentucky (LINK), as provided by KY Rev. Statute 403.715. Orders are delivered to the designated LINK agency for entry onto the registry as determined by local protocols between the court and the entering agency. Temporary, ex parte and permanent orders are all included on the registry. Out-of-state orders are included after authentication process by the court (see Rev. Statute 403.7521). Expired orders are maintained for five years. The Brady indicator is included in the registry for permanent orders. All orders are forwarded to NCIC, with nearly 100% acceptance rate.

Registry Contact Major Dennis Goss or Sgt. Brenda Caudill-Barnes KY State Police Information Services Branch Headquarters 919 Versailles Road Frankfort, KY 40601 (502) 227-8705 (502) 227-8734 Fax
Louisiana

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation  

La. R.S. 14:79 A (2) (1997) directs that "[a]n order for protection from abuse issued by a foreign state shall be afforded full faith and credit. This order shall contain a certification by the issuing court confirming both of the following: (a) That the issuing court has jurisdiction over the parties and subject matter under the law of the issuing state. (b) That reasonable notice and opportunity to be heard were given to the defendant sufficient to protect the defendant's right to due process before the order was issued; or, if the order was issued ex parte, the court ordered that the defendant be given reasonable notice and an opportunity to be heard as required in the issuing state. "

R.S. 13:4248 A provides that "[a] copy of any foreign protective order authenticated 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. An affidavit setting forth the name and last known address of the person or persons to whom the protective order is directed shall also be attached thereto."

13:4248 B directs the court to hold an ex parte hearing to make the foreign protection order executory in Louisiana. The order is then forwarded to the clerk of court for filing.

13:4248 C requires the clerk of court to mail a copy of the foreign order, which must be converted into a "Uniform Abuse Prevention Order", to the person or persons against whom the order is directed. The clerk is further required to send a copy of the order to the Louisiana Protective Order Registry.

Enforcement  

No information available at this time.

Registry Information  

Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The Louisiana registry was created pursuant to legislative mandate. Orders are faxed from the issuing court to the Judicial Administrative Office, and entered by one of five staff members by the close of business on the day after the order was issued. Final, temporary, and criminal orders are entered. For temporary orders, a check box indicates whether ffc requirements have been met. The database includes active orders, with expired orders stored in the archive file. Petitioners may request that their address remain confidential. Authorized users of the database are "terminal access controllers" at law enforcement agencies, courts, and prosecutors' offices. Out-of-state orders are not entered unless they are made "executory" pursuant to current LA law. Orders are transferred via batch file to the NCIC POF. Upon a finding by the court, a Brady eligibility indicator will be included in orders. The Judicial Administrative Office now is exploring the establishment of a wide area network to allow direct local court access to the registry and other automated files.
Maine

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation 15 M.R.S.A. § 321 (1995) Violating a protection order or other similar order of another state, territory, commonwealth, or tribe is a class D crime under Maine law.

Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Maine is planning a state registry as part of the state hot file (METRO). The registry would be maintained by the Department of Public Safety, with the orders entered by clerks at the courthouse. Data will be entered directly into the court database with electronic transmission to DPS. Orders in ME are not valid until served so the file will be held in suppression until the return of service modification message is received by the system. All civil orders will be included in the registry. Out-of-state orders will be included if recognized by a ME state court. A separate hot file is being created for criminal "conditions of release". DPS plans to maintain a historical file for five years. Orders will be sent to NCIC once notice of service is received and the file suppression is lifted.

Registry Contact Major Jeffrey Harmon Maine State Police 36 Hospital Street Augusta, ME 04333-0042 (207) 624-7000 (207) 624-7137 Fax jeffrey.d.harmon@state.me.us [mailto:jeffrey.d.harmon@state.me.us]

Maryland

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Md. Fam. Law Code Ann. § 4-508.1 subsection (A) defines "order for protection" for purposes of full faith and credit as "a temporary or final injunction that: (I) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person; (II) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and (III) is obtained by filing an independent action or as a pendente lite order in another proceeding."
Subsection (A)(2) further states that an order for protection does not include a support or child custody order.

§ 4-508.1(B): "An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

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

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

**Enforcement** Md. Fam. Law Code Ann. § 4-508.1(C): "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:

- has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or (2) displays or presents a copy of the order that appears valid on its face."

§ 4-508.1(D): "A law enforcement officer acting in compliance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner."

Md. Crim. Proc. § 5-202(e)(1)(ii): "A District Court commissioner may not authorize the pretrial release of a defendant charged with violating ... 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."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

MD Code 1957, Art. 88B Section 7A provides for the establishment of the Maryland Interagency Law Enforcement System (MILES), managed by the Department of Public Safety. Sheriffs or local police departments serving the ex parte orders enter the information into the protective order files in MILES. Civil protection order information is entered by law enforcement after the hearing. Once in MILES, data is then transferred to NCIC. The information is maintained by the entering enforcement agency.

Registry Contact Contact information not available.

**Massachusetts**

**Full Faith and Credit Enabling Legislation**
Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Mass. Ann. Laws ch. 209A, § 5A (2000) provides that an out-of-state protection order is entitled to full faith and credit throughout the Commonwealth and should be enforced as if it were issued in the Commonwealth for as long as it remains in effect in the issuing state or jurisdiction.

§ 5A states that a person with a foreign order may file a certified copy of the order in any district, probate, family, or superior court, or the Boston municipal court. The filing of a certified foreign protection order, however, is not a precondition for enforcement by the police or the courts. If a person chooses to file the order, she/he must also swear under oath in an affidavit, that, to the best of the person's knowledge, the order is still in effect in the issuing state or jurisdiction.

**Enforcement** Section 5A provides that a police officer may presume the validity of a foreign order that has been provided to him/her by any source provided that the officer also receives a statement by the protected party that the order is still in effect. Officers are further granted immunity from liability for acts made in good faith.

§ 6 requires police officers to arrest for violations of certain provisions of foreign orders (no contact, no abuse, exclusion/eviction provisions).

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The September 1992 update to the 1986 Abuse Prevention Act provides for the maintenance of a statewide registry by the Commissioner of Probation. Probation office personnel enter the orders within 24 hours. The registry contains civil orders only. Some emergency orders issued during non-court hours may not be included on the system. Active and historical records currently are held in the same file. Out of state orders can be entered on the registry if a copy of the order it brought to the local court to be entered. MA is now sending data to NCIC.

Registry Contact John Cremens Office of the Commissioner of Probation 1 Ashburton Place, Room 405 Boston, MA 02108 (617) 727-5300 cremens_j@jud.state.mass.us

**Michigan**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Legislation information not available.

**Enforcement** Enforcement information not available.
Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

M.C.L.A. § 600.2950 and § 600.2950a authorizes the statewide registry maintained by the Michigan State Police. Orders are delivered by the court to local law enforcement for entry onto the LEIN system. In-state temporary, ex parte and permanent orders are all included on the registry. The registry also maintains records of conditional bonds and soon will include conditions of probation that protect a named individual. Cancelled orders are purged after 2 weeks; expired orders are purged immediately. The Brady record indicator is determined by the court and included on the order for entry by law enforcement. Orders are not currently forwarded to NCIC.

Registry Contact David Turner Section Manager Central Records Division Michigan State Police 7150 Harris Drive Lansing, MI 48913 (517) 322-1658 (517) 322-0635 Fax turnerdavid@state.mi.us [mailto:turnerdavid@state.mi.us]

Minnesota

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation M.S. § 518B.01 Subdivision 14 (b) directs that "[w]henever an order for protection is granted pursuant this section or a similar law of another state, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor."

Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The Minnesota Supreme Court and the Department of Public Safety maintain the statewide registry, as authorized by MN State Statute. The clerk of court enters orders into the court database, typically when the petition is filed. Orders are then transmitted electronically to the Department of Public Safety two times a day. Temporary, ex parte and permanent orders are all maintained on the registry. Out of state orders can be included if they are registered at the court. Some counties do include information from petitions in the court database. Expired orders currently stay in frozen status in the active file, with no updates permitted once the expiration data has passed. The Brady indicator is a system default based on established factors. MN is sending data to NCIC.

Registry Contact Sarah Thompson Minnesota Supreme Court Senior Systems Analyst 25 Constitution Avenue, Suite 125 St. Paul, MN 55155 (651) 297-7610 (651) 197-7595 Fax sarah.thompson@courts.state.mn.us [mailto:sarah.thompson@courts.state.mn.us]
Mississippi

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Miss. Code § 93-21-16 (2000): "(1) A protective order from another jurisdiction issued to protect the applicant from domestic violence as defined in § 97-3-7, Mississippi Code of 1972, shall be accorded full faith and credit by the courts of this state and enforced as if it were rendered by a court of this state.

(2) A protective order from another jurisdiction is presumed to be valid if the order appears authentic on its face. The effective dates of the order shall be enforced as they appear on the order's face. Where no expiration date appears on the face of the order, the order shall be deemed to have expired one (1) year from the date of issuance."

Enforcement "(3) It is an affirmative defense in any action seeking enforcement of a protective order issued in another jurisdiction: (a) That the respondent was not given reasonable notice and an opportunity to be heard consistent with due process either: (i) Before the date the order was rendered; or (ii) In the case of an ex parte order, within the time required by the jurisdiction rendering the order after the date the order was rendered; or (b) That the issuing court lacked jurisdiction to issue the order."

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

No state registry is currently in place.

Registry Contact Contact information not available.

Missouri

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Mo. Rev. Stat. § § 455.067 (1999) to direct that any protection order issued by another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia must be given full faith and credit throughout the state in all courts, and by all law enforcement officials and agencies, and public officials. It also states that a foreign protection order is enforceable in the state so long as it is in effect in the issuing state.

§ 455.067 provides that a person may file a petition seeking registration of a foreign order in the circuit court having jurisdiction. A certified copy of the order must be attached to the petition and
the person must affirm that the order remains in effect. If the court determines that the order is still active, it shall issue an order giving full faith and credit to the foreign order. A copy of the Missouri court's "recognition" order will be sent to the respondent's last known address, via certified mail, along with copies of the petition and foreign order. The respondent can move the court to set aside or modify its order. The petitioner doesn't have to appear at the hearing nor does she/he have to rebut the respondent's evidence.

Enforcement § 455.067 also states that registration is not required for enforcement of a certified foreign order in the state and permits law enforcement to rely upon a certified order that's been provided to the officer by any source.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Missouri's registry was developed as a result of legislative mandate several years ago. The State Highway patrol is responsible for managing the registry, and for entering orders into the NCIC POF beginning June 1999. After an order is issued, the court forwards it on the same day to the county sheriff's department, where it is entered into the statewide registry, usually by a law enforcement clerk. The registry contains both final and temporary orders, but not criminal orders. Violations are not noted. To date, out-of-state orders are not entered into the system. To access the system, a law enforcement officer must receive specialized training, after which he/she receives a user i.d. number and password. Expired orders remain on the system for 5 years, but the contents of the orders are not accessible to querying law enforcement officers. A Brady indicator will only appear on orders entered into the NCIC POF that contain a provision prohibiting the respondent from possessing a firearm.

Registry Contact Vic Beuchter Missouri State Highway Patrol (573) 751-9000 Ext. 296

Montana

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Mont. Code Ann. § 40-15-402: "Definitions. As used in this part, the following definitions apply: ... (5) ‘Protection order’ means an injunction or other order issued by a court 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."


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

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

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

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

(5) A foreign protection order is valid if it: (a) identifies the protected individual and the respondent; (b) is currently in effect; (c) was issued by a court that had jurisdiction over the parties and subject matter under the law of the issuing state; and (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 within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

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

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

(8) A court of this state may enforce provisions of a mutual foreign protection order that favor a respondent only if: (a) the respondent filed a written pleading seeking a protection order from the court of the issuing state; and (b) the court of the issuing state made specific findings in favor of the respondent."

§ 40-15-405: "40-15-405. Registration of order. (1) Any individual may register a foreign protection order in this state. To register a foreign protection order, an individual shall:

a. present a certified copy of the order to the department of justice; or

b. present a certified copy of the order to a clerk of any court or to any local law enforcement agency and request that the order be registered with the department of justice.

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

(3) The department of justice shall register an order upon presentation of a copy of a protection order that has been certified by the issuing state. A registered foreign protection order that is inac-
accurate or is not currently in effect must be corrected or removed from the registry in accordance with the law of this state.

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

(5) A foreign protection order registered under this part must be entered into the database of the national crime information center of the United States department of justice and may be entered in any existing state or other federal registry of protection orders, in accordance with applicable law.

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

§ 40-15-303: "Registration of orders. (1) The clerk of court, justice of the peace, municipal court judge, or city court judge shall, within 24 hours of receiving proof of service of an order under 40-15-201, 40-15-204, or 40-15-301, mail a copy of the order or any extension, modification, or termination of the order, along with a copy of the proof of service, to the appropriate law enforcement agencies designated in the order, which shall, within 24 hours after receipt of the order, enter the order into the database of the national crime information center of the United States department of justice and may enter the order into any existing state or other federal registry of protection orders, in accordance with applicable law."


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

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

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

(4) Registration or filing of an order in this state is not required for the enforcement of a valid foreign protection order pursuant to this part."
§ 40-15-406: "Immunity. This state or a local governmental agency or a law enforcement officer, prosecuting attorney, clerk of court, or any state or local governmental official acting in an official capacity is immune from civil liability for an act or omission arising out of the registration or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a foreign protection order if the act or omission was done in good faith in an effort to comply with this part."

§ 40-15-303(2): "Law enforcement agencies shall establish procedures, using an existing system for warrant verification and the database of the national crime information center of the United States department of justice, to ensure that peace officers at the scene of an alleged violation of an order of protection are informed of the existence and terms of the order."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

No state registry currently in place.

Registry Contact No registry contact information available.

**Nebraska**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** R.R.S. Neb. § 28-311.10 (1998) (1) "A valid foreign harassment protection order or order similar to a harassment protection order issued by a court of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state."

§ 42-931. (1) "A valid foreign protection order related to domestic or family abuse issued by a court of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state."

**Enforcement** § 28-311.10. 1. A peace officer may rely upon a copy of any putative valid foreign harassment protection order which has been provided to the peace officer by any source.

§ 42-931. (3) A peace officer may rely upon a copy of any putatively valid foreign protection order which has been provided to the peace officer by any source.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Nebraska is in the process of updating its current limited registry with a comprehensive statewide protection order repository. Passage of legislation mandating participation in a central repository is still pending. The registry will be maintained by Nebraska State Patrol. The clerk of court will
record the orders in the central registry at the time of issuance. The registry will include temporary and ex parte orders, as well as final orders and will support out-of-state orders presented to the court. Each order is maintained on the system for a period of six years. After six years, the order is written to an archival file. Any NCIC name search will result in a query of the registry. Currently, protection orders will only be maintained in the state file. NE is sending orders to the NCIC POF.

Registry Contact Lt. Ray Kastanek Nebraska State Patrol P.O. Box 94907 Lincoln, NE 68509-4907 (402) 479-4928

**Nevada**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** 15 Nev. Rev. Stat. § 33.090 (amended 1999) Subsection 1 provides that "[a] valid order for protection against domestic violence issued by a court of another state, territory or Indian tribe within the United States must be accorded full faith and credit by the courts of this state and enforced as if it were issued by a court in this state, regardless of whether the order has been registered in this state."

Subsection 2 states that "[e]xcept as otherwise provided in subsection 4, upon application by the protected party, pursuant to subsection 1, a court of competent jurisdiction in this state shall register such order if (a) the court determines that the issuing court had proper jurisdiction over the parties and subject matter under the laws of the state, territory or tribe; and (b) the court determines that the adverse party was given reasonable notice and an opportunity to be heard before the order was issued..."

Under Subsection 6, "[a] temporary or extended order of another state, territory, or Indian tribe presented pursuant to this section which appears authentic on its face must be presumed valid."

Pursuant to subsection 2, a person may apply to a Nevada court to register a foreign domestic violence protection order by presenting a certified copy of the order to the clerk of court in a judicial district in which the person believes enforcement may be necessary. No fee shall be charged for registering a foreign order. Pursuant to subsection 8, "[t]he clerk of the court shall maintain a record of each order pursuant to this section." The clerk must provide notice to the protected party upon successful transfer of information about the registered order to the statewide central criminal history repository, pursuant to subsection 10.

**Enforcement** 15 Nev. Rev. Stat. § 33.090 (1999) Subsection 4 states that an order that is registered has the same effect and must be enforced in the same manner as would a protection order issued in Nevada.
Subsection 5 requires that if a mutual foreign order does not meet the requirements for mutual orders provided in the federal provision, "the court may refuse to register and enforce the order and may determine whether to issue its own temporary or extended order."

Subsection 7 provides a court, law enforcement officer or any other person with immunity from civil liability if they enforce a foreign order based on a reasonable belief that the order is valid.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

NV Revised Statute § 179A.350 requires the implementation of a statewide protection order registry. The Central Repository at the Records and Identification Services of the Department of Motor Vehicles and Public Safety, Nevada Highway Patrol Division will maintain the registry, which should be operational by May 1999. Courts with electronic interface with the Central Repository will enter the orders directly into the registry; other courts will fax or mail the order to be entered by the Registry staff. The registry includes temporary as well as extended orders. An archival file for expired, dismissed and dissolved orders is planned. The system automatically generates a notice to the data operator if Brady criteria are met. Data is not sent to the NCIC protection order file.

Registry Contact Dennis DeBacco Department of Motor Vehicles and Public Safety Nevada Highway Patrol Division 555 Wright Way Carson City, NV 89711 (775) 684-4701 (775) 684-4797 Fax

**New Hampshire**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Any protection 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 will be a presumption of validity where an order appears facially valid. N.H. Rev. Stat. § 173-B:13 (1999)

A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements of B:13(VII), which states that mutual orders issued by any other state, tribal, or territorial court against a petitioner shall only be accorded full faith and credit if a cross or counter petition, complaint, or other written pleading was filed, and "the court made specific findings of domestic or family violence by both parties and that each party was entitled to such order." N.H. Rev. Stat. § 173-B:5(V) (1999)

A person protected by a foreign order may file, without fee or cost, the order in any district or superior court by filing a certified copy of the order. The protected party shall swear under oath in an
affidavit, to the best of that person's knowledge, the order is presently in effect as written. The clerk of the court shall forward the order to the state police, who will enter the order into the state database. The order may be enforce without registration. N.H. Rev. Stat. § 173-B:13(IV) (1999).

**Enforcement** Law enforcement officer may rely upon a copy of the foreign order that has been provided to the officer by any source. N.H. Rev. Stat. § 173-B:13(V) (1999)

Law enforcement personnel may rely on the statement of the protected party that the order remains in effect as written. N.H. Rev. Stat. § 173-B:13(VI) (1999)

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

New Hampshire's state registry was developed in 1994 and is managed by the Department of Safety. The registry includes both temporary and final orders. Only active orders are maintained in the registry. The state registry does not contain the Brady record indicator. Only law enforcement personnel have access to the full protection order record. The Administrative Office of the Courts separately enters orders directly into the NCIC POF file. Orders entered into NCIC by the AOC do contain the Brady indicator.

Registry Contact New Hampshire State Police Family Services Section of the Major Crime Unit 10 Hazen Drive Concord, NH 03305 (603) 271-2663

**New Jersey**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** N.J. Stat § 2C:25-29 (1994) (a) (6) The court shall consider the existence of a certifiable order of protection from another jurisdiction in determining if a domestic order shall be granted.

**Enforcement** A hearing will be held to determine if an order of protection is warranted.

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.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

New Jersey has operated its registry since Feb. 1999, prior to passage of a legislative mandate. The Admin. Office of the Courts is responsible for managing the registry. Entry is done, regardless of service status, in each county by the family court data entry staff within the same day or the next day after receipt of the order. The state will soon implement a courtroom data entry project to allow
clerks of court to enter data directly from the courtroom. The registry contains all active temporary and final civil orders (including service status info.), but not criminal orders. Dismissed orders are also stored in the registry, but since NJ orders have no expiration date, they remain in the registry forever, or until a court grants a motion to dismiss. Contempt of court violation information and disposition of charges is entered. Authorized users include local police, probation officers, prosecutors, sheriffs, state police, judges, municipal courts, family courts, and criminal courts. Queries may be conducted using the name of the petitioner or the respondent. NJ is not currently entering orders into the NCIC POF.

Registry Contact Harry Cassidy Acting Assistant Director Family Court Division Administrative Office of the Courts P.O. Box 983 Trenton, NJ 08625 (609) 984-0067 (609) 984-4228 Fax

New Mexico

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation N.M. Stat. Ann. § 40-13-6 (2000) Subsection (D) provides that, "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."

Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

New Mexico is planning a centralized registry to be included in the central repository for magistrate and district court records ("Inside NM Courts"). This web-based repository is available only to court personnel. After entry using a case management application at the courthouse, the protection order data will be electronically downloaded to the Department of Public Safety every 24 hours. Temporary as well as permanent orders will be included on the registry. Out-of-state orders also may be entered. Information about petitions filed without subsequent orders will be maintained by the court repository, but not forwarded to the registry. Both active and inactive orders are included in the repository. The Brady indicator is determined at the point of entry as specified in the protection order. DPS is forwarding the registry data to NCIC.

Registry Contact Kate Reeves Administrative Office of the Courts Judicial Administration Division (505) 476-6938 (505) 476-6952 Fax reeves@nmcourts.com [mailto:reeves@nmcourts.com]
New York

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** A valid protection order 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 18 U.S.C. §§ 2265 and 2266. N.Y. Fam. Ct. Act § 154-e (2000). An order issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction is deemed valid if the issuing court had personal jurisdiction over the parties and over the subject matter and the person against whom the order was issued had reasonable notice and an opportunity to be heard prior to issuance of the order. If the order was a temporary order of protection issued in the absence of that person, notice must have been given and an opportunity to be heard had to have been provided within a reasonable period of time after the issuance of the order. Id. at (1)(a)-(b). In the case of mutual orders, the order or portion thereof sought to be enforce must have been supported by a pleading requesting the order (including but not limited to a petition, cross-petition, or counterclaim) and a judicial finding that the requestion 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 judical finding that the party against whom the order was issued had given knowing, intelligent and voluntary consent to its issuance. Id. at (1)(c)(2000). A foreign protection order, accompanied by a sworn affidavit that such order remains in effect 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 protection orders and warrants; filing and registry entry, however, shall not be required for enforcement of the order. Id. at (2).

**Enforcement** Law enforcement officers, in determining whether probable cause exists to make an arrest for violation of a foreign protection order, must consider among other factors whether the order is authentic on its face or whether the order exists on the statewide registry or the NCIC Protection Order File; entry into the state or national registry, however, is not required for enforcement. The 1998 legislation directs that the mandatory arrest and penalty provisions contained in New York's penal laws apply to violations of foreign orders.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The New York registry was developed pursuant to a legislative mandate (Ch. 222 and 224, 1994 and Amended Exec. Law 221-A). The State Police (via NYSPIN) and the Office of Court Admin. share primary responsibility for managing the active order ("hot") file. In larger courts, orders are entered directly online via PCs or judges' laptops. Smaller courts and town and village courts fax their orders into the registry center for entry. The hot file includes temporary as well as final orders. Service information for temporary orders is entered later by police (if they serve the order) or by court staff. All orders contain a notice at the bottom that they meet ffc requirements. Expired orders
are contained in the historical file. Orders that are terminated in favor of the accused are pulled off the system entirely (Crim. Proc. § 160-50). The registry contains records of violations. Only designated court personnel and NYSPIN users who have passwords and specific training have access to the registry. Queries may be conducted using either the petitioner's or the respondent's name. Out-of-state orders may be entered without a fee if they present a copy to a court clerk and fill out a data sheet. Modifications or terminations of foreign orders are only known if a petitioner informs a court clerk. The State Police transfer data to the NCIC POF, including a Brady indicator if an order contains a "do not assault" provision or a provision that the respondent cannot own, possess, etc. a firearm or obtain a firearm license.

Registry Contact
Active Orders: Jan Fink
Office of Court Administration
25 Beaver St. New York, NY 10004
(212) 428-2150 (212) 428-2155

Historical File: Elaine Best and Wendy Farley
(518) 283-8251

**North Carolina**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** G.S. § 50B-4(d) (effective Feb. 1, 2000) provides that "[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."

Pursuant to G.S. § 50B-4(d) (effective Dec. 1, 1999), registration is not required. Nonetheless, a protected party may file a copy of the foreign order with the clerk of superior court in any county and attach an affidavit affirming to the best of that person's knowledge the order is presently in effect as written. Upon filing, the clerk shall promptly forward a copy to the sheriff of the county for entry into the NCIC Protection Order file, unless the issuing state has already entered the order into NCIC.

**Enforcement** G.S. § 50B-4(d) provides that, "[i]n 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."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

G.S. § 50B-3(d) authorizes the Division of Criminal Information to enter protection orders into a registry. Orders are entered after delivery to the county's sheriff's office. Only civil protection orders
are entered on the system. Historical files are maintained for 5 years. Out-of-state orders may be entered if the petitioner registers them in the state. NC is participating in the NCIC POF.

Registry Contact Nancy Kiesenhofer State Bureau of Investigation Division of Criminal Information 407 N. Blount Raleigh, NC 27601 (919) 733-3171 x 251 (919) 715-8726 Fax nkiesenhofer@mail.jus.state.nc.us

North Dakota

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation N.D. Cent. Code § 14-07.1-02.2 (2000) provides that "a domestic 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 must be accorded full faith and credit by the courts of this state and enforced as if the order was issued by a court in this state."

§ 14-07.1-02.2(2) states that a protected party may file the foreign order (without fees or costs) in the office of any clerk of a district court in this state. The person filing must attach an affidavit certifying the validity and status of the foreign order and must affirm that the order has not been rescinded, modified, or superseded by another order. If the order is filed, the clerk of court shall transmit a copy of the order to the appropriate local law enforcement agency. Filing is not a prerequisite for enforcement.

Enforcement § 14-07.1-02.2(3) permits a law enforcement officer to rely upon any foreign order that has been presented to the officer by any source. Officers may make arrests for violations of foreign orders in the same manner as for violations of orders issued in North Dakota. They may further rely on the statement of the protected party that the order remains in effect and the respondent was served. Law enforcement officers who enforce foreign orders while acting in good faith are immune from civil and criminal liability in any action arising in connection with the enforcement of a foreign order.

§ 14-07.1-06 provides that violation of a foreign protection order entitled to full faith and credit is a class A misdemeanor. Any subsequent violation of such an order is a class C felony.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

North Dakota currently operates an interim automated registry that resides in the central warrant system. A stand-alone permanent registry will be up and running sometime between Sept. and Nov. of 1999, and was developed pursuant to N.D. Cent. Code § 12-60-23. Orders will be entered into the new registry by the sheriff's office in each of the 53 counties. Both final and temporary orders will be entered, and each will be identified as such; criminal ("no contact") orders will also be in-
cluded. Only active orders will be stored in the registry, although an archive may be developed for expired orders. Check boxes indicate whether an order has not been served, whether ffc requirements have been met, and whether the order is Brady-eligible. Foreign orders must also be entered upon presentation to an entering agency (takes effect Aug. 1, 1999), but no procedures have yet been established to verify whether a foreign order has been modified or terminated. ND is participating in the NCIC POF.

Registry Contact Joe Herslip Attorney General’s Office Bureau of Criminal Investigations P.O. Box 1054 Bismarck, ND 58502 (701) 328-5500 (701) 328-5510 Fax

Northern Mariana Islands

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Public Law No. 12-19: "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.

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.

c. The Clerk of the Superior Court shall:

1. Maintain a registry in which to enter certified orders for protection issued in another U.S. jurisdiction that are received for filing; and

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.

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."

Enforcement No information is available at this time.

Registry Information No information is available at this time.

Registry Contact No information is available at this time.

Ohio

Full Faith and Credit Enabling Legislation
Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Ohio Rev. Code Ann. §§ 1901.18 (A) (10) & 19078.18 (A)(7)(2000) provide that municipal courts and county court judges have original jurisdiction in their territory in any action concerning the enforcement of protection orders issued by other states, as defined in § 2919.27 of the revised code.

§ 2919.27 (A) (3) directs that no person shall recklessly violate any of the terms of a foreign protection order. Subsection (C) provides that "[i]t is an affirmative defense to a charge under division (A)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b)..."

Subsection (D) defines "protection order issued by a court of another state" to include civil and criminal protection orders issued by other states. It explicitly excludes an order for support or for custody of a child.

**Enforcement** § 2919.272 (B) directs that "[a] person who has obtained a protection order issued by a court of another state may provide notice of the issuance of the order to judicial and law enforcement officials in a 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." The foreign order must be certified.

Under subsection (D) "[a]n 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 offender from the premises, regardless of whether the order is registered in the county in which the officer’s agency has jurisdiction."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Ohio maintained a statewide registry before the national registry went on-line; however, when the NCIC POF became operational, Ohio began using the NCIC system as its repository of protection order records.

Registry Contact James Hamilton P.O. Box 182075 1970 Broad Street Columbus, Ohio 43218-2075 (614) 466-8781 (614) 466-8243 Fax

**Oklahoma**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence
Legislation  Okla. Stat. tit. 22, § 60.12 (2000) provides that "[I]t 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."

Enforcement  § 60.12 provides that "[a] peace officer of this state shall be immune from liability for enforcing provisions of a foreign protective order."

§ 60.9 permits peace officers to make a warrantless arrest for a violation of a foreign protective order if the 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; a certified copy of the protective order has been presented to the officer that appears valid on its face; and 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.

Registry Information  Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

No plans yet to establish a statewide registry. At present, local law enforcement agencies in several counties are sending protection order records to the NCIC POF.

Registry Contact  Brad Long, Director Oklahoma Law Enforcement Telecommunications Systems, Oklahoma Dept of Public Safety PO Box 11415 Oklahoma City, OK (405) 425-2230 (405) 425-2029 Fax

Oregon

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation  A foreign restraining order is enforceable immediately upon the protected person's arrival in Oregon. The foreign order is enforceable in Oregon without the necessity of filing and continues to be enforceable as an Oregon order without any further action by the protected party. Or. Rev. Stat. § 241.90(2)(a)(1999).

A foreign restraining order is not enforceable as an Oregon order if the respondent shows the issuing court lacked subject matter and personal jurisdiction or failed to provide reasonable notice and the opportunity to be heard before it issued the order. Id. at (2)(b)

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 or to a county sheriff. If presented to the clerk of a circuit court, the order has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying a judgment of the circuit court in which the foreign judgment is filed, and may be enforced or satisfied in like manner. There is no fee for filing in the circuit court. If presented to a sheriff, the order will be entered into the Law Enforcement Data System (LEDS) maintained by the state police, if the person certifies that the order is the most recent order in effect between the parties and provides proof of service or other written certification that the respondent has been personally served or has actual notice of the order. Entry into LEDS constitutes notice to all law enforcement agencies of the existence of the restraining order. Or. Rev. Stat. § 241.90 (1999).

**Enforcement** The Oregon Code permits a peace officer to make a warrantless arrest for a violation of a foreign restraining order if the officer has probable cause to believe the order was violated and the protected party presents a copy of the order and represents to the officer that the order supplied is the most recent order in effect between the parties and that the respondent has been personally served with a copy of the order or has actual notice of the order, or if the officer identifies the petitioner as a party protected by a foreign restraining order that was entered into the Law Enforcement Data System (LEDS) or the NCIC Protection Order File. Or. Rev. Stat. § 133.310(4)-(5) (1999).

Any person who provides a copy of a writing purporting to be a foreign restraining order knowing that no valid order is in effect is guilty of a Class A misdemeanor. Or. Rev. Stat. § 133.318(1) (1999). Any person who knowingly falsely represents to a police officer that a foreign restraining order is the most recent order in effect or that the respondent was personally served or had actual notice of the order commits a Class A misdemeanor. Id. at (2).

An officer who makes an arrest for violation of a foreign order is immune from civil liability if the officer reasonably believes that a document or other writing supplied to the officer is an accurate copy of a foreign restraining order as defined by Oregon statute and is the most recent order in effect between the parties, and the person restrained by the order has been personally served with a copy of the order or has had actual notice of the order. Or. Rev. Stat. § 133.315 (1999).

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

OR statute (§ 24.185) requires entry of orders by the county sheriff into the Law Enforcement Data System (LEDS) after delivery of proof of service. The State Police maintain LEDS. Out-of-state orders must first be filed with the courts and then entered by the sheriff (although legislation is pending to all direct filing with the sheriff’s office). Protection order data is being forwarded to NCIC.

Registry Contact David Yandell Law Enforcement (LEDS) 400 Public Services Salem, OR 97310 (503) 378-3054 (503) 363-8249 Fax david.c.yandell@state.or.us
Pennsylvania

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation 23 Pa C.S.A. § 6104 (a) (2001): "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."

§ 6102 Definitions: "'Comparable court.' A foreign court that:

1. has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and

2. possessed jurisdiction over the parties when the protection order was issued in that jurisdiction."

"'Foreign protection order' A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States."

§ 6104(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."

§ 6104(c): "Invalid orders.-- A foreign protection order issued by a comparable court against a party who has filed a petition, complaint or other written pleading for a protection order is not valid and not entitled to full faith and credit if:

1. no cross or counter petition, complaint or other written pleading was filed seeking the protection order; or

2. a cross or counter petition, complaint or other written pleading was filed and the court did not make a specific finding that each party was entitled to a protection order."

§ 6104(d): "Filing a foreign protection order.-A plaintiff may file a certified copy of a foreign protection order with the prothonotary in any county within this Commonwealth where the plaintiff believes enforcement may be necessary. The following provisions shall apply:

1. Filing of a foreign protection order shall be without fee or cost.\"
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 enforcement.

§ 6105(e)(1): "The Pennsylvania State Police shall establish a Statewide registry of protection orders and shall maintain a complete and systematic record and index of all valid temporary and final court orders of protection or court-approved consent agreements, and a foreign protection order filed pursuant to section 6104(d) (relating to full faith and credit and foreign protection orders)."

**Enforcement** 23 Pa. C.S.A. § 6105(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 protection orders issued within this Commonwealth. Until a foreign order is declared to be invalid by a court, it shall be enforced by all law enforcement personnel in this Commonwealth.

(2) A police officer shall rely upon any copy of a foreign protection order which has been presented to the officer by any source and may verify the existence of a protection order consistent with the provisions of section 6113(a) (relating to arrest for violation of order). The fact that a foreign protection order has not been filed with a prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for law enforcement to refuse to enforce the order.

§ 6105(i): "Immunity. - - The Following entities shall be immune from civil liability for good faith conduct in any action arising in connection with a court's finding that the foreign order is invalid or unenforceable:

1. Law enforcement agencies and their agents and employees.

2. County correctional and detention facilities and their agents and employees."

3. Prothonotaries and their agents and employees.

23 Pa. C.S.A. § 6113(a): "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 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 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 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."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.
The Pennsylvania State Police (PSP) Registry was established pursuant to a legislative mandate. It contains active orders, which are accessible to law enforcement officers throughout the state. Orders are entered in the following manner: when a protection order is issued or registered in a county, the prothonotary faxes or delivers the order with a summary data sheet to a designated PSP station. The PSP station retains the paper copy of the order and enters data from the summary data sheet into the PSP registry via the Commonwealth Law Enforcement Assistance Network (CLEAN). The PSP sends all orders that meet the criteria of the NCIC POF to the national registry. The PSP registry will accept out-of-state orders that are registered at a county courthouse.

PFAD is a computerized archival system designed to complement the operation of the PSP registry. PFAD's mission is to establish a database of all PFA proceedings in the Commonwealth. In other words, PFAD will maintain active and inactive orders as well as petitions and other pleadings filed in a case. Only authorized users will be able to access PFAD via a secured internet website. These users will have varying levels of access. At present, PFAD is being implemented statewide.

Registry Contact Corporal James Hills Pennsylvania State Police CLEAN Administrative Unit 1800 Elmerton Ave. Harrisburg, PA 17110 (717) 787-1585

Jane Hautzinger Systems Administrator Protection From Abuse Database 6400 Flank Drive, Suite 1300 Harrisburg, PA 17112

Puerto Rico

No information available at this time.

Rhode Island

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation R.I. Gen. Laws § 12-29-1.1 (1999): "Any protective order issued by another jurisdiction, as defined in section 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."

12-29-1.1 "A person entitled to protection under a protective order issued by another jurisdiction may file such order in the superior court, family court, or district court by filing with the court a certified copy of such order which shall be entered into restraining order, no contact order system (R.O.N.C.O.). 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. A law enforcement officer shall presume the validity of such order and enforce such order issued by another jurisdiction which has been provided to the law enforcement officer; 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 shall rely on such statement by the person protected by the order."
Enforcement 12-29-1.2 "Every order of this court made pursuant to section 8-8.1-1 et seq., section 12-29-1 et seq., after proper notice and hearing, enacted after October 1, 1999, shall contain the following language: This court had jurisdiction over the parties and subject matter when it issued this protective order. Respondent was afforded both notice and opportunity to be heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act of 1994, 18 USC 2265, this order is valid and enforceable in all fifty states, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico and Tribal lands."

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

R.I. Code § 12-29-8.1 provides for the establishment of Restraining Order No Contact Order System (RONCO) which is managed by the Rhode Island Dept of Attorney General. After the court issues a protection order, it is sent to the Bureau of Criminal Investigation in the AG's office. A classification clerk in BCI enters the order into the RONCO system. The statewide registry contains temporary and final orders issued by civil and criminal courts. The system includes active and inactive orders. In the case of the latter, expired orders are maintained for 30 days. RONCO does not include the terms of the order; it only contains the names of the parties, their addresses (if available), social security number and date of birth of defendant, name of the court that issued the order, date the order was issued, date the order expires and service status. Foreign orders can be entered into the system if the protected party brings the order to BCI. At present, orders are not being sent to the NCIC POF.

Registry Contact Pamela Hughes Rhode Island Dept of Attorney General Domestic Violence/Sexual Assault Unit 150 South Main Street Providence, RI 02903 Phughes@riag.state.ri.us

South Carolina

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation S.C.R. 377 (1998) § 20-4-140 (1) "A valid protection order related to domestic or family violence issued by a court of another state, tribe, or territory must be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state even if the relief granted to the petitioner in the foreign order would not be available under the laws of this state."

(D) A petitioner may file a foreign order without fee or cost by presenting a certified copy of the order to a clerk of court in the judicial circuit where the petitioner believes enforcement is necessary. The clerk shall provide the petitioner with a copy bearing proof of filing with the court. Filing of the foreign order, however, is not required for enforcement.

Enforcement § 20-4-140 (E) An officer may rely upon a copy of a foreign protection order that appears valid of its face regardless of certification. The officer may rely on the statement of any
protected party that the order remains in effect. An officer shall enforce a valid order regardless of whether it has been filed with the court or entered into the national registry. Officers are protected from civil and criminal immunity for good faith acts.

§ 16-25-50 A person who violates a valid foreign order related to domestic or family violence is guilty of a misdemeanor.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

No statewide registry has been established; however, protection orders are being sent to the NCIC POF pursuant to a legislative mandate in the state code.

Registry Contact Nita Danenberg, Captain State Law Enforcement Division P.O. Box 21398 Columbia, SC 29221 (803) 896-7051

South Dakota

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation Legislation information not available.

Enforcement Enforcement information not available.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

The South Dakota protection order registry is managed by the Attorney General's Office. Orders are entered by law enforcement after delivery by the petitioner. The registry only contains active orders and is only accessible to law enforcement personnel. The registry includes a caution indicator that is the state equivalent to the Brady indicator. Out-of-state orders may be entered if delivered to local law enforcement. No tribes are participating in the registry, but tribal orders may be converted to state orders and entered. The state is exploring NCIC participation.

Registry Contact Charles McQuigin Attorney General's Office 500 East Capitol Avenue Pierre, SD 57501 (605) 773-3215 (605) 773-4106 Fax

Tennessee

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence
Legislation  Tenn. Code Ann. § 36-3-622 (a)(2000): directs that "[a]ny 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."

(c) permits a petitioner to file a certified copy of a foreign protection order with the court in the county where the petitioner believes enforcement may be necessary. No costs of fees shall be charged for this service.

Subsection (e) directs that the clerk shall forward copies of foreign protection orders to the local police or sheriff’s office which shall enter the orders into the tennessee criminal information system.

Enforcement No information available at this time.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Local law enforcement agencies are required to enter protection orders into the Tennessee Crime Information System, pursuant to T.C.A. § 36-3-609. The Tennessee Bureau of Investigation manages the file. Local sheriff's departments enter orders after delivery to law enforcement. Both ex parte and final orders are included. Not every jurisdiction is entering data into the registry, however. Out-of-state orders may be included in the registry if the petitioner enters the order at the courthouse. Tennessee is sending data to NCIC, but this data is sent directly by local law enforcement agencies.

Registry Contact Contact information not available.

Texas

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation  Tex. Fam. Code Ann. § 88.002: "(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."

§ 88.003: "JUDICIAL ENFORCEMENT OF ORDER. (a) A tribunal of this state shall enforce the terms of a foreign protective order, including a term that provides relief that a tribunal of this state would not have power to provide but for this section. The tribunal shall enforce the order regardless of whether the order was obtained by independent action or in another proceeding, if the order is an order issued in response to a complaint, petition, or motion filed by or on behalf of an individual seeking protection. In a proceeding to enforce a foreign protective order, the tribunal shall follow the procedures of this state for the enforcement of protective orders.
(b) A tribunal of this state shall enforce the provisions of the foreign protective order that govern the possession of and access to a child if the provisions were issued in accordance with the jurisdictional requirements governing the issuance of possession and access orders in the issuing state.

(c) A tribunal of this state may enforce a provision of the foreign protective order relating to child support if the order was issued in accordance with the jurisdictional requirements of Chapter 159 and the federal Full Faith and Credit for Child Support Orders Act, 28 U.S.C. Section 1738B, as amended.

(d) A foreign protective order is valid if the order: (1) names the protected individual and the respondent; (2) is currently in effect; (3) was rendered by a tribunal that had jurisdiction over the parties and the subject matter under the law of the issuing state; and (4) was rendered after the respondent was given reasonable notice and an opportunity to be heard consistent with the right to due process, either: (A) before the tribunal issued the order; or (B) in the case of an ex parte order, within a reasonable time after the order was rendered.

(e) A protected individual seeking enforcement of a foreign protective order establishes a prima facie case for its validity by presenting an order that is valid on its face. (f) It is an affirmative defense in an action seeking enforcement of a foreign protective order that the order does not meet the requirements for a valid order under Subsection (d).

(g) A tribunal of this state may enforce the provisions of a mutual foreign protective order that favor a respondent only if: (1) the respondent filed a written pleading seeking a protective order from the tribunal of the issuing state; and (2) the tribunal of the issuing state made specific findings in favor of the respondent.

§ 88.005: "REGISTRATION OF ORDER. (a) An individual may register a foreign protective order in this state. To register a foreign protective order, an individual shall: (1) present a certified copy of the order to a sheriff, constable, or chief of police responsible for the registration of orders in the local computer records and in the statewide law enforcement system maintained by the Texas Department of Public Safety; or (2) present a certified copy of the order to the Department of Public Safety and request that the order be registered in the statewide law enforcement system maintained by the Department of Public Safety.

(b) On receipt of a foreign protective order, the agency 6-18 responsible for the registration of protective orders shall register the order in accordance with this section and furnish to the individual registering the order a certified copy of the registered order.

(c) The agency responsible for the registration of protective orders shall register a foreign protective order on presentation of a copy of a protective order that has been certified by the issuing state. A registered foreign protective order that is inaccurate or not currently in effect shall be corrected or removed from the registry in accordance with the law of this state.

(d) An individual registering a foreign protective order shall file an affidavit made by the protected individual that, to the best of the protected individual's knowledge, the order is in effect.
(e) A foreign protective order registered under this section may be entered in any existing state or federal registry of protective orders, in accordance with state or federal law.

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

**Enforcement** Tex. Fam. Code Ann. § 88.004: "NONJUDICIAL ENFORCEMENT OF ORDER."

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

(b) For the purposes of this section, a foreign protective order may be inscribed on a tangible medium or may be stored in an electronic or other medium if it is retrievable in a perceivable form. Presentation of a certified copy of a protective order is not required for enforcement.

(c) If a protected individual does not present a foreign protective order, a law enforcement officer may determine that there is probable cause to believe that a valid foreign protective order exists by relying on any relevant information.

(d) A law enforcement officer of this state who determines that an otherwise valid foreign protective order cannot be enforced because the respondent has not been notified or served with the order shall inform the respondent of the order and make a reasonable effort to serve the order on the respondent. After informing the respondent and attempting to serve the order, the officer shall allow the respondent a reasonable opportunity to comply with the order before enforcing the order.

(e) The registration or filing of an order in this state is not required for the enforcement of a valid foreign protective order under this chapter."

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

The Texas statewide registry was created in 1996 pursuant to a legislative mandate. The database is maintained by Texas Crime Information Center (TCIC) and is accessible to law enforcement and criminal justice agencies. The TCIC database contains only active emergency and final protection orders. Violations of protection orders are not maintained in the protection order registry, however, they are kept in a separate criminal history file. Foreign protection orders can be entered into the system. TCIC also sends orders to the NCIC Protection Order File.

Registry Contact Linda Smith, TCIC Control Room Supervisor P.O. Box 4225 Austin, TX 78765 (512) 424-2152 (512) 424-2748 Fax

**Utah**

**Full Faith and Credit Enabling Legislation**
Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** § 30-6-4.5 provides that full faith and credit will be given to a protection order issued by another state, territory, or possession of the U.S. if the foreign order is similar to an order issued in Utah.

A protected party may file a certified copy of a foreign order (without fee or cost) in a district court; at the time of filing, the petitioner must also file an affidavit confirming that the foreign order is still in effect and the respondent received notice before the order was issued. Law enforcement may rely upon the certified copy of the foreign order as well as on statements made by the petitioner that the order is in effect and the respondent has been served.

**Enforcement** No information available at this time.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Utah established a statewide-computerized registry in 1996 as a result of a legislative mandate. Orders are entered into the system in the following manner: at the time an order is issued, a deputy clerk of court enters the order into the court domestic violence network database; it is then uploaded to the public safety's warrant system. The domestic violence network system, which is accessible to the courts, contains active and inactive ex parte and final orders; the public safety database, which is accessible only to law enforcement agencies, includes active orders. Foreign protection orders can be entered into the statewide registry if the orders are filed with a local court. In the near future, the system will also accept tribal protection orders. At present, orders are not being sent to the NCIC POF.

Registry Contact Taanya Ramirez, AOC 450 South State P.O. Box 140241 Salt Lake City, UT 84114 (801) 578-3860 (801) 578-3968 Fax Taanya@email.utcourts.gov

**Vermont**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** 15 V.S.A. § 1108 (1996) "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."

Under § 1101, a "foreign abuse prevention order" is defined as any protection order issued by the court of another state that contains provisions similar to relief provisions authorized under this chapter.
Foreign orders are enforceable in court if the requirements of 18 U.S.C. § 2265 (b) are met.

A person seeking enforcement may file a certified copy of foreign order with the court. The person shall swear under oath in an affidavit that the order is still in effect.

**Enforcement** The court administrator is required to prepare a form to be used by the courts that will enable a court in another state to enforce a Vermont order of protection.

A police officer may rely on a copy of any foreign order which has been provided to the officer by any source. Law enforcement may rely also on a written or sworn statement of a protected person that the order is still in effect. An officer's reasonable belief is a complete defense in a civil action concerning whether the order is enforceable. A person who is convicted of violating a foreign protection order shall be imprisoned not more than one year or fined not more than $5,000, or both.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Vermont implemented a statewide-automated registry in 1996. The database is maintained by the State Police’s Department of Public Safety. Orders are entered into the system as follows: upon issuance, an order is faxed to a state police holding station in that locality; the holding station maintains a paper file of all orders; it then enters data from the order into the statewide computerized system. The registry includes information on temporary and final orders that are currently active. It does not, however, contain the actual terms of the order. In other words, the database only verifies that an order exists, so if a check produces a positive hit, the holding station that entered the order has to be contacted to verify its terms or relief granted under the order. Out-of-state orders can be entered into the system as long as the protected party submits an affidavit affirming that the order is still in effect. Vermont is participating in the NCIC POF.

Registry Contact Max Schlueter Vermont Crime Information Center Dept of Public Safety 103 South Main Street Waterbury, VT 05671-2101 (802) 241-5220 (802) 241-5552 Fax mschluet@dps.state.vt.us

**Virgin Islands**

No information available at this time.

**Virgina**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** The Virginia code provides that "[a]ny 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 ... shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth... " Va. Code Ann. § 16.1-279.1(E) (2000)

**Enforcement** "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." Va. Code Ann. § 16.1-279.1(E)(2000)

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Code 1950, § 16-1-279.1 authorizes the entry of orders on the Virginia Crime Information Network. Law enforcement VCIN operators enter the orders onto the system. Timeliness of entry varies considerably by locality. Civil emergency and final orders as well as criminal orders are included on the registry, but the terms of the order are not included. The registry holds only active protection orders. Out-of-state orders can be included on the registry. VA plans to begin sending data to NCIC in the near future.

Registry Contact Lt. Robert Kemmler Virginia State Police Box 27472 Richmond, VA 23261 (804) 674-2023 (804) 674-2105 Fax rkemmler@vsp.state.va.us

**Washington**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Wash. Rev. Code § 26.52.010(3)(2000): "Foreign protection order means an injunction or other order related to domestic or family violence... issued by a court of another state, territory, or possession of the United State, 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."

§ 26.52.020: "A foreign protection order is valid if the issuing court had jurisdiction over the parties and matter under the law of the state, territory, tribe, or United States military tribunal... 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."

§ 5 (1) A person may file by presenting a certified, authenticated, or exemplified copy of the foreign order to the clerk of the court. Any out-of-state department, agency, or court may send a reproduction
of the order to the clerk of court provided it contains a facsimile/digital signature by any person authorized to make such transmission.

(2) Filing and entry into the statewide registry are not prerequisites for enforcement.

3) No fees shall be attached to filing.

Enforcement § 26.52.050: A peace officer or his/her legal advisor may not be held criminally or civilly liable for making an arrest under this chapter if he/she acted in good faith and without malice.

§ 26.52.070 (1) Violation of a foreign order is a gross misdemeanor, except as provided in subsections (3) and (4) of this section.

(2) A police officer shall arrest without warrant a person whom the officer has probable cause to believe violated a foreign order.

Registry Information Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Washington's registry was developed as a result of a legislative mandate. It is maintained by AOC and includes active and inactive temporary and final protection orders issued by civil and criminal courts. After an order is granted, a county clerk or court administration staff person enters it into the system. The system is accessible to many users including authorized court personnel, city attorneys, public defenders, department of licensing, department of social and health services, law enforcement agencies and probation. Foreign order can be entered into the system pursuant to recently enacted full faith and credit enabling legislation. In particular, the new law provides for the entry of tribal protection orders into the statewide registry. AOC is sending orders to the NCIC POF.

Registry Contact Allen Erickson AOC 1206 S. Quince Street P.O. Box 41170 Olympia, WA 98504-1170 (360) 705-5236 (360) 586-8869 Fax alan.erickson@courts.wa.gov

West Virginia

Full Faith and Credit Enabling Legislation

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

Legislation "Any protective order issued by any other state, territory or possession of the United States, Puerto Rico, the District of Columbia or Indian tribe shall be accorded full faith and credit and enforced as if it were an order of this state whether or not such relief is available in this state. A protective order from another jurisdiction is presumed to be valid if the order appears authentic on its face and shall be enforced in this state. If the validity of the order is contested, the court or law enforcement to which the order is presented, shall, prior to the final hearing, determine the existence, validity and terms of such order in the issuing jurisdiction. A protective order from an-
other jurisdiction may be enforced even if the order is not entered into the state law enforcement information system described by section twelve of this article." W. Va. Code § 48-2A-3(e) (2000)

"A petitioner who obtains a protective order pursuant to this article, or from another jurisdiction pursuant to its law, may register that order in any county within this state where the petitioner believes enforcement may be necessary." W. Va. Code § 48-2A-12(b) (2000).

"A protective order may be registered by the petitioner in a county other than the issuing county by obtaining a copy of the order of the issuing court, certified by the clerk of that court, and presenting that certified order to the local office of the West Virginia state police where the order is to be registered." Id. at (c).

"Upon receipt of a certified order for registration, the local office of the state police shall provide certified copies to any law enforcement agency within its jurisdiction, including the city police and the county sheriff's office." Id. at (d).

**Enforcement** No information available at this time.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

West Virginia is currently developing a statewide registry pursuant to a legislative mandate. Once the registry is established, there will be a computer link between magistrates who issue orders and law enforcement agencies which will be responsible for entering orders into the computerized system. After the registry becomes operational, it will establish linkages with the NCIC POF.

Registry Contact Sergeant Tom Barrick Criminal Records Director West Virginia State Police 725 Jefferson Road South Charleston, WV 25309 (304) 746-2159 (304) 746-2437 Fax

**Wisconsin**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** Act 306 signed into law on May 1, 1996. § 1m. 806.245 (6) states that a foreign protection order issued by an Indian tribal court in this state is entitled to full faith and credit.

§ 2.806.247 (2) (b) directs that out-of-state (foreign) protection orders shall be accorded full faith and credit by the courts of this state and shall be enforced as if the orders were issued by courts of this state provided that the orders meet the due process requirements of the VAWA.

§ 2.806.247 (3)(a) states that a person may file a certified copy of a foreign order in the office of the clerk of circuit court in any county in this state.
§ 10.813.12 (9) requires orders to include a statement that the orders may be accorded full faith and credit in every civil and criminal court of the U.S., civil or criminal courts of any other state and Indian tribal courts to the extent that such courts have personal jurisdiction over non-tribal members.

**Enforcement** § 14.813.128 (a) provides that a foreign protection order shall be enforced according to its own terms. Under subsection (b) law enforcement officers are directed to arrest and take the subject of a foreign protection order into custody if the officer has probable cause to believe the person has violated the terms of the foreign protection order and if the protected party presents the officer with a copy of the foreign order or the officer determines that the order is valid through communication with appropriate authorities.

§ 14 813.128 (3) states that police officers, clerks, and prosecutors are immune from civil or criminal liability for "good faith" acts or omissions.

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Wisconsin established a statewide registry for protection orders as a result of a legislative mandate. After an order is issued, it is sent by the clerk of court to the county sheriff’s office where it is entered into the computerized system. The Wisconsin Department of Justice maintains the registry, which is accessible to criminal justice agencies. The database contains temporary and final civil orders. It also accepts criminal orders, however, very few of those orders actually get entered into the system. Out-of-state orders can be entered into the registry upon filing at the courthouse. State law also allows for the entry of tribal protection orders. Wisconsin is participating in the NCIC POF.

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**Wyoming**

**Full Faith and Credit Enabling Legislation**

Prepared by the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence

**Legislation** W. S. § 35-21-109 (2000) defines a valid injunction or order for protection against domestic violence as one that was issued by a court of another state, tribe, or territory; where the issuing court had jurisdiction over the parties and the matter under the laws of the state, tribe or territory; 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 which has not expired.
Subsection (b) states that 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. Subsection (c) states that 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.

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. Filing shall be without fee or cost. W.S. § 35-21-111 (a) and (b) (2000).

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. 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. Id. at (c) and (d).

W.S. § 6-4-404 (1997) subsection (a) provides that any person who willfully violates a foreign protection order as defined in subsection (b) is guilty of a misdemeanor crime which is punishable by a fine of not more than $500 or a prison sentence of not more than ninety (90) days, or both. Subsection (b) defines a valid foreign protection order as an order that has been issued by a court with subject matter and personal jurisdiction under the laws of the issuing state, tribe, or territory. In addition, the subsection directs that there shall be a presumption in favor of validity where an order, on its face, appears in compliance with these requirements.

Under Wyoming's Tribal Full Faith and Credit Act (WTFF&CA, state courts are required to recognize judicial records, orders, and judgments of the Eastern Shoshone and Northern Arapaho tribes as long as tribal courts recognize Wyoming's judicial records, orders, and judgments.

**Enforcement** 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. W.S. § 35-21-111(e) (2000).

**Registry Information** Prepared by the National Center for State Courts and the Full Faith and Credit Project of the Pennsylvania Coalition Against Domestic Violence.

Wyoming is developing a registry to be operational in summer 1999. The Department of Criminal Investigation will maintain the registry. Protection orders will be entered after delivery of the petition and order to the sheriff’s office. Both temporary and final orders will be included on the registry. Out-of-state orders can be supported by the system. Some biographical data will be collected from the protection order petitions for entry into the registry. The sheriff’s office entry operator will manually determine the Brady indicator. WY is sending data to the NCIC POF.

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