

Full Faith and Credit for Protection Orders: An Overview, Part II Facilitating Enforcement Across Jurisdictional Lines

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Since the enactment of the full faith and credit provision of the Violence Against Women Act (VAWA), significant progress has occurred towards seamlessly facilitating enforcement of protection orders. Progress has occurred as understanding of the VAWA mandate to enforce protection orders has increased amongst system actors and specific procedures and resources were identified and created to facilitate enforcement of orders. Courts, law enforcement, and advocacy personnel each play a critical part in the process in facilitating enforcement of protection orders for victim safety and offender accountability.

Courts and judicial officers can implement several practical steps to help facilitate the enforcement of orders. Court staff can assist by ensuring that the protection order registration process is clear and accessible. When a survivor wishes to register his or her order, it is essential for court staff to comply with the federal and any state prohibition against charging a fee for registration of the order and the FFC statute prohibition against providing notice to the respondent unless the petitioner consents. Clerks can instruct the survivor on the appropriate forms to file and provide the names of local advocacy agencies to assist the petitioner with the protection order process.

When crafting orders, judges should ensure that the provisions are comprehensive, unambiguous, and legible. The protection order forms should include the court's contact information, clearly identified, in case questions arise during enforcement of the order. At the time the order is issued, judges should inform respondents that the protection order is enforceable in all fifty states, tribes, and U.S. territories and that violation of the order may subject them to state or federal penalties. Equally important is that judges inform respondents that they may be prohibited under federal or state law from purchasing or possessing firearms and ammunition. Courts should enforce all orders as written, and even if the relief granted in the order is unavailable in the enforcing jurisdiction, honor the terms and conditions of the order.

VAWA mandates that courts and law enforcement enforce protection orders from other jurisdictions. Officers must enforce valid protection orders and cannot require survivors to register the order as a prerequisite to enforcement. Law enforcement agencies can also facilitate enforcement by prioritizing and ensuring prompt and effective service of all protection orders and creating procedures that expedite service. These procedures should include promptly returning service affidavits to the issuing jurisdiction upon service of the order and by adopting procedures to accept faxed or electronic copies for service as allowed by law. Procedures on service should also include familiarizing all staff with provisions of the VAWA federal grant programs that prohibit charging a fee for service of protection orders issued to prevent domestic violence, sexual assault, stalking, and dating violence.

Advocates should educate and assist survivors on how to facilitate enforcement of their protection orders across jurisdictional lines. A critical component of the advocate's role is helping survivors understand the procedures to follow to get their protection order enforced, including registration procedures in the new jurisdiction. This discussion should also include an explanation of the possible risks and benefits of registering a protection order including information on how registration may facilitate enforcement of the order in the new jurisdiction.

To aid with the enforcement, advocates may consider providing the survivor a Safety Envelope, a tool available from NCPOFFC. This envelope is intended to assist in facilitating enforcement of the protection

order when the advocate or petitioner fills out each section and encloses a copy of the order inside. If separated from the order, the information on the envelope provides enough data for law enforcement to verify the existence of a protection order through the clerk's office, the National Criminal Information Center Protection Order File or state registry (if registered). Advocates may create a Safety Envelope by using the English or Spanish templates provided here: English (<http://origin.library.constantcontact.com/download/get/file/1110442874841-57/safety+kit+english.pdf>), Spanish (<http://origin.library.constantcontact.com/download/get/file/1110442874841-58/Safety+Envelope+Spanish.pdf>).

The tips identified above represent just a few of the resources available to help facilitate the enforcement of protection orders across jurisdictional lines. For additional resources on facilitating enforcement of protection orders, or for technical assistance with protection order issues, please contact NCPOFFC at (800) 903-0111, prompt 2, or email: ncffc@bwjp.org, or visit fullfaithandcredit.org.