

FULL FAITH AND CREDIT

Enforcement of your Protection Order



IMPORTANT TELEPHONE NUMBERS

Domestic Violence Program:

Enforcing State _____

Issuing State _____

State Police:

Enforcing State _____

Issuing State _____

Local Police:

Enforcing State _____

Issuing State _____

TO GET CERTIFIED COPIES OF YOUR ORDER

Clerk of Court:

Issuing State _____

▶ **THE VIOLENCE AGAINST WOMEN ACT (VAWA) MAKES IT POSSIBLE TO GET YOU-R RESTRAINING ORDER ENFORCED BY OTHER JURISDICTIONS.**

What does VAWA say about enforcement of protection orders?

The Violence Against Women Act (VAWA) is a law passed by Congress in 1994. It says that all state and tribal courts are to enforce restraining orders (and other types of protection orders) no matter which court issued the order. All protection orders are good anywhere in the country as long as they meet the following conditions:

- The court issued the order after a person who was abused by a family or household member filed a petition with the court asking for protection;
- The court that issued the order had authority over the people and the case;
- The abuser had notice of the order and had a chance to go to court to tell his/her side of the story; and,
- In the case of a temporary order, the abuser will have a chance to tell his/her side of the story at a scheduled court hearing.

Each state must enforce protection orders from other courts (often referred to as “**foreign protection**” orders) just as if their own court issued them. This pamphlet gives you general information about how to get your protection order enforced by a different jurisdiction, such as another state or a tribe, from the one that gave it to you. It also gives you information about how to get your protection order from another jurisdiction enforced in Wisconsin.

What kinds of protection orders are covered by VAWA?

VAWA says a foreign protection order is any temporary or permanent injunction or order from a civil or criminal court of any State, or Indian tribe issued for preventing abuse, bodily harm, communication,

contact, harassment, physical proximity, threatening acts or violence by or to a person, other than support or custody orders.

▶ GETTING ORDERS OF PROTECTION ENFORCED BY OTHER JURISDICTIONS.

How do I get my protection order enforced by another jurisdiction?

Although the federal law does not require you to take any special steps, many jurisdictions do have laws or rules about how to get foreign orders enforced.

In some places, you will need a certified copy of your order. A certified copy says it is a “true and correct” copy, is signed or initialed by whomever issued the order, and usually has some kind of court stamp. If your copy is not certified, contact the court that gave you the order and ask for one. You may have to pay a fee.



Some places mandate filing and/or registration of foreign protection orders. Filing an order means taking the order to the local court to become part of its **official record**. This might also be called docketing or registering an order.

Registration can also mean entering the protection order into a centralized computer system. Many places are starting a “registry” to help police **officers** and courts when they are called on to enforce a protection order. If you are moving to a new state, it may be helpful to take a phone number for the clerk of courts in the court that issued the order and the number of the nearest domestic violence program in the new state. A court clerk, domestic violence advocate, or attorney should be able to help you with filing and/or registration.

There may be other requirements as well. Some of these requirements may also cost a fee. It is important to know the rules where you will be living or visiting, so you can make a good decision about how to get your order enforced. In most places, having your order enforced is not difficult if you know **the** rules.

How can I find out what the rules are in another jurisdiction?

✓ You can call the Battered Women’s Justice Project, toll-free at 1-800-903-0111. Ask for the legal department dealing with foreign orders of protection.

✓ You can call the Wisconsin Coalition Against Domestic Violence at 608-255-0539 to help you find out what the rules are in other states.

✓ You can call a domestic violence program in the place you are going and ask what the rules are and if they will help you get your order enforced.

✓ To get the phone number for the local domestic violence program in the place where you are going, call the National Domestic Violence Hot Line, toll-free at 1-800-799-7233.

✓ In some places the court clerk; the local prosecutor or victim/witness professional; a legal services or legal aid attorney; or, the United States Attorney may also be able to help you.



Do I need someone to help me enforce my order in another jurisdiction?

No. However, since this is a new law, there are still many people who do not know about it. Once again, a court clerk, domestic violence advocate, or attorney can help you.

If my Wisconsin restraining order requires my abuser to surrender firearms, will this be enforced elsewhere?

Yes, your order is to be enforced according to its terms. However, another state will apply its penalties for violation of a foreign protection order as if the order had been issued in that place.

Is there any danger if I decide to file my Wisconsin order in another place?

Before you make a decision to file or register your protection order in another jurisdiction, consider these potential dangers: **your abuser may be notified and/or your location may be disclosed.** You may wish to talk

to a domestic violence program advocate to find out about the rules, to discuss your decision, and/or to get help making a safety plan.

▶ GETTING FOREIGN PROTECTION ORDERS ENFORCED IN WISCONSIN.

Do I need to file my protection order to have it enforced in Wisconsin?

You are not required to file your protection order for enforcement in Wisconsin. If your protection order is from another jurisdiction, you can call any police officer or sheriff if your abuser disobeys the order. When the police get there, you should show them a copy of your order. The officer is supposed to enforce the order just as if it were issued in Wisconsin. It is important to make sure you always have a copy of the order with you.

If you choose to do so, you can file your order with the circuit court clerk's office in the county where you live. If you file your order, the State of Wisconsin will list the order in the TIME system, which is a computer registry system for police in Wisconsin. If it is listed in the TIME system, any officer in Wisconsin can get the needed information to enforce your order, even if you do not have a copy with you. You are not required to file your order to have it enforced in Wisconsin. If you choose to file your order, ask whether your abuser will be notified and/or your location disclosed.



What if my foreign protection order is only a temporary order and is good only for a short time?

While a temporary order can be filed in Wisconsin, it is not required for enforcement. Temporary foreign

protection orders can be enforced in Wisconsin just as any other protection order. If you have a temporary order, and the abuser was served by the court, the police officer can enforce it as long as it is in effect. If the abuser was not served, and comes around you, the Wisconsin police can serve it based on your copy of the

order. If your abuser does not obey the order after being served, the police can make an arrest, Wisconsin cannot extend a temporary order issued by another jurisdiction. If you need to have your temporary order extended, you will have to contact the court that issued the order and request an extension. This will probably require you to attend a hearing in that court. If you do not request an extension, the order will expire. It may be helpful to have a domestic violence advocate or an attorney help you obtain an extension.

Do I need a Wisconsin restraining order if I already have a protection order from another jurisdiction? Probably not. You will only need a Wisconsin restraining order if your order cannot be enforced according to VAWA requirements or if you decide that a Wisconsin order will provide you additional protection(s) beyond your current protection order. However, if you choose to get a new protection order, your abuser WILL be notified, disclosing the location of where you filed for the restraining order. You may wish to talk to a domestic violence advocate to discuss your decision and/or to get help making a safety plan.

This material was created in December, 1997 by Jessica Cates, Wisconsin Department of Justice, Office of Crime Victim Services, Cindy W Haro, Wisconsin Judicare, Inc, and, Tess Meuer, Wisconsin Coalition Against Domestic Violence (WCADV), with the assistance of Kate Speltz, WCADV. This information does not constitute legal advice, and is based upon 'Domestic Violence Protective Orders: How to Get Our-of-State Enforcement' "a publication of the Kentucky Domestic Violence Association