

## ISSUING COURT

## Full Faith & Credit

### How can I make my orders easier to enforce?

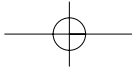
#### Crafting an Enforceable Order

- Use clear and concise language in a legible order. For example, when crafting visitation provisions, be precise about times, location, persons, and duration, and avoid vague and unenforceable terms such as “reasonable.”
- State in the order that the respondent had notice and opportunity to be heard.
- Comply with the Parental Kidnapping Prevention Act (PKPA) and the Uniform Child Custody Jurisdiction Act (UCCJA) or Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) for custody and visitation provisions within protection orders.
- Cite the state statute upon which the court’s decision and order are based.
- Provide the court’s telephone number and, where available, the state registry telephone number.
- State the duration of the order and its expiration date, if any.
- Do not issue mutual orders. (Look to VAWA certification requirements 18 U.S.C. § 2265 (c).)

### What else should I do to facilitate protection?

#### Facilitating Protection

- Inform the parties orally and in writing that the order is enforceable in all 50 states, U.S. territories, tribal lands, and the District of Columbia without registration by the petitioner or notice to the respondent.
- Indicate in writing or certify on the order that the order complies with VAWA’s full faith and credit provision (18 U.S.C. § 2265) and meets the definition under 18 U.S.C. § 2266.
- Make specific findings of abuse and include specific prohibitions against abuse.
- Provide the protected parties certified copies of the order and advise them to keep one with them at all times.
- Indicate on the face of the order whether there has been reasonable notice and opportunity to be heard. It is good practice to have the respondent, if present, sign an acknowledgment of service on the face of the order.
- State that the violation of the order, in addition to any state or tribal sanctions, may subject the respondent to prosecution for such federal crimes as:
  - ◆ Firearms possession;
  - ◆ Interstate travel to commit domestic violence;
  - ◆ Interstate stalking; and
  - ◆ Interstate violation of a protection order.
- At the request of the enforcing court, consult with that court to clear up ambiguities, verify validity, establish the status of service, etc.
- Notify the protected party of the National Domestic Violence Hotline number (800-799-SAFE , TTY 800-787-3224).
- Enter orders ASAP into NCIC or other accessible database.
- Include typed name of judge, address of court and phone number of court in all orders.



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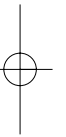
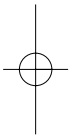
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## Are there firearms considerations?

### Firearms

In addition to any state, tribal, or territorial laws on firearms, federal firearms restrictions apply in protection order cases.

- A respondent may not obtain, possess, or transport a firearm or ammunition for the duration of the qualifying protection order.
- A respondent who has been convicted of a qualifying misdemeanor crime of domestic violence may never possess a firearm or ammunition.
- It may be a crime to sell or otherwise dispose of a firearm or ammunition to any person known to be prohibited from obtaining or possessing a firearm.
- To facilitate enforcement of the federal firearms restrictions, include in the order the specific findings (see 18 U.S.C. § 922 (g)(8)) regarding the grounds for issuing the order.
- Judges should take steps to ensure that when a respondent requests return of firearms at the expiration of a qualifying protection order, the court does not authorize return of firearms to a person who is otherwise disqualified under state or federal law from possessing firearms.



For more copies, please contact the National Council of Juvenile and Family Court Judges at 1-800-527-3223. Resolved: That the Conference of Chief Justices and the Conference of State Court Administrators express their commitment to taking the necessary steps to support implementation of the Full Faith and Credit Provisions of the Violence Against Women Act (18 U.S.C. § 2265). This project was supported by grant no. 1999-WE-VX-K004 awarded by the Office on Violence Against Women, Office of Justice Programs, U.S. Department of Justice.

