

1 **UNIFORM INTERSTATE ENFORCEMENT OF**
2 **DOMESTIC VIOLENCE PROTECTION ORDERS**
3 **ACT**

4 2006 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Lyle W. Hillyard**

7 House Sponsor: Lorie D. Fowlke

8
9 **LONG TITLE**

10 **General Description:**

11 This bill enacts the Uniform Interstate Enforcement of Domestic Violence Protection
12 Orders Act and amends related code provisions.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ defines terms;
16 ▶ requires that protective orders, and child protective orders, contain a statement that
17 the order complies with the Uniform Interstate Enforcement of Domestic Violence
18 Protection Orders Act;

19 ▶ requires the district court to provide a certified copy of a foreign protection order
20 that is filed in Utah to the person who files the order;

21 ▶ requires that a foreign protection order that is inaccurate or not in effect must be
22 removed from the statewide domestic violence network;

23 ▶ describes the circumstances under which a foreign protection order is valid and
24 enforceable in Utah;

24a **⚡→ ▶ specifies which court will have jurisdiction to enforce foreign protection orders**
24b **under this bill; ←⚡**

25 ▶ requires a law enforcement officer to notify a respondent of, and make a reasonable
26 effort to serve the respondent with, an otherwise valid foreign protection order when
27 the respondent has not yet been notified of, or served with, the order;



- 28 ▶ provides that a government official or agency is immune from civil or criminal
- 29 liability for good faith acts or omissions arising out of the registration or
- 30 enforcement of a foreign protection order;
- 31 ▶ provides that the remedies available to a protected individual under the Uniform
- 32 Interstate Enforcement of Domestic Violence Protection Orders Act are not
- 33 exclusive remedies;
- 34 ▶ provides for the uniform application, construction, and transitional applicability of
- 35 the Interstate Enforcement of Domestic Violence Protection Orders Act;
- 36 ▶ provides a severability clause;
- 37 ▶ provides criminal penalties for violating a foreign protection order that is
- 38 enforceable in Utah;
- 39 ▶ requires a law enforcement officer to arrest a person whom the officer has probable
- 40 cause to believe has violated a foreign protection order that is enforceable in Utah;
- 41 and
- 42 ▶ makes technical changes.

43 Monies Appropriated in this Bill:

44 None

45 Other Special Clauses:

46 This bill takes effect on July 1, 2006.

47 Utah Code Sections Affected:

48 AMENDS:

- 49 **30-6-1**, as last amended by Chapter 68, Laws of Utah 2003
- 50 **30-6-4**, as last amended by Chapter 10, Laws of Utah 1997
- 51 **30-6-12**, as enacted by Chapter 244, Laws of Utah 1996
- 52 **76-5-108**, as last amended by Chapter 68, Laws of Utah 2003
- 53 **77-36-2.4**, as last amended by Chapter 68, Laws of Utah 2003
- 54 **77-36-6**, as last amended by Chapter 300, Laws of Utah 1995
- 55 **78-3h-104**, as last amended by Chapter 201, Laws of Utah 2004

56 ENACTS:

- 57 **30-6a-101**, Utah Code Annotated 1953
- 58 **30-6a-102**, Utah Code Annotated 1953

- 59 **30-6a-103**, Utah Code Annotated 1953
 - 60 **30-6a-104**, Utah Code Annotated 1953
 - 61 **30-6a-105**, Utah Code Annotated 1953
 - 62 **30-6a-106**, Utah Code Annotated 1953
 - 63 **30-6a-107**, Utah Code Annotated 1953
 - 64 **30-6a-108**, Utah Code Annotated 1953
 - 65 **30-6a-109**, Utah Code Annotated 1953
 - 66 **30-6a-110**, Utah Code Annotated 1953
 - 67 **30-6a-111**, Utah Code Annotated 1953
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69 *Be it enacted by the Legislature of the state of Utah:*

70 Section 1. Section **30-6-1** is amended to read:

71 **30-6-1. Definitions.**

72 As used in this chapter:

73 (1) "Abuse" means intentionally or knowingly causing or attempting to cause a
74 cohabitant physical harm or intentionally or knowingly placing a cohabitant in reasonable fear
75 of imminent physical harm.

76 (2) "Cohabitant" means an emancipated person pursuant to Section 15-2-1 or a person
77 who is 16 years of age or older who:

- 78 (a) is or was a spouse of the other party;
- 79 (b) is or was living as if a spouse of the other party;
- 80 (c) is related by blood or marriage to the other party;
- 81 (d) has one or more children in common with the other party;
- 82 (e) is the biological parent of the other party's unborn child; or
- 83 (f) resides or has resided in the same residence as the other party.

84 (3) Notwithstanding Subsection (2), "cohabitant" does not include:

- 85 (a) the relationship of natural parent, adoptive parent, or step-parent to a minor; or
- 86 (b) the relationship between natural, adoptive, step, or foster siblings who are under 18
87 years of age.

88 (4) "Court clerk" means a district court clerk.

89 (5) "Domestic violence" means the same as that term is defined in Section 77-36-1.

90 (6) "Ex parte protective order" means an order issued without notice to the defendant in
91 accordance with this chapter.

92 (7) "Foreign [~~protective~~] protection order" [~~means a protective order issued by another~~
93 ~~state, territory, or possession of the United States, tribal lands of the United States, the~~
94 ~~Commonwealth of Puerto Rico, or the District of Columbia which shall be given full faith and~~
95 ~~credit in Utah, if the protective order is similar to a protective order issued in compliance with~~
96 ~~Title 30, Chapter 6, Cohabitant Abuse Act, or Title 77, Chapter 36, Cohabitant Abuse~~
97 ~~Procedures Act, and includes the following requirements:] is as defined in Section 30-6a-102.~~

98 [~~(a) the requirements of due process were met by the issuing court, including subject~~
99 ~~matter and personal jurisdiction;]~~

100 [~~(b) the respondent received reasonable notice; and]~~

101 [~~(c) the respondent had an opportunity for a hearing regarding the protective order.]~~

102 (8) "Law enforcement unit" or "law enforcement agency" means any public agency
103 having general police power and charged with making arrests in connection with enforcement
104 of the criminal statutes and ordinances of this state or any political subdivision.

105 (9) "Peace officer" means those persons specified in Title 53, Chapter 13, Peace
106 Officer Classifications.

107 (10) "Protective order" means an order issued pursuant to this chapter subsequent to a
108 hearing on the petition, of which the petitioner and respondent have been given notice in
109 accordance with this chapter.

110 Section 2. Section **30-6-4** is amended to read:

111 **30-6-4. Forms for petitions and protective orders -- Assistance.**

112 (1) (a) The offices of the court clerk shall provide forms and nonlegal assistance to
113 persons seeking to proceed under this chapter.

114 (b) The Administrative Office of the Courts shall develop and adopt uniform forms for
115 petitions and orders for protection in accordance with the provisions of this chapter on or
116 before September 1, 1995. That office shall provide the forms to the clerk of each court
117 authorized to issue protective orders. The forms shall include:

118 (i) a statement notifying the petitioner for an ex parte protective order that knowing
119 falsification of any statement or information provided for the purpose of obtaining a protective
120 order may subject the petitioner to felony prosecution;

121 (ii) a separate portion of the form for those provisions, the violation of which is a
122 criminal offense, and a separate portion for those provisions, the violation of which is a civil
123 violation, as provided in Subsection 30-6-4.2(5);

124 (iii) language in the criminal provision portion stating violation of any criminal
125 provision is a class A misdemeanor, and language in the civil portion stating violation of or
126 failure to comply with a civil provision is subject to contempt proceedings;

127 (iv) a space for information the petitioner is able to provide to facilitate identification
128 of the respondent, such as social security number, driver license number, date of birth, address,
129 telephone number, and physical description;

130 (v) a space for the petitioner to request a specific period of time for the civil provisions
131 to be in effect, not to exceed 150 days, unless the petitioner provides in writing the reason for
132 the requested extension of the length of time beyond 150 days;

133 (vi) a statement advising the petitioner that when a minor child is included in an ex
134 parte protective order or a protective order, as part of either the criminal or the civil portion of
135 the order, the petitioner may provide a copy of the order to the principal of the school where the
136 child attends; and

137 (vii) a statement advising the petitioner that if the respondent fails to return custody of
138 a minor child to the petitioner as ordered in a protective order, the petitioner may obtain from
139 the court a writ of assistance.

140 (2) If the person seeking to proceed under this chapter is not represented by an
141 attorney, it is the responsibility of the court clerk's office to provide:

142 (a) the forms adopted pursuant to Subsection (1);

143 (b) all other forms required to petition for an order for protection including, but not
144 limited to, forms for service;

145 (c) clerical assistance in filling out the forms and filing the petition, in accordance with
146 Subsection (1)(a). A court clerk's office may designate any other entity, agency, or person to
147 provide that service, but the court clerk's office is responsible to see that the service is
148 provided;

149 (d) information regarding the means available for the service of process;

150 (e) a list of legal service organizations that may represent the petitioner in an action
151 brought under this chapter, together with the telephone numbers of those organizations; and

152 (f) written information regarding the procedure for transporting a jailed or imprisoned
153 respondent to the protective order hearing, including an explanation of the use of transportation
154 order forms when necessary.

155 (3) No charges may be imposed by a court clerk, constable, or law enforcement agency
156 for:

157 (a) filing a petition under this chapter;

158 (b) obtaining an ex parte protective order;

159 (c) obtaining copies, either certified or not certified, necessary for service or delivery to
160 law enforcement officials; or

161 (d) fees for service of a petition, ex parte protective order, or protective order.

162 (4) A petition for an order of protection shall be in writing and verified.

163 (5) (a) All orders for protection shall be issued in the form adopted by the

164 Administrative Office of the Courts pursuant to Subsection (1).

165 (b) Each protective order issued, except orders issued ex parte, shall include the
166 following language:

167 "Respondent was afforded both notice and opportunity to be heard in the hearing that
168 gave rise to this order. Pursuant to the Violence Against Women Act of 1994, P.L. 103-322,
169 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United States, the District of
170 Columbia, tribal lands, and United States territories. This order complies with the Uniform
171 Interstate Enforcement of Domestic Violence Protection Orders Act."

172 Section 3. Section **30-6-12** is amended to read:

173 **30-6-12. Full faith and credit for foreign protection orders.**

174 (1) A foreign [~~protective~~] protection order is enforceable in this state as [~~long as it is in~~
175 ~~effect in the issuing state or political entity~~] provided in Title 30, Chapter 6a, Uniform
176 Interstate Enforcement of Domestic Violence Protection Orders Act.

177 (2) (a) A person entitled to protection under a foreign [~~protective~~] protection order may
178 file the order in any district court by filing with the court a certified copy of the order. A filing
179 fee may not be required.

180 (b) The person filing the foreign [~~protective~~] protection order shall swear under oath in
181 an affidavit, that to the best of the person's knowledge the order is presently in effect as written
182 and the respondent was personally served with a copy of the order.

183 (c) The affidavit described in Subsection (2)(b) shall be in the form adopted by the
184 Administrative Office of the Courts, consistent with its responsibilities to develop and adopt
185 forms under Section 30-6-4.

186 (d) The court where ~~the~~ a foreign protection order is filed shall transmit a copy of the
187 order to the statewide domestic violence network described in Section 30-6-8.

188 (e) Upon inquiry by a law enforcement agency, the clerk of the district court shall make
189 a copy of the foreign [~~protective~~] protection order available.

190 (f) After a foreign protection order is filed, the district court shall furnish a certified
191 copy of the order to the person who filed the order.

192 (g) A filed foreign protection order that is inaccurate or is not currently in effect shall
193 be corrected or removed from the statewide domestic violence network described in Section
194 30-6-8.

195 (3) Law enforcement personnel may [~~rely~~]:

196 (a) rely upon a certified copy of any foreign [~~protective~~] protection order which has
197 been provided to the peace officer by any source; [~~and~~]

198 (b) rely on the statement of the person protected by the order that the order is in effect
199 and the respondent was personally served with a copy of the order[:]; or

200 (c) consider other information in determining whether there is probable cause to
201 believe that a valid foreign protection order exists.

202 (4) A violation in Utah of a foreign [~~protective~~] protection order is subject to the same
203 penalties as the violation of a protective order issued in Utah.

204 Section 4. Section **30-6a-101** is enacted to read:

205 **CHAPTER 6a. UNIFORM INTERSTATE ENFORCEMENT OF**
206 **DOMESTIC VIOLENCE PROTECTION ORDERS ACT**

207 **30-6a-101. Title.**

208 This chapter is known as the "Uniform Interstate Enforcement of Domestic Violence
209 Protection Orders Act."

210 Section 5. Section **30-6a-102** is enacted to read:

211 **30-6a-102. Definitions.**

212 As used in this chapter:

213 (1) "Foreign protection order" means a protection order issued by a tribunal of another

214 state.

215 (2) "Issuing state" means the state whose tribunal issues a protection order.

216 (3) "Mutual foreign protection order" means a foreign protection order that includes
217 provisions in favor of both the protected individual seeking enforcement of the order and the
218 respondent.

219 (4) "Protected individual" means an individual protected by a protection order.

220 (5) "Protection order" means an injunction or other order, issued by a tribunal under the
221 domestic violence, family-violence, or anti-stalking laws of the issuing state, to prevent an
222 individual from engaging in violent or threatening acts against, harassment of, contact or
223 communication with, or physical proximity to, another individual.

224 (6) "Respondent" means the individual against whom enforcement of a protection
225 order is sought.

226 (7) "State" means a state of the United States, the District of Columbia, Puerto Rico,
227 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
228 of the United States. The term includes an Indian tribe or band that has jurisdiction to issue
229 protection orders.

230 (8) "Tribunal" means a court, agency, or other entity authorized by law to issue or
231 modify a protection order.

232 Section 6. Section **30-6a-103** is enacted to read:

233 **30-6a-103. Judicial enforcement of order.**

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

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

245 (3) A tribunal of this state shall enforce the provisions of a valid foreign protection
 246 order which govern custody and visitation, if the order was issued in accordance with the
 247 jurisdictional requirements governing the issuance of custody and visitation orders in the
 248 issuing state.

249 (4) A foreign protection order is valid if it:

250 (a) identifies the protected individual and the respondent;

251 (b) is currently in effect;

252 (c) was issued by a tribunal that had jurisdiction over the parties and subject matter
 253 under the law of the issuing state; and

254 (d) was issued after the respondent was given reasonable notice and had an opportunity
 255 to be heard before the tribunal issued the order or, in the case of an order ex parte, the
 256 respondent was given notice and has had or will have an opportunity to be heard within a
 257 reasonable time after the order was issued, in a manner consistent with the rights of the
 258 respondent to due process.

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

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

262 (7) A tribunal of this state may enforce provisions of a mutual foreign protection order
 263 which favor a respondent only if:

264 (a) the respondent filed a written pleading seeking a protection order from the tribunal
 265 of the issuing state; and

266 (b) the tribunal of the issuing state made specific findings in favor of the respondent.

266a **§→ (8)(a) The juvenile court has jurisdiction to enforce foreign protection orders under this**
 266b **section over which the juvenile court would have had jurisdiction if the order had been**
 266c **originally sought in this state.**

266d **(b) The district court has jurisdiction to enforce foreign protection orders under this**
 266e **section:**

266f **(i) over which the district court would have had jurisdiction if the order had been**
 266g **originally sought in this state; or**

266h **(ii) that are not under the jurisdiction of the juvenile court under Subsection (8)(a).** ←§

267 Section 7. Section **30-6a-104** is enacted to read:

268 **30-6a-104. Nonjudicial enforcement of order.**

269 (1) A law enforcement officer of this state, upon determining that there is probable
 270 cause to believe that a valid foreign protection order exists and that the order has been violated,
 271 shall enforce the order as if it were the order of a tribunal of this state. Presentation of a
 272 protection order that identifies both the protected individual and the respondent and, on its face,
 273 is currently in effect constitutes probable cause to believe that a valid foreign protection order

274 exists. For the purposes of this section, the protection order may be inscribed on a tangible
275 medium or may have been stored in an electronic or other medium if it is retrievable in

276 perceivable form. Presentation of a certified copy of a protection order is not required for
277 enforcement.

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

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

286 (4) Registration or filing of an order in this state is not required for the enforcement of
287 a valid foreign protection order pursuant to this chapter.

288 Section 8. Section **30-6a-105** is enacted to read:

289 **30-6a-105. Registration of order.**

290 Any individual may register a foreign protection order in this state under Section
291 30-6-12.

292 Section 9. Section **30-6a-106** is enacted to read:

293 **30-6a-106. Immunity.**

294 This state or a local governmental agency, or a law enforcement officer, prosecuting
295 attorney, clerk of court, or any state or local governmental official acting in an official capacity,
296 is immune from civil and criminal liability for an act or omission arising out of the registration
297 or enforcement of a foreign protection order or the detention or arrest of an alleged violator of a
298 foreign protection order if the act or omission was done in good faith in an effort to comply
299 with this chapter.

300 Section 10. Section **30-6a-107** is enacted to read:

301 **30-6a-107. Other remedies.**

302 A protected individual who pursues remedies under this chapter is not precluded from
303 pursuing other legal or equitable remedies against the respondent.

304 Section 11. Section **30-6a-108** is enacted to read:

305 **30-6a-108. Uniformity of application and construction.**

306 In applying and construing this uniform act, consideration must be given to the need to

307 promote uniformity of the law with respect to its subject matter among states that enact it.

308 Section 12. Section **30-6a-109** is enacted to read:

309 **30-6a-109. Severability clause.**

310 If any provision of this chapter or its application to any person or circumstance is held
311 invalid, the invalidity does not affect other provisions or applications of this chapter which can
312 be given effect without the invalid provision or application, and to this end the provisions of
313 this chapter are severable.

314 Section 13. Section **30-6a-110** is enacted to read:

315 **30-6a-110. Effective date.**

316 This act takes effect on July 1, 2006.

317 Section 14. Section **30-6a-111** is enacted to read:

318 **30-6a-111. Transitional provision.**

319 This chapter applies to protection orders issued before May 1, 2006 and to continuing
320 actions for enforcement of foreign protection orders commenced before May 1, 2006. A
321 request for enforcement of a foreign protection order made on or after May 1, 2006 for
322 violations of a foreign protection order occurring before May 1, 2006 is governed by this
323 chapter.

324 Section 15. Section **76-5-108** is amended to read:

325 **76-5-108. Protective orders restraining abuse of another -- Violation.**

326 (1) Any person who is the respondent or defendant subject to a protective order, child
327 protective order, ex parte protective order, or ex parte child protective order issued under Title
328 30, Chapter 6, Cohabitant Abuse Act, or Title 78, Chapter 3a, Juvenile Court Act of 1996, Title
329 77, Chapter 36, Cohabitant Abuse Procedures Act, or a foreign [~~protective~~] protection order [~~as~~
330 ~~described in Section 30-6-12~~] enforceable under Title 30, Chapter 6a, Uniform Interstate
331 Enforcement of Domestic Violence Protection Orders Act, who intentionally or knowingly
332 violates that order after having been properly served, is guilty of a class A misdemeanor, except
333 as a greater penalty may be provided in Title 77, Chapter 36, Cohabitant Abuse Procedures
334 Act.

335 (2) Violation of an order as described in Subsection (1) is a domestic violence offense
336 under Section 77-36-1 and subject to increased penalties in accordance with Section 77-36-1.1.

337 Section 16. Section **77-36-2.4** is amended to read:

338 **77-36-2.4. Violation of protective orders -- Mandatory arrest.**

339 (1) A law enforcement officer shall, without a warrant, arrest an alleged perpetrator
340 whenever there is probable cause to believe that the alleged perpetrator has violated any of the
341 provisions of an ex parte protective order or protective order.

342 (2) (a) Intentional or knowing violation of any ex parte protective order or protective
343 order is a class A misdemeanor, in accordance with Section 76-5-108, and is a domestic
344 violence offense, pursuant to Section 77-36-1.

345 (b) Second or subsequent violations of ex parte protective orders or protective orders
346 carry increased penalties, in accordance with Section 77-36-1.1.

347 (3) As used in this section, "ex parte protective order" or "protective order" includes:

348 (a) any protective order or ex parte protective order issued under Title 30, Chapter 6,
349 Cohabitant Abuse Act, or Title 77, Chapter 36, Cohabitant Abuse Procedures Act[;];

350 (b) any child protective order or ex parte child protective order issued under Title 78,
351 Chapter 3h, Child Protective Orders[;]; or

352 (c) a foreign [~~protective~~] protection order enforceable under [~~Section 30-6-12~~] Title 30,
353 Chapter 6a, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

354 Section 17. Section **77-36-6** is amended to read:

355 **77-36-6. Enforcement of orders.**

356 (1) Each law enforcement agency in this state shall enforce all orders of the court
357 issued pursuant to the requirements and procedures described in this chapter, and shall enforce:

358 (a) all protective orders and ex parte protective orders issued pursuant to Title 30,
359 Chapter 6[;], Cohabitant Abuse Act; and

360 (b) all foreign protection orders enforceable under Title 30, Chapter 6a, Uniform
361 Interstate Enforcement of Domestic Violence Protection Orders Act.

362 (2) The requirements of this section apply statewide, regardless of the jurisdiction in
363 which the order was issued or the location of the victim or the perpetrator.

364 Section 18. Section **78-3h-104** is amended to read:

365 **78-3h-104. Content of order.**

366 (1) A child protective order or an ex parte child protective order may contain the
367 following provisions the violation of which is a class A misdemeanor under Section 77-36-2.4:

368 (a) enjoin the respondent from threatening to commit or committing abuse of the

369 minor;

370 (b) prohibit the respondent from harassing, telephoning, contacting, or otherwise
371 communicating with the minor, directly or indirectly;

372 (c) prohibit the respondent from entering or remaining upon the residence, school, or
373 place of employment of the minor and the premises of any of these or any specified place
374 frequented by the minor;

375 (d) upon finding that the respondent's use or possession of a weapon may pose a
376 serious threat of harm to the minor, prohibit the respondent from purchasing, using, or
377 possessing a firearm or other specified weapon; and

378 (e) determine ownership and possession of personal property and direct the appropriate
379 law enforcement officer to attend and supervise the petitioner's or respondent's removal of
380 personal property.

381 (2) A child protective order or an ex parte child protective order may contain the
382 following provisions the violation of which is contempt of court:

383 (a) determine temporary custody of a minor who is the subject of the petition;

384 (b) determine parent-time with a minor who is the subject of the petition, including
385 denial of parent-time if necessary to protect the safety of the minor, and require supervision of
386 parent-time by a third party;

387 (c) determine support in accordance with Title 78, Chapter 45, Uniform Civil Liability
388 for Support Act; and

389 (d) order any further relief the court considers necessary to provide for the safety and
390 welfare of the minor.

391 (3) A child protective order and an ex parte child protective order shall include:

392 (a) a statement that violation of a criminal provision is a class A misdemeanor and
393 violation of a civil provision is contempt of court; and

394 (b) information the petitioner is able to provide to facilitate identification of the
395 respondent, such as Social Security number, driver license number, date of birth, address,
396 telephone number, and physical description.

397 (4) A child protective order shall include:

398 (a) a statement that:

399 (i) two years from entry of the order, the respondent may petition to dismiss the

400 criminal portion of the order;

401 (ii) the petitioner should, within the 30 days prior to the end of the two-year period,

402 advise the court of the petitioner's address for notice of any hearing; and

403 (iii) the address provided by the petitioner will not be made available to the

404 respondent;

405 (b) the date when the civil portion of the order will expire or be reviewed; and

406 (c) the following statement: "Respondent was afforded notice and opportunity to be

407 heard in the hearing that gave rise to this order. Pursuant to the Violence Against Women Act

408 of 1994, P.L. 103-322, 108 Stat. 1796, 18 U.S.C.A. 2265, this order is valid in all the United

409 States, the District of Columbia, tribal lands, and United States territories. This order complies

410 with the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act."

411 Section 19. **Effective date.**

412 This bill takes effect on July 1, 2006.

Legislative Review Note
as of 9-14-05 11:52 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel