

United States Code Annotated

Title 18. Crimes and Criminal Procedure (Refs & Annos)

Part I. Crimes (Refs & Annos)

Chapter 110A. Domestic Violence and Stalking

18 U.S.C.A. § 2265

§ 2265. Full faith and credit given to protection orders

Effective: March 7, 2013

Currentness

(a) Full Faith and Credit.--Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory¹ as if it were the order of the enforcing State or tribe.

(b) Protection order.--A protection order issued by a State, tribal, or territorial court is consistent with this subsection if--

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) Cross or counter petition.--A protection order issued by a State, tribal, or territorial 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.

(d) Notification and registration.--

(1) Notification.--A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2) No prior registration or filing as prerequisite for enforcement.--Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3) Limits on Internet publication of registration information.--A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction, restraining order, or injunction² in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.

(e) Tribal court jurisdiction.--For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in [section 1151](#)) or otherwise within the authority of the Indian tribe.

CREDIT(S)

(Added [Pub.L. 103-322, Title IV, § 40221\(a\)](#), Sept. 13, 1994, 108 Stat. 1930; amended [Pub.L. 106-386](#), Div. B, Title I, § 1101(b)(4), Oct. 28, 2000, 114 Stat. 1493; [Pub.L. 109-162, Title I, § 106\(a\)](#) to (c), Jan. 5, 2006, 119 Stat. 2981, 2982; [Pub.L. 109-271](#), § 2(n), Aug. 12, 2006, 120 Stat. 754; [Pub.L. 113-4, Title IX, § 905](#), Mar. 7, 2013, 127 Stat. 124.)

Footnotes

¹ So in original. Probably should not be capitalized.

² So in original.

18 U.S.C.A. § 2265, 18 USCA § 2265

Current through P.L. 114-254. Also includes P.L. 114-256 to 114-280, 114-282 to 114-286, 114-291 to 114-294, 114-302 to 114-314, 114-316, 114-319 to 114-321, and 114-325. Title 26 current through 114-329.