

Full Faith and Credit of Protection Orders: Checklist

This document, created by End Domestic Abuse Wisconsin – the Wisconsin Coalition Against Domestic Violence Legal Department, does not constitute legal advice.

What does it mean to provide full faith and credit of protection orders?

This means that any jurisdiction is to enforce a protection order no matter who issued the order. Each jurisdiction must enforce protection orders from other courts as if they are their own orders.

What laws provide that your restraining/protective order is to be enforced by another jurisdiction?

In 1994, Congress enacted the Violence Against Women Act (VAWA), which makes it possible to get a valid order of protection enforced by other jurisdictions. VAWA states that all states, territories and tribes are to enforce restraining orders (and other types of protection orders) no matter where the order was issued. Orders which are presented in a jurisdiction other than where the order was issued are known as foreign protection orders. Wis. Stat. [§813.128](#), give full faith and credit to foreign protection orders.

What is a foreign protection order?

A foreign protection order is a protection order (see definition below) issued by a court, agency, or other entity of a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, an American Indian tribe or band, or any territory or insular possession subject to the jurisdiction of the United States, authorized by law to issue or modify a protection order other than a tribunal of this state. See [§813.128\(1g\)\(c\)](#), [§813.128\(1g\)\(g\)](#).

What is a protection order?

A protection order is any temporary or permanent injunction or order issued to prevent an individual from engaging in abuse, bodily harm, communication, contact, harassment, physical proximity, threatening acts or violence to another person, other than support or custody orders. This term includes an injunction or order issued under the anti-stalking laws of the issuing state. [§813.128\(1g\)\(e\)](#).

How is a protection order enforced?

An 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 other state.

What are some other names for protection orders?

Stay away order; order of no contact; injunction for protection; harassment order; stalking order; restraining order; emergency, temporary or ex parte protective orders; bail, bond, parole orders.

Does a foreign protection order need to be filed/registered in Wisconsin to be enforced?

A foreign protection order or temporary order (as long as it is in effect) does not have to be filed or registered to be enforced in Wisconsin. Law enforcement is to enforce the order just as if it were issued in Wisconsin. It is important to always have a copy of the order available so the officer can verify the order is valid and is still in effect.

Which jurisdictions are included in the full faith and credit provisions?

All 50 states; the District of Columbia; Puerto Rico; the United States Virgin Islands, all American Indian tribes or bands; or any territory or insular possession subject to the jurisdiction of the United States.

Does the law apply to criminal orders of protection?

Yes. These orders may be part of a pre-trial release or probation order or a separate order.

Does the law apply to custody/visitation orders which are included in a protection order?

Yes. VAWA II, passed in October 2000, clarifies that if a foreign protection order contains an order regarding custody and/or visitation/placement of child(ren), the custody or visitation orders are to be enforced according to their terms. Although Wisconsin restraining orders do not usually contain such orders, it is common for protection orders from other jurisdictions to include them.

Where can one get more information about full faith and credit of protection orders?

Contact the National Center on Full Faith and Credit at 800-256-5883 and see <http://www.bwjp.org/our-work/projects/protection-orders.html>.