

What does it mean for the abuser to receive "notice" or be "served" with a protection order?

■ Personal service means that the abuser was given a copy of the protection order. Law enforcement usually does this and then gives the court proof that the order was served. "Notice" means that the abuser knew about the order.

What if you have a "mutual" protection order?

■ A "mutual" protection order prohibits both parties from contacting each other. It is treated differently by the Full Faith and Credit law, and can be harder to enforce.

■ If the abuser files for a protection order first, you may want to ask the court to issue a protection order against him also. If the court issues a mutual order, request that the court include specific findings that both you and the abuser are entitled to the protection order.

■ Another option is to file a separate petition for a protection order.

CRIME VICTIM RESOURCES

EMERGENCIES:

County Police Departments 911
National Victim Center 800-FYI-CALL

PROSECUTORS' VICTIM-WITNESS ASSISTANCE PROGRAMS:

Honolulu City and County 547-7401
Hawai'i County 934-3306
Kaua'i County 241-1898
Maui County 270-7695

DOMESTIC VIOLENCE VICTIMS SERVICES: HOTLINE

Honolulu City and County 841-0822
Hawai'i County 322-7233
Kaua'i County 245-6362
Maui
Women Helping Women
(Shelter & Hotline) 579-9581
CFS (Hotline) 877-9888
Molokai 567-6888
Lanai
Women Helping Women 579-9581
CFS 877-9888

SEXUAL ASSAULT VICTIM SERVICES HOTLINE:

Honolulu City and County 524-7273
Hawai'i County 935-0677
Kaua'i County 245-4144
Maui 873-8624
Lanai & Molokai 1-866-443-5702

IMMIGRATION LEGAL SERVICES:

Hawaii Immigrant Justice Center

(formerly Na Loio - Immigrant Rights and
Public Interest Legal Center)

Oahu: (808) 536-8826

Neighbor Islands: 1-877-208-8828

Increasing Your Safety: Full Faith & Credit for Protection Orders

DO YOU HAVE A PROTECTION ORDER? AND,

- Are you moving to a different state or U.S. territory?
- Do you work and live in different communities?
- Are you going to school out of state?
- Are you going to an event out of state?

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WHAT IS A TRO, PROTECTION ORDER OR INJUNCTION?

- Temporary restraining orders, protection orders, and injunctions (protection orders) are issued by the courts. Protection orders can order the abuser to leave you alone and provide other protections as well.
- You do not have to be a United States citizen or legal permanent resident to obtain a protection order and getting one will not affect your immigration status.

WHAT IS FULL FAITH AND CREDIT?

- Full Faith and Credit means that a protection order is enforceable where it is issued and in all other jurisdictions. This includes all 50 states, Indian tribal lands, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, American Samoa, the Northern Mariana Islands and Guam.
- Full Faith and Credit helps to protect freedom of movement by requiring the justice system to enforce orders of protection throughout the country. If an abuser follows you to another jurisdiction and violates the protection order, the abuser can be punished under the laws of the jurisdiction where the violation occurred.

YOUR PROTECTION ORDER IS ENTITLED TO FULL FAITH AND CREDIT IF IT IS VALID

A protection order is valid if:

- It was issued by a court which had jurisdiction over you and the abuser and the court had authority to hear and decide the case, and
- The abuser was given reasonable notice and an opportunity to be heard.

PRACTICAL TIPS

- Get certified copies of your protection order. A "certified" copy contains a court stamp, seal, or signature of the issuing judge or clerk of the court. Your order does not have to be certified to be enforceable.
- Get written proof that the order was served on the abuser from either the law enforcement agency that served the order or the court that issued the order.
- Keep your protection order and proof of service with you at all times.
- Give copies of your protection order to your employer, school, friends or relatives, and any law enforcement agency that may need to enforce your protection order.
- You do not have to register your protection order in Hawai'i. However, other jurisdictions may require you to register or file the protection order. Check with a domestic violence advocate who can explain the registration process and help you decide whether registration is safe for you.
- Document all of the abuser's violations, including phone calls and messages. Do this even if you are the only witness to the violation. This will establish a "record" and help law enforcement to take steps to protect you.
- Develop safety plans.
- Go to a shelter, if needed.
- Contact a local domestic violence program in any community you may be going to.
- Seek legal services when necessary.

PRACTICAL TIPS ON SERVICE AND NOTICE

- Many police officers will not enforce ex parte orders unless they can verify that the abuser had notice or was served with the order.
- Keep at least one (or two copies if your order has not yet been served) of your protection order with you at all times and show it to the police when you report violations.
- Show the police any proof you have that the order was served or that the abuser had notice of the order.
- If the order has not been served on the abuser before you report a violation, or the officer is unable to verify notice, ask the officer to serve the order on the abuser and arrest him for any other crimes the abuser committed in the enforcing jurisdiction. Ask the officer to notify the issuing jurisdiction that the protection order was served.

FREQUENTLY ASKED QUESTIONS AND ANSWERS

Are emergency or "ex parte" orders valid and enforceable under the federal law?

- Ex parte orders are emergency or temporary protection orders issued at the request of the victim without notice to the abuser. They are valid for the time that they would be good in the issuing jurisdiction. For example, an ex parte order that is issued for fifteen days would be valid in any other community for fifteen days. Whether it is enforceable by arrest, however, will depend on whether the abuser was served with the order or received notice of the order.