



WHY YOUR STATE SHOULD ADOPT THE UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS ACT

The Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act (URECDVPOA) provides for cross-border recognition and enforcement of Canadian domestic violence protection orders, the first act in this country to do so. In 2002, the Uniform Law Commission (ULC) approved the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act (UIEDVPOA), establishing a uniform system for the enforcement of domestic violence protection orders across state lines. In 2011, the Uniform Law Conference of Canada (ULCC) approved the Uniform Enforcement of Canadian Judgments and Decrees Act (UECJDA), providing for the recognition of foreign protection orders, including those of the United States. By this act, enacting states accord similar recognition to protection orders from Canada.

The act's important provisions include:

Enforcement of Canadian Order by State Law-enforcement Officer — A law enforcement officer in this state, upon finding probable cause that a valid order has been violated, must enforce the terms of a Canadian order that directly or indirectly deal with no-contact as if they were an order of this state.

Judicial Enforcement of a Canadian Order — Courts in this state may enforce the terms of a domestic violence protection order from Canada dealing directly or indirectly with no-contact.

Protects the Constitutional Right to Due Process — A court in this state shall not enforce a Canadian order if due process has been violated. For example, consider an individual against whom a Canadian domestic violence protection order has been issued. Under this act, a court in this state will not enforce the order if that individual did not receive notice and opportunity to be heard by the issuing Canadian court.

Registration of an Order — An individual may, but is not required to, register a Canadian order in this state. Registration helps prevent possible challenges to an order, as well as facilitates effective enforcement.

Immunity — Law-enforcement officers, governmental agencies, prosecuting attorneys, clerks of the court, or other officials are protected from criminal or civil liability for enforcement of a Canadian protection order in good faith.

It is important for each state to enact the URECDVPOA. Citizens in the United States and Canada often move freely between the two countries, freedom that in certain limited circumstances can work against victims of domestic violence. By adopting the provisions of this act, this state will ensure that domestic violence victims are protected, even if the order was issued in Canada.

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