

## **Domestic Violence Coalitions in Neighboring States**

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Contact the following state domestic violence coalitions for questions regarding the enforcement of Texas protective orders in these states:

**New Mexico State Coalition  
Against Domestic Violence**  
505-246-9240  
www.nmadv.org

**Oklahoma Coalition Against  
Domestic Violence and Sexual Assault**  
405-524-0700  
www.ocadvsa.org

**Louisiana Coalition  
Against Domestic Violence**  
225-752-1296  
www.lcadv.org

**Arkansas Coalition  
Against Domestic Violence**  
501-812-0571  
www.domesticpeace.com

Contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233) for information regarding the state domestic violence coalitions.

## **Firearms**

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Texas and federal law prohibit possession of firearms while subject to a qualifying protective order. Federal law also prohibits the possession of ammunition (*18 U.S.C. §922 (g) (8) and Penal Code §46.04 (c)*).

### **State And Federal Law Include An "Official Use Exemption" For Law Enforcement And Military Personnel**

This exemption allows sworn, full-time paid employees of a state agency or political subdivision actively engaged in employment to possess a firearm while on official duty.

This exemption does not apply to second jobs, personal firearms or unpaid reserve officers.

Federal law also states anyone who has been convicted of an act involving domestic violence (including Class A misdemeanors) can never possess ammunition or firearms. This permanent ban applies to everyone equally, even if they are law enforcement or military personnel.

## **Helpful Resources**

**Texas Council on Family Violence**  
Policy Department  
800-525-1978  
www.tcfv.org

**Texas Advocacy Project/Family Violence Legal Line**  
800-374-HOPE (4673)  
www.texasadvocacyproject.org

**International Association of Chiefs of Police**  
800-THE-IACP  
www.theiacp.org

**National Center on Full Faith and Credit**  
800-903-0111 ext. 2  
www.fullfaithandcredit.org

### **Immigration Issues:**

**Legal Momentum, Immigrant Women Program**  
202-326-0040  
www.legalmomentum.org

**Family Violence Prevention Fund  
Immigrant and Refugee Women's Rights Project**  
415-252-8900  
www.endabuse.org

### **Custody Issues:**

**National Council of Juvenile and  
Family Court Judges (NCJFCJ)**  
800-527-3223  
www.ncjfcj.org

### **Native American and Tribal Issues:**

**Sacred Circle**  
605-341-2050  
www.sacred-circle.com

**American Indian Law Center**  
505-277-5462  
lawschool.unm.edu/AILC

**Mending the Sacred Hoop**  
888-305-1650  
www.msh-ta.org

### **Native American Reservations in Texas:**

**Alabama-Coushatta, Polk County**  
936-563-1131  
www.alabama-coushatta.com

**Kickapoo, Maverick County**  
830-773-2105

**Tigua, El Paso County**  
915-859-7913

## **TRAVELING SAFETY:**

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**Enforcing Protective  
Orders Throughout  
The United States**



**P.O. BOX 161810  
Austin, TX 78716  
www.tcfv.org  
512.794.1133**

## Protective Order Enforcement

The federal Violence Against Women Act (VAWA) requires the enforcement of valid protective orders in all states, territories and tribal nations, no matter where the order was issued. This part of the law is commonly called the *Full Faith and Credit* provision of VAWA.

### **Uniform Interstate Enforcement of Protective Orders Act (UIEPOA); Chapter 88, Family Code**

The UIEPOA, states that law enforcement officers are required to enforce out-of-state protective orders.

#### **Important Provisions Of This Law Include:**

- Probable cause that a valid protective order is in effect is established if the protected individual presents a protective order that identifies the protected individual, respondent and is currently in effect.
- A certified copy or registration of a protective order is not required for enforcement.
- If a protected individual does not present a foreign protective order, an officer may determine probable cause that a valid foreign protective order exists by relying on any relevant information.
- A law enforcement officer acting in good faith cannot be held civilly or criminally liable for enforcing the order even if it is later determined that the order was not valid. **However, it is best to carry a copy of the protective order with you at all times. It is not common practice to enforce a protective order if the person being abused does not have a copy on hand when police are called.**

#### **The State That Issues the Protective Order Decides:**

- Who is included as a protected person (applicant, victim, other family members).
- The terms and conditions of the order (required distance, duration of the order).

#### **The State That Responds to a Violation Decides:**

- How law enforcement officers respond (arrest with or without a warrant, no arrest of the victim, type of charge).
- How the criminal justice system responds (length of time in jail, bond amount, and penalties).

## Tips for Safe Travel

- Work with an advocate at a local domestic violence program to develop a safety plan. Contact the National Domestic Violence Hotline at 800–799–SAFE (7233) or 800–787–3224 (TTY for the Deaf) to find the program nearest you.
- You may need to take certain steps to increase the likelihood your Texas protective order will be enforced in another state. Contact law enforcement or the state domestic violence coalition in your new state to find out the rules that apply to enforcing out-of-state protective orders. Call the National Domestic Violence Hotline for state domestic violence coalition numbers.
- Take at least five (5) certified copies of your protective order with you to your new state jurisdiction. You may need one for law enforcement, school, daycare, yourself and your employer.
- Carry a copy of the order with you at all times.
- To insure your safety, inform the courts, advocate or law enforcement if you know the abuser is in possession of firearms and/or ammunition. This is a violation of Texas and federal law, and may also be an offense in your new state. Investigation and/or prosecution by state and/or federal authorities is possible.
- You are the expert on your situation. If you feel you are in immediate danger, call local law enforcement. Otherwise, contact the nearest domestic violence program or the National Domestic Violence Hotline for assistance with safety planning.

***Child custody or support provisions in your Texas protective order may be difficult to enforce in another state. These laws are often very complicated and victims are strongly encouraged to get the advice of an experienced family law attorney who understands legal protections for victims of domestic violence.***

## Tips For Advocates

- Contact or encourage the victim to contact the state domestic violence coalition in the victim's new state to verify what rules apply to enforcing out-of-state protective orders. Though prohibited by federal law, some states may require registration of the protective order before they will enforce it.
- Encourage victims to contact the local police or sheriff's department in their new community regarding the protective order and to provide a copy.
- Contact your County and/or District Attorney's Office and encourage them to communicate with the VAWA point of contact at the U.S. Attorney's Office in their district.
- Texas and federal law prohibit possession of firearms while subject to a qualifying protective order. Federal law also prohibits the possession of ammunition (*18 U.S.C. §922 (g) (8)* and *Penal Code §46.04*). Because it is against state and federal law, an offense can be investigated by the ATF, local law enforcement and prosecuted by the U.S. Attorney's Office or the local prosecutor. Advocates should be familiar with investigators and prosecutors and, when appropriate, help facilitate communication with the protected person.
- What is known in Texas as a "protective order," may be known in other states by different names. Other common names include: "no contact order, restraining order, and protection from abuse" order. Despite different terminology, all valid protective orders are entitled to enforcement. The key element is the order is designed to protect the victim from the batterer's violent, threatening or harassing behavior.
- When counseling victims, emphasize the protective order is a court order and can be very helpful, but is only part of a thorough safety plan. The victim should be encouraged to trust his or her own instincts.