

*MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

Bill No. 198-33(LS)

Introduced by:

Brant T. McCreadie

**AN ACT TO *ADD A NEW* CHAPTER 16 TO TITLE 19  
OF THE GUAM CODE ANNOTATED, RELATIVE TO  
CREATING THE UNIFORM INTERSTATE  
ENFORCEMENT OF DOMESTIC-VIOLENCE  
PROTECTION ORDERS ACT.**

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1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** A *new* Chapter 16 is hereby *added* to Title 19 Guam Code  
3 Annotated, to read as follows:

4 **“CHAPTER 16**

5 **UNIFORM INTERSTATE ENFORCEMENT OF DOMESTIC-VIOLENCE**  
6 **PROTECTION ORDERS ACT**

- 7 § 16101. Short Title.  
8 § 16102. Definitions.  
9 § 16103. Judicial Enforcement of Order.  
10 § 16104. Nonjudicial Enforcement of Order.  
11 § 16105. Registration of Order.  
12 § 16106. Immunity.  
13 § 16107. Other remedies.  
14 § 16108. Uniformity of Application and Construction.  
15 § 16109. Severability Clause.

1 § 16110. Effective Date.

2 § 16111. Transitional Provision.

3

4 § 16101. **Short Title.** This Chapter shall be known, and *may* be cited as the  
5 *Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.*

6 § 16102. **Definitions.** In this Chapter:

7 (1) "Foreign protection order" means a protection order issued by a tribunal of  
8 another State.

9 (2) "Issuing State" means the State whose tribunal issues a protection order.

10 (3) "Mutual foreign protection order" means a foreign protection order that  
11 includes provisions in favor of both the protected individual seeking enforcement of  
12 the order and the respondent.

13 (4) "Protected individual" means an individual protected by a protection order.

14 (5) "Protection order" means an injunction or other order, issued by a tribunal  
15 under the domestic-violence, family-violence, or anti-stalking laws of the issuing  
16 State, to prevent an individual from engaging in violent or threatening acts against,  
17 harassment of, contact or communication with, or physical proximity to, another  
18 individual.

19 (6) "Respondent" means the individual against whom enforcement of a  
20 protection order is sought.

21 (7) "State" means a State of the United States, the District of Columbia, Puerto  
22 Rico, the United States Virgin Islands, or any territory or insular possession subject to  
23 the jurisdiction of the United States. The term includes an Indian tribe or band that has  
24 jurisdiction to issue protection orders.

25 (8) "Tribunal" means a court, agency, or other entity authorized by law to issue  
26 or modify a protection order.

1           **§ 16103. Judicial Enforcement of Order.**

2           (a) A person authorized by the law of this State to seek enforcement of a  
3 protection order may seek enforcement of a valid foreign protection order in a tribunal  
4 of this State. The tribunal shall enforce the terms of the order, including terms that  
5 provide relief that a tribunal of this State would lack power to provide but for this  
6 section. The tribunal shall enforce the order, whether the order was obtained by  
7 independent action or in another proceeding, if it is an order issued in response to a  
8 complaint, petition, or motion filed by or on behalf of an individual seeking  
9 protection. In a proceeding to enforce a foreign protection order, the tribunal shall  
10 follow the procedures of this State for the enforcement of protection orders.

11           (b) A tribunal of this State may not enforce a foreign protection order issued by  
12 a tribunal of a State that does not recognize the standing of a protected individual to  
13 seek enforcement of the order.

14           (c) A tribunal of this State shall enforce the provisions of a valid foreign  
15 protection order which govern custody and visitation, if the order was issued in  
16 accordance with the jurisdictional requirements governing the issuance of custody and  
17 visitation orders in the issuing State.

18           (d) A foreign protection order is valid if it:

19                   (1) identifies the protected individual and the respondent;

20                   (2) is currently in effect;

21                   (3) was issued by a tribunal that had jurisdiction over the parties and  
22 subject matter under the law of the issuing State; and

23                   (4) was issued after the respondent was given reasonable notice and had  
24 an opportunity to be heard before the tribunal issued the order or, in the case of an  
25 order ex parte, the respondent was given notice and has had or will have an

1 opportunity to be heard within a reasonable time after the order was issued, in a  
2 manner consistent with the rights of the respondent to due process.

3 (e) A foreign protection order valid on its face is prima facie evidence of its  
4 validity.

5 (f) Absence of any of the criteria for validity of a foreign protection order is an  
6 affirmative defense in an action seeking enforcement of the order.

7 (g) A tribunal of this State may enforce provisions of a mutual foreign  
8 protection order which favor a respondent only if:

9 (1) the respondent filed a written pleading seeking a protection order  
10 from the tribunal of the issuing State; and

11 (2) the tribunal of the issuing State made specific findings in favor of the  
12 respondent.

13 **§ 16104. Nonjudicial Enforcement of Order.**

14 (a) A law enforcement officer of this State, upon determining that there is  
15 probable cause to believe that a valid foreign protection order exists and that the order  
16 has been violated, shall enforce the order as if it were the order of a tribunal of this  
17 State. Presentation of a protection order that identifies both the protected individual  
18 and the respondent and, on its face, is currently in effect constitutes probable cause to  
19 believe that a valid foreign protection order exists. For the purposes of this section, the  
20 protection order may be inscribed on a tangible medium or may have been stored in an  
21 electronic or other medium if it is retrievable in perceivable form. Presentation of a  
22 certified copy of a protection order is not required for enforcement.

23 (b) If a foreign protection order is not presented, a law enforcement officer of  
24 this State may consider other information in determining whether there is probable  
25 cause to believe that a valid foreign protection order exists.

1 (c) If a law enforcement officer of this State determines that an otherwise valid  
2 foreign protection order cannot be enforced because the respondent has not been  
3 notified or served with the order, the officer shall inform the respondent of the order,  
4 make a reasonable effort to serve the order upon the respondent, and allow the  
5 respondent a reasonable opportunity to comply with the order before enforcing the  
6 order.

7 (d) Registration or filing of an order in this State is not required for the  
8 enforcement of a valid foreign protection order pursuant to this Act.

9 **§ 16105. Registration of Order.**

10 (a) Any individual may register a foreign protection order in this State. To  
11 register a foreign protection order, an individual shall:

12 (1) present a certified copy of the order to the office of the Clerk of the  
13 Superior Court; or

14 (2) present a certified copy of the order to the Superior Court and request  
15 that the order be registered with the office of the Clerk of the Superior Court.

16 (b) Upon receipt of a foreign protection order, the office of the Clerk of the  
17 Superior Court shall register the order in accordance with this section. After the order  
18 is registered, the office of the Clerk of the Superior Court shall furnish to the  
19 individual registering the order a certified copy of the registered order.

20 (c) The office of the Clerk of the Superior Court shall register an order upon  
21 presentation of a copy of a protection order which has been certified by the issuing  
22 State. A registered foreign protection order that is inaccurate or is not currently in  
23 effect must be corrected or removed from the registry in accordance with the law of  
24 this State.

1 (d) An individual registering a foreign protection order shall file an affidavit by  
2 the protected individual stating that, to the best of the protected individual's  
3 knowledge, the order is currently in effect.

4 (e) A foreign protection order registered under this Act may be entered in any  
5 existing state or federal registry of protection orders, in accordance with applicable  
6 law.

7 (f) A fee may not be charged for the registration of a foreign protection order.

8 **§ 16106. Immunity.** This State or a local governmental agency, or a law  
9 enforcement officer, prosecuting attorney, clerk of court, or any state or local  
10 governmental official acting in an official capacity, is immune from civil and criminal  
11 liability for an act or omission arising out of the registration or enforcement of a  
12 foreign protection order or the detention or arrest of an alleged violator of a foreign  
13 protection order if the act or omission was done in good faith in an effort to comply  
14 with this Act.

15 **§ 16107. Other remedies.** A protected individual who pursues remedies under  
16 this Act is not precluded from pursuing other legal or equitable remedies against the  
17 respondent.

18 **§ 16108. Uniformity of Application and Construction.** In applying and  
19 construing this Uniform Act, consideration must be given to the need to promote  
20 uniformity of the law with respect to its subject matter among States that enact it.

21 **§ 16109. Severability Clause.** If any provisions of this Act or its application to  
22 any person or circumstance is held invalid, the invalidity does not affect other  
23 provisions or applications of this Act which can be given effect without the invalid  
24 provision or application, and to this end the provisions of this Act are severable.

25 **§ 16110. Effective Date.** This Act shall be effective upon enactment into law.

1           **§ 16111. Transitional Provision.** This Act applies to protection orders issued  
2 before the effective date of this Act and to continuing actions for enforcement of  
3 foreign protection orders commenced before the effective date of this Act. A request  
4 for enforcement of a foreign protection order made on or after the effective date of  
5 this Act for violations of a foreign protection order occurring before the effective date  
6 of this Act is governed by this Act.