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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO DOMESTIC RELATIONS -- UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS ACT

Introduced By: Representatives Keable, Knight, Hearn, Maldonado, and Walsh

Date Introduced: February 09, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 15 of the General Laws entitled "DOMESTIC RELATIONS" is
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 15.2

4 UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC

5 VIOLENCE PROTECTION ORDERS ACT

6 **15-15.2-1. Short title.**

7 This chapter shall be known and may be cited as the "Uniform Recognition and
8 Enforcement of Canadian Domestic Violence Protection Order Act."

9 **15-15.2-2. Definitions.**

10 As used in this chapter:

11 (1) "Canadian domestic violence protection order" means a judgment or part of a
12 judgment or order issued in a civil proceeding by a court of Canada under law of the issuing
13 jurisdiction which relates to domestic violence and prohibits a respondent from:

14 (i) Being in physical proximity to a protected individual or following a protected
15 individual;

16 (ii) Directly or indirectly contacting or communicating with a protected individual or
17 other individual described in the order;

18 (iii) Being within a certain distance of a specified place or location associated with a

1 protected individual; or

2 (iv) Molesting, annoying, harassing, or engaging in threatening conduct directed at a
3 protected individual.

4 (2) "Domestic protection order" means an injunction or other order issued by a tribunal
5 which relates to domestic or family violence laws to prevent an individual from engaging in
6 violent or threatening acts against, harassment of, direct or indirect contact or communication
7 with, or being in physical proximity to another individual.

8 (3) "Issuing court" means the court that issues a Canadian domestic violence protection
9 order.

10 (4) "Law enforcement officer" means an individual authorized by the law of this state
11 other than this chapter to enforce a domestic protection order.

12 (5) "Person" means an individual, estate, business or nonprofit entity, public corporation,
13 government or governmental subdivision, agency, or instrumentality, or other legal entity.

14 (6) "Protected individual" means an individual protected by a Canadian domestic
15 violence protection order.

16 (7) "Record" means information that is inscribed on a tangible medium or that is stored in
17 an electronic or other medium and is retrievable in perceivable form.

18 (8) "Respondent" means an individual against whom a Canadian domestic violence
19 protection order is issued.

20 (9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
21 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of
22 the United States.

23 (10) "Tribunal" means a court, agency, or other entity authorized by law of this state
24 other than this chapter to establish, enforce, or modify a domestic protection order.

25 **15-15.2-3. Enforcement of Canadian domestic violence protection order by law**
26 **enforcement officer.**

27 (a) If a law enforcement officer determines under subsection (b) or (c) of this section that
28 there is probable cause to believe a valid Canadian domestic violence protection order exists and
29 the order has been violated, the officer shall enforce the terms of the Canadian domestic violence
30 protection order as if the terms were in an order of a Rhode Island tribunal. Presentation to a law
31 enforcement officer of a certified copy of a Canadian domestic violence protection order is not
32 required for enforcement.

33 (b) Presentation to a law enforcement officer of a record of a Canadian domestic violence
34 protection order that identifies both a protected individual and a respondent and on its face is in

1 effect constitutes probable cause to believe that a valid order exists.

2 (c) If a record of a Canadian domestic violence protection order is not presented as
3 provided in subsection (b) of this section, a law enforcement officer may consider other
4 information in determining whether there is probable cause to believe that a valid Canadian
5 domestic violence protection order exists.

6 (d) If a law enforcement officer determines that an otherwise valid Canadian domestic
7 violence protection order cannot be enforced because the respondent has not been notified of or
8 served with the order, the officer shall notify the protected individual that the officer will make
9 reasonable efforts to contact the respondent, consistent with the safety of the protected individual.
10 After notice to the protected individual and consistent with the safety of the individual, the officer
11 shall make a reasonable effort to inform the respondent of the order, notify the respondent of the
12 terms of the order, provide a record of the order, if available, to the respondent, and allow the
13 respondent a reasonable opportunity to comply with the order before the officer enforces the
14 order.

15 (e) If a law enforcement officer determines that an individual is a protected individual,
16 the officer shall inform the individual of available local victim services.

17 **15-15.2-4. Enforcement of Canadian domestic violence protection order by tribunal.**

18 (a) A Rhode Island tribunal may issue an order enforcing or refusing to enforce a
19 Canadian domestic violence protection order on application of:

20 (1) A person authorized by the law of this state other than this chapter to seek
21 enforcement of a domestic protection order; or

22 (2) A respondent.

23 (b) In a proceeding under subsection (a) of this section, the tribunal shall follow the
24 procedures of this state for enforcement of a domestic protection order. An order entered under
25 this section is limited to the enforcement of the terms of the Canadian domestic violence
26 protection order as described in §15-15.2-2.

27 (c) A Canadian domestic violence protection order is enforceable under this section if:

28 (1) The order identifies a protected individual and a respondent;

29 (2) The order is valid and in effect;

30 (3) The issuing court had jurisdiction over the parties and the subject matter under law
31 applicable in the issuing court; and

32 (4) The order was issued after:

33 (i) The respondent was given reasonable notice and had an opportunity to be heard before
34 the court issued the order; or

1 (ii) in the case of an ex parte order, the respondent was given reasonable notice and had
2 or will have an opportunity to be heard within a reasonable time after the order was issued, in a
3 manner consistent with the right of the respondent to due process.

4 (d) A Canadian domestic violence protection order valid on its face is prima facie
5 evidence of its enforceability under this section.

6 (e) A claim that a Canadian domestic violence protection order does not comply with
7 subsection (c) of this section is an affirmative defense in a proceeding seeking enforcement of the
8 order. If the tribunal determines that the order is not enforceable, the tribunal shall issue an order
9 that the Canadian domestic violence protection order is not enforceable under this section and
10 §15-15.2-3 and may not be registered under §15-15.2-5.

11 (f) This section applies to enforcement of a provision of a Canadian domestic violence
12 protection order against a party to the order in which each party is a protected individual and
13 respondent only if:

14 (1) The party seeking enforcement of the order filed a pleading requesting the order from
15 the issuing Rhode Island tribunal; and

16 (2) The Rhode Island tribunal made specific findings that entitled the party to the
17 enforcement sought.

18 **15-15.2-5. Registration of Canadian domestic violence protection order.**

19 (a) An individual may register a Canadian domestic violence protection order in this
20 state. To register the order, the individual must present a certified copy of the order to a law
21 enforcement officer.

22 (b) Registration in this state or filing under law of this state other than this chapter of a
23 Canadian domestic violence protection order is not required for its enforcement under this
24 chapter.

25 **15-15.2-6. Immunity.**

26 The state, state agency, local governmental agency, law enforcement officer, prosecuting
27 attorney, clerk of court, and state or local governmental official acting in an official capacity are
28 immune from civil and criminal liability for an act or omission arising out of the registration or
29 enforcement of a Canadian domestic violence protection order or the detention or arrest of an
30 alleged violator of a Canadian domestic violence protection order if the act or omission was a
31 good faith effort to comply with this chapter.

32 **15-15.2-7. Other remedies.**

33 An individual who seeks a remedy under this chapter may seek all other legal or
34 equitable remedies available to that individual.

1 **15-15.2-8. Uniformity of application and construction.**

2 In applying and construing this uniform act, consideration must be given to the need to
3 promote uniformity of the law with respect to its subject matter among states that enact it.

4 **15-15.2-9. Relation to electronic signatures in global and national commerce act.**

5 This chapter modifies, limits, or supersedes the Electronic Signatures in Global and
6 National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede
7 Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of
8 the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

9 **15-15.2-10. Application.**

10 This chapter applies to a Canadian domestic violence protection order issued before, on,
11 or after the effective date of this chapter and to a continuing action for enforcement of a Canadian
12 domestic violence protection order commenced before, on, or after the effective date of this
13 chapter. A request for enforcement of a Canadian domestic violence protection order made on or
14 after the effective date of this chapter for a violation of the order occurring before, on, or after the
15 effective date of this chapter is governed by this chapter.

16 **15-15.2-11. Severability.**

17 If any provision of this chapter or its application to any person or circumstance is held
18 invalid, the invalidity does not affect other provisions or applications of this chapter which can be
19 given effect without the invalid provision or application, and to this end the provisions of this
20 chapter are severable.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO DOMESTIC RELATIONS -- UNIFORM RECOGNITION AND
ENFORCEMENT OF CANADIAN DOMESTIC VIOLENCE PROTECTION ORDERS ACT

- 1 This act would enact the Uniform Recognition of Canadian Domestic Violence
- 2 Protection Orders Act to promote uniformity of the law among states that enact it.
- 3 This act would take effect upon passage.

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