



# Neighboring States' and D.C.'s Laws on Firearms and Domestic Violence Protective Orders

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# Federal Law

## Full Faith and Credit-18 U.S.C. § 2265

(a) Full faith and credit. Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) shall be accorded full faith and credit by the court of another State, Indian tribe, or territory (the enforcing State, Indian tribe, or territory) and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory [territory] as if it were the order of the enforcing State, Indian tribe, or territory.

(b) Protection order. A protection order issued by a State, tribal, or territorial court is consistent with this subsection if—

(1) such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and

(2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.

(c) Cross or counter petition. A protection order issued by a State, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

(1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or

(2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

(d) Notification and registration.

(1) Notification. A State, Indian tribe, or territory according full faith and credit to an order by a court of another State, Indian tribe, or territory shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State, tribal, or territorial jurisdiction unless requested to do so by the party protected under such order.

(2) No prior registration or filing as prerequisite for enforcement. Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State, tribal, or territorial jurisdiction.

(3) Limits on internet publication of registration information. A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes. The prohibition under this paragraph applies to all protection orders for the protection of a person residing within a State, territorial, or Tribal jurisdiction, whether or not the protection order was issued by that State, territory, or Tribe.

(e) Tribal court jurisdiction. For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151 [18 USCS § 1151]) or otherwise within the authority of the Indian tribe.

## Firearm Prohibitor for Persons Subject to a Court Order-18 U.S.C. § 922(g)(8)

It shall be unlawful for any person....

(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)

(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; . . .

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

## Delaware

### Full Faith and Credit Enabling Legislation-Del. Code Ann. tit. 10, § 1049B

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

(b) The Court may not enforce a foreign protection order issued by the tribunal of a state that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) The Court shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state.

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

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

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

was given notice and had an opportunity to be heard within a reasonable time after the order was issued, consistent with the rights of the respondent to due process.

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

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

(g) The Court may enforce provisions of a mutual foreign protection order which favor a respondent only if:

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

## Firearms

### Protection Order Prohibitions

#### *Ex Parte Orders-Del. Code Ann. tit. 10 § 1044(b)*

(e) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

#### *Final Orders-Del. Code Ann. tit. 10 § 1044(b)*

(b) If the Court finds by a preponderance of the evidence that the alleged domestic violence has occurred, or if the respondent consents to entry of a protective order, the Court shall grant any appropriate relief, including, but not limited to, the relief set forth in § 1045 of this title.

#### *Relief-Del. Code Ann. tit. 10 § 1045(a)(8), (g)-(k)*

(a) After consideration of a petition for a protective order, the Court may grant relief in the form of any of the following: . . .

(8) Order the respondent to temporarily relinquish to a police officer or a federally-licensed firearms dealer located in Delaware the respondent's firearms or projectile weapons and to refrain from purchasing or receiving additional firearms or projectile weapons for the duration of the order. The Court shall inform the respondent that the respondent is prohibited from receiving, transporting, or possessing firearms or projectile weapons for so long as the protective order is in effect.

(g) A protective order requiring a person to relinquish a firearm or projectile weapon in accordance with paragraph (a)(8) of this section shall:

(1) State on its face that a firearm or projectile weapon shall be relinquished immediately to a police officer if requested by the police officer upon personal service of the protective order. If no request is made by a police officer, the relinquishment shall occur within 24 hours of personal service of the order at any staffed police station or a federally-licensed firearms dealer located in Delaware, unless the person is incarcerated at the time personal service is received, in which case the 24-hour relinquishment period shall commence at the time of release from incarceration.

(2) State on its face that the respondent is prohibited from purchasing, possessing, or controlling a firearm, a projectile weapon, any other deadly weapons, or ammunition for a firearm under Delaware law.

(3) Require the respondent to file, within 48 hours of personal service or, if the Court will not be open within 48 hours from the time of personal service, within the first 3 hours the Court is thereafter open, 1 of the following documents:

a. A certification, under penalty of prosecution for false written statement under § 1233 of Title 11, that the respondent did not own, possess, or control a firearm or projectile weapon at the time of the order and currently does not own, possess, or control a firearm or projectile weapon.

b. A copy of a proof of transfer showing, for each firearm or projectile weapon owned, possessed, or controlled by the respondent at the time of the order, that the firearm or projectile weapon was relinquished to a police officer or a federally-licensed firearms dealer located in Delaware.

c. A certification, under penalty of prosecution for false written statement under § 1233 of Title 11, for each firearm or projectile weapon owned, possessed, or controlled by the respondent at the time of the order, that the respondent is unable to obtain access to the firearm or projectile weapon, specifying the location of the firearm or projectile weapon and the reason why the respondent is unable to obtain access.

(h) The Court shall provide to the petitioner a copy of the documents the respondent files with the Court pursuant to paragraph (g)(3) of this section within 48 hours of filing or, if the Court will not be open within 48 hours of the filing, within the first 3 hours the Court is thereafter open.

(i) A police officer or a federally-licensed firearms dealer located in Delaware taking possession of firearms or projectile weapons relinquished by a respondent pursuant to a protective order under subsection (a) of this section shall issue a proof of transfer to the respondent and to the Court issuing the order of protection. The proof of transfer shall list the name of the respondent; date of the transfer; and make, model, and serial number of each firearm or projectile weapon relinquished. For purposes of this section, the term “police officer” shall be defined as in § 1911 of Title 11. The law-enforcement agency or the federally-licensed firearms dealer located in Delaware shall dispose of the firearm or projectile weapon or return the firearm or projectile weapon to the respondent only subsequent to the expiration or termination of the protective order in accordance with § 2311 of Title 11.

(j) The forms for protective orders shall allow the petitioner to describe, under penalty of prosecution for false written statement under § 1233 of Title 11, the number, types, and locations of a firearm or projectile weapon presently known by the petitioner to be owned, possessed, or controlled by the respondent.

(k) No records, data, information, or reports containing the name, address, other identifying data of either the respondent, petitioner, or recipient of the relinquished firearm or projectile weapon or which contain the make, model, caliber, serial number, or other identifying data of a firearm or projectile weapon which are required, authorized, or maintained pursuant to this section, shall be subject to disclosure or release pursuant to the Freedom of Information Act, Chapter 100 of Title 29.

### Criminal Prohibitions-Del. Code Ann. tit. 11 § 1448(a)(6)

(a) Except as otherwise provided in this section, the following persons are prohibited from purchasing, owning, possessing, or controlling a deadly weapon or ammunition for a firearm within the State: . . .

(6) Any person who knows that the person is subject to a Family Court protection from abuse order, but only for so long as the order remains in effect, except that this paragraph shall not apply to a contested order issued solely upon § 1041(1)d., e., or i. of Title 10, or any combination thereof.

### Service

#### Del. Code Ann. tit. 10 § 1043(f)

(f) In those cases where the respondent is not present for the hearing, or where the hearing is held ex parte, any protective order issued shall be served immediately upon the respondent, in accordance with § 1065 of this title. A certified copy of the order shall also be given to the

petitioner after the hearing, before leaving the courthouse. If the order recites that the respondent appeared in person before the Court, the necessity for further service is waived and proof of service of the order is not necessary; in those cases, the respondent shall be given a copy of the order before leaving the courthouse.

### Del. Code Ann. tit. 10 § 1065

(a) Jurisdiction is acquired over a party in any civil action by transmitting to the party a copy of the summons and the petition or complaint (the papers) by any of the following methods:

(1) By personal service.

(2) By leaving a copy at the party's dwelling house or usual place of abode with some person of suitable age and discretion residing there.

(3) By any form of mail.

(4) In the manner prescribed by court rule.

(5) In the manner directed by the Court, including publication in print or on a legal notices website established by the Court, if other methods of service have failed or are deemed to have been inadequate.

(b) If a party to whom papers have been transmitted by ordinary mail shall fail to appear in the action and there shall be no reliable proof that such party has received notice thereof, then the Court shall order that further effort be made to provide notice to that party which may include notice by certified or registered mail, or by any other method for providing notice specified in subsection (a) of this section above.

(c) Jurisdiction shall be acquired over a minor by any of the above methods directed to the minor and to the minor's parent, custodian or guardian.

(d) If, for any particular action, another statute or rule adopted pursuant to statute prescribes a method or methods for acquiring jurisdiction over a party, then jurisdiction shall be acquired thereby.

(e) It is not necessary to transmit papers or otherwise provide notice to a party who has entered an appearance in the action.

### Del. Family Ct. Civ. R. 5. Service and filing of pleadings and other papers.

(a) Service: When required. Except as otherwise provided in these Rules, every order required by its terms to be served, every pleading subsequent to the original petition unless the Court otherwise orders because of numerous respondents, every paper relating to discovery

required to be served upon a party unless the Court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4.

(b)

(1) Appearance of party: When; how made. Except as otherwise provided by statute, a respondent may appear though not served with a summons. Appearance may be made by the service and filing of notice thereof, or by the service or filing of any motion or pleading purporting to be responsive to or affecting the petition, or by appearing personally, including participating virtually, at any Court mediation conference, hearing or trial in the action.

(2) Appearance of attorney: When; how made; withdrawal.

(A) An attorney shall appear for the purpose of representing a party by filing a written notice of appearance a form of which will be provided by Family Court. The notice of appearance shall specify the matter(s) in which the attorney will represent the party. Once an attorney has filed a notice of appearance in a particular matter, copies of all notices given to the party with regard to that matter shall also be given to the party's counsel. No appearance shall be withdrawn except upon application by the attorney and order of the Court for good cause.

(B) Any appearance by an attorney in accordance with subparagraph (A) shall be limited to representation with respect to the specific petition filed and shall terminate when the time for appeal has elapsed from the final order entered by the Court.

(3) Transmittal of petition after appearance. When a respondent appears in a case without having been personally served a summons and copy of the petition, the respondent waives any right to personal service of the summons and petition. Court staff will, on request, provide a copy of the petition to the respondent either (1) in person at the courthouse, or (2) via electronic mail using an electronic mail address provided by the respondent, or (3) via regular mail using the address provided by the respondent, or (4) by providing a copy to respondent's attorney who has entered an appearance pursuant to subsection (b)(2).

(c) Service of pleadings and paper: How made. Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the Court. Service upon the attorney or upon a party shall be made in a manner reasonably calculated to ensure

delivery of the copy before or at the time of filing. Service upon the attorney or upon a party shall be made:

- (1) by delivering a copy to the party,
- (2) by mailing it to the party at the party's last known address,
- (3) by mailing it to the party at the party's last known address,
- (4) if no address is known, by leaving it with the Clerk.

“Delivery of a copy” within this Rule means handing it to the attorney or to the party; or leaving it at the attorney’s office with a clerk or other person in charge; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the dwelling or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail or electronic mail is complete upon mailing, unless an electronic response is received indicating that the electronic mail is undeliverable, in which case an alternative method of service shall be used, including repeat service by electronic mail until there is no electronic response indicating that the mail is undeliverable.

(d) Filing. All papers after the petition required to be served upon a party shall be filed with the Court within a reasonable time after service, except that filing of discovery and its product after service shall be governed by Rule 26(e).

(e) Filing with the Court defined. The filing of pleadings and other papers with the Court as required by these Rules shall be made by filing them with the Clerk, except that the Judge may permit the papers to be filed with the Judge, in which event the Judge shall note thereon the filing date and transmit them to the office of the Clerk.

(f) Proof of service of papers. Unless otherwise ordered, no pleading or other paper, required by these Rules to be served by the party filing the paper, shall be filed unless the original

- (1) shall have endorsed thereon a receipt of service of a copy by all parties required to be served, or
- (2) shall be accompanied by affidavit showing that service has been made and how made, or
- (3) shall be accompanied by a certificate of an attorney of record showing service has been made and how.

# District of Columbia

## Full Faith and Credit Enabling Legislation

### D.C. Code § 16-1042

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

(b) Except for cases brought under § 16-1005(f) or (g), a tribunal of the District may not enforce a foreign protection order issued by a tribunal of a State that does not recognize the standing of a protected individual to seek enforcement of the order.

(c) A tribunal of the District shall enforce the provisions of a valid foreign protection order that governs custody and visitation, if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing State.

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

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect or was in effect at the time of the violation;

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

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an ex parte order, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the rights of the respondent to due process.

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

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

(g) A tribunal of the District may enforce provisions of a mutual foreign protection order which favor a respondent only if:

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

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

#### D.C. Code § 16-1005(f)-(g-1)

(f)

(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent's failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

(g)

(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable as a misdemeanor.

(2) Upon conviction, violation of a temporary protection order, civil protection order, or a valid foreign protection order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

(g-1)

(1) No person shall be found to violate a temporary protection order, civil protection order, or valid foreign protection order as described in subsection (f)(1) or (g)(1) of this section, unless the person was personally served with or received actual notice of the temporary protection order, civil protection order, or valid foreign protection order.

(2) Enforcement proceedings under subsection (f) or (g) of this section in which the respondent is a child, as that term is defined in § 16-2301(3), shall be governed by subchapter I of Chapter 23 of this title.

## Firearms

### Protection Order Prohibitions

#### *Temporary Protection Orders-D.C. Code § 16-1004(h)*

(h) A temporary protection order issued under this section:

- (1) May include any of the relief set forth in § 16-1005(c);
- (2) Shall require that the respondent relinquish possession of any firearms or ammunition and prohibit the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.

#### *Protection Orders-D.C. Code § 16-1005(c)*

(c) If, after a hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or an animal the petitioner owns, possesses, or controls, or with the consent of both parties, the judicial officer may issue a civil protection order that: . . .

- (10) Directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.

### Criminal Offense-D.C. Code § 22-4503(a)(5)

(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person: . . .

(5) Is subject to a court order that:

(A)

(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

(B) Restrains the person from assaulting, harassing, stalking, or threatening any person named in the order, or requires the person to stay away from, or have no contact with, any other person or a location; and

(C) Requires the person to relinquish possession of any firearms;

## Service of Process

### D.C. Code § 16-1004(g). Petition; notice; temporary order

(g) If a respondent fails to appear for a hearing on a petition for a civil protection order after having been served with notice of the hearing, a petition, and a temporary protection order in accordance with the Rules of the Superior Court of the District of Columbia, and the court enters a civil protection order in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

### D.C. Code § 16-1007(d)-(e). Notice to parties.

(d) A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court.

(e)

(1) At the request of the petitioner or a person petitioning on the petitioner's behalf, or by order of the court, the Metropolitan Police Department shall attempt to serve civil process in any case filed under this subchapter that has an address for service in the District of Columbia.

(2) There is established a special unit that consists of at least 6 officers for the purpose of performing these and similar duties, including the service of anti-stalking orders or extreme risk protection orders.

### D.C. SCR-Dom. Rel. Rule 4(c)-(d)

(c) Serving a Summons and Complaint.

(1) In General. A summons must be served with a copy of the complaint and any scheduling or other order directed to the parties at the time of filing. The plaintiff is responsible for having the summons, complaint, and any order directed to the parties at the time of filing served within the time allowed by Rule 4(i) and for furnishing the necessary copies to the person who makes service.

(2) Methods of Service. Service of the summons, complaint, and any order must be made in one of the following ways:

(A) by any person who is at least 18 years of age and not a party:

(i) delivering a copy of each to an individual personally; or

(ii) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there;

(B) by mailing a copy of each to the person to be served at the person's dwelling or usual place of abode by registered or certified mail, return receipt requested;

(C) by mailing a copy of each by first-class mail, postage prepaid, to the person to be served, together with two copies of a Notice and Acknowledgment conforming substantially to the form maintained by the clerk's office and a return envelope, postage prepaid, addressed to the sender, and unless good cause is shown for not doing so, the court must order the party served to pay the costs incurred in securing an alternative method of service authorized by this rule if the person served does not complete and return, within 21 days after mailing, the Notice and Acknowledgment of receipt of the summons;

(D) by the Metropolitan Police Department as authorized by D.C. Code § 13-302.01 (b) (2012 Repl.);

(E) by a United States marshal or deputy marshal as authorized by D.C. Code § 13-302 (2012 Repl.);

(F) in any manner authorized by Rule 4(f);

(G) in any other manner authorized by statute;

(H) by any other method to which the person to be served consents in writing, with an acknowledgement that the person:

(i) received the summons, complaint, and any order;

(ii) understands that the person must answer the complaint within 21 days after signing the consent; and

(iii) understands that judgment by default may be entered against the person if the person fails to answer the complaint within that time.

(I) by sending a copy of each to a registered user using the court's electronic filing system—in which event service is complete on transmission, but is not effective if the serving party learns that it did not reach the person to be served; or

(J) by sending a copy of each to the individual by electronic means, including, but not limited to email, text message, or social media—in which event service is complete on transmission, but is not effective if the serving party learns that it did not reach the person to be served.

(3) Alternative Methods of Service. If the court determines that, after diligent effort, a plaintiff or petitioner has been unable to accomplish service by a method prescribed in Rule 4(c)(2), the court may permit an alternative method of service reasonably calculated to give actual notice of the action to the defendant or respondent. The court may specify how the plaintiff or petitioner must prove that service was accomplished by the alternative method. Alternative methods of service may include delivering a copy to the individual's employer by leaving it at the individual's place of employment with a clerk or person in charge, and any other method that the court deems just and reasonable.

(4) Service by Publication.

(A) When Allowed. The court may permit service by publication, instead of service under Rule 4(c)(2) or (3), if:

(i) a summons for the defendant has been issued and returned "not to be found," and an affidavit establishes that the defendant is a nonresident or has been absent from the District of Columbia for at least 6 months;

(ii) the defendant cannot be found after diligent efforts; or

(iii) the defendant, by concealment, seeks to avoid service of process.

(B) Manner of Publication. An order of publication must be published in at least one legal newspaper or periodical of daily circulation and any other newspaper or periodical specifically designated by the court, at least once a week for 3 successive weeks or as otherwise ordered by the court.

(C) Definition of Legal Newspaper or Periodical. A legal newspaper or periodical means a publication designated by the court that is:

(i) devoted primarily to publication of opinions, notices, and other information from the District of Columbia courts;

(ii) circulated generally to the legal community; and

(iii) published at least on each weekday that the court is in session.

(D) Posting Order of Publication in the Clerk's Office and the Court's Website. In accordance with D.C. Code § 13-340 (2018 Supp.), in a divorce or child custody proceeding, on a finding that the plaintiff is unable to pay the cost of publishing without substantial hardship to the plaintiff or the plaintiff's family, the court may permit publication to be made by posting the order of publication in the clerk's office and on the court's website for 21 days.

(5) Serving a Minor or Incompetent Person. A minor or an incompetent person in the United States must be served by following District of Columbia law (D.C. Code §§ 13-332, -333 (2012 Repl.)) or the state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made. A minor or an incompetent person who is not within the United States must be served in the manner prescribed by Rule 4(g)(2)(A), (g)(2)(B), or (g)(3).

(6) Manner of Conducting Service. Service of process under Rule 4(c)(2)(A)-(J) may, at the plaintiff's or the court's election, be attempted either concurrently or successively.

(d) Serving a Notice of Hearing and Order Directing Appearance. A Notice of Hearing and Order Directing Appearance must be served on the defendant, respondent, or other named person, along with the complaint, petition, or motion, in one of the following ways:

(1) by any person who is at least 18 years of age and not a party:

(A) delivering a copy of each to that individual personally;

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) leaving a copy of each at the individual's place of employment with someone of suitable age and discretion;

(2) by mailing a copy of each to the person to be served at the person's dwelling or usual place of abode or at the person's place of employment, by certified mail, return receipt requested, and also by separate first-class mail;

(3) by the Metropolitan Police Department as authorized by D.C. Code § 13-302.01 (2012 Repl.);

(4) by a United States marshal or deputy marshal as authorized by D.C. Code § 13-302 (2012 Repl.); or

(5) in any manner authorized by applicable statute.

# Pennsylvania

## Full Faith and Credit Enabling Legislation-23 Pa. Cons. Stat § 6104(a)

(a) General rule. — A court shall recognize and enforce a valid foreign protection order issued by a comparable court. The validity of a foreign protection order shall only be determined by a court.

(b) Affirmative defense. — Failure by a comparable court to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order. A comparable court shall have complied with that court's notice requirements and shall have given the defendant the opportunity to be heard before the foreign order was issued. In the case of ex parte orders, the comparable court shall have complied with that court's notice requirements and have given the defendant an opportunity to be heard within a reasonable period of time after the order was issued, consistent with due process.

(c) Invalid orders. — A foreign protection order issued by a comparable court against a party who has filed a petition, complaint or other written pleading for a protection order is not valid and not entitled to full faith and credit if:

(1) no cross or counter petition, complaint or other written pleading was filed seeking the protection order; or

(2) a cross or counter petition, complaint or other written pleading was filed and the court did not make a specific finding that each party was entitled to a protection order.

(d) Filing a foreign protection order. — A plaintiff may file a certified copy of a foreign protection order with the prothonotary in any county within this Commonwealth where the plaintiff believes enforcement may be necessary. The following provisions shall apply:

(1) No costs or fees associated with filing a foreign protection order shall be assigned to the plaintiff, including the cost of obtaining certified copies of the order. Costs and fees associated with filing a foreign protection order may be assessed against the defendant.

(2) Upon filing of a foreign protection order, a prothonotary shall transmit, in a manner prescribed by the Pennsylvania State Police, a copy of the order to the Pennsylvania State Police registry of protection orders.

(3) Filing of a foreign protection order shall not be a prerequisite for service and enforcement.

(e) Orders issued in another judicial district within this Commonwealth. — The filing of an order issued in another judicial district within this Commonwealth is not required for enforcement purposes.

## Firearms

### Protection Order

*Relief-23 Pa. Cons. Stat § 6108(a)(7)*

(a) General rule. Subject to subsection (a.1), the court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(7) Prohibiting the defendant from acquiring or possessing any firearm for the duration of the order, ordering the defendant to temporarily relinquish to the sheriff or the appropriate law enforcement agency any firearms under the defendant's possession or control, and requiring the defendant to relinquish to the sheriff or the appropriate law enforcement agency any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. The court may also order the defendant to relinquish the defendant's other weapons or ammunition that have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. A copy of the court's order shall be transmitted to the chief or head of the appropriate law enforcement agency and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i)

(A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff or the appropriate law enforcement agency with an affidavit listing the firearms, other weapons or ammunition and

their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff or the appropriate law enforcement agency pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term “cause” shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court’s order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff or the appropriate law enforcement agency pursuant to this paragraph. Where the sheriff or the appropriate law enforcement agency is designated, the sheriff or the appropriate law enforcement agency shall secure custody of the defendant’s firearms, other weapons or ammunition and any firearm license listed in the court’s order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant’s relinquished firearms, the sheriff or the appropriate law enforcement agency shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant’s other weapons and ammunition, the sheriff or the appropriate law enforcement agency shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition. The court shall inform the defendant that firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearms, weapons or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128.

(iii) The sheriff or the appropriate law enforcement agency shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs’ or

appropriate law enforcement agencies' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff or the appropriate law enforcement agency shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies, as appropriate.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

(A) upon an order of the court granted upon cause shown;

(B) as necessary, by law enforcement and court personnel; or

(C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term "defendant's firearms" shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant's personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.

*Return-23 Pa. Cons. Stat § 6108(a)(7)*

(a) General rule. — Any court order requiring the relinquishment of firearms, other weapons or ammunition shall provide for the return of the relinquished firearms, other weapons or ammunition to the defendant upon expiration of the order or dismissal of a petition for a protection from abuse order. The defendant may take custody of the firearms, other weapons and ammunition provided that the defendant is otherwise eligible to lawfully possess the relinquished items. The defendant shall not be required to pay any fees, costs or charges associated with the returns, whether those fees, costs or charges are imposed by the Pennsylvania State Police, any local law enforcement agency or any other entity, including a licensed importer, licensed manufacturer or licensed dealer in order to secure return of the relinquished firearms, other weapons or ammunition. The sheriff's or the appropriate law enforcement agency's office shall maintain a weapons return form that the defendant may fill

out and return to the office once a temporary or final protection from abuse order has been dismissed or expires.

(a.1) Conditions for return. — The following conditions must be satisfied prior to the firearms, other weapons or ammunition being returned to the defendant:

(1) The firearms, other weapons or ammunition relinquished must not be evidence of a crime.

(2) The defendant or owner must not be otherwise prohibited by applicable Federal or State law, or another condition, including, but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized.

(3) The defendant or owner must have been given a clearance by the Pennsylvania State Police Instant Check System Unit or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.

(a.2) Notice to plaintiff. — The plaintiff of the protection from abuse order shall be notified of the defendant's request to return the firearms, other weapons or ammunition.

(a.3) Petition for return. — If there is a determination under subsection (a.1) that the defendant is ineligible to regain possession of the firearms, other weapons or ammunition, the defendant or owner may file a petition appealing that determination and seeking their return. A copy of the petition must be served upon the plaintiff, sheriff and the district attorney.

(a.4) Abandonment. — Any firearms, other weapons or ammunition shall be deemed abandoned when the conditions under 18 Pa.C.S. § 6128(a) (relating to abandonment of firearm, weapon or ammunition) are satisfied and may then be disposed of in accordance with 18 Pa.C.S. § 6128.

(b) Modification of court's order providing for return of relinquished firearm, other weapon or ammunition. —

Any other person may petition the court to allow for the return of that other person's firearms, other weapons and ammunition prior to the expiration of the court's order. The petition shall be served upon the plaintiff, and the plaintiff shall be given notice and an opportunity to be heard regarding that petition.

(c) Modification of court's order to provide for alternative means of relinquishing firearms, other weapons or ammunition. — The defendant may petition the court for modification of the order to provide for an alternative means of relinquishment in accordance with this chapter. The petition shall be served upon the plaintiff, and the plaintiff shall have an

opportunity to be heard at the hearing as provided in subsection (d). Where the court orders a modification pursuant to this subsection providing for alternative means of relinquishment, the sheriff shall proceed as directed by the court.

(d) Hearing. — Within ten business days of the filing of any petition under this section, a hearing shall be held before the court.

(e) Definitions. —

As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Other person.” —Any person, except the defendant, who is the lawful owner of a firearm, other weapon or ammunition relinquished pursuant to this chapter.

“Safekeeping.” —The secure custody of a firearm, other weapon or ammunition ordered relinquished by an active protection from abuse order.

### **Criminal Offense- 18 Pa. C.S. § 6105(a.1)(2)**

(2) A person who is the subject of an active final protection from abuse order issued pursuant to 23 Pa.C.S. § 6108, is the subject of any other active protection from abuse order issued pursuant to 23 Pa.C.S. § 6107(b) (relating to hearings), which provided for the relinquishment of firearms or other weapons or ammunition during the period of time the order is in effect, or is otherwise prohibited from possessing or acquiring a firearm under 18 U.S.C. § 922(g)(8) (relating to unlawful acts), commits a misdemeanor of the second degree if he intentionally or knowingly fails to relinquish a firearm or other weapon or ammunition to the sheriff or appropriate law enforcement agency as defined in 23 Pa.C.S. § 6102 (relating to definitions) as required by the order unless, in lieu of relinquishment, he provides an affidavit which lists the firearms or other weapons or ammunition to the sheriff in accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 (relating to relinquishment to third party for safekeeping).

### **Service**

#### **23 Pa. Cons. Stat. Ann. § 6106(b), (e)-(g.1) Commencement of proceedings.**

(b) Plaintiff fees not permitted. — No plaintiff seeking relief under this chapter shall be charged any fees or costs associated with the filing, issuance, registration or service of a petition, motion, complaint, order or any other filing. Prohibited fees or costs shall include, but are not limited to, those associated with modifying, withdrawing, dismissing or certifying copies of a petition, motion, complaint, order or any other filing, as well as any judicial

surcharge or computer system fee. No plaintiff seeking relief under this chapter shall be charged any fees or costs associated with filing a motion for reconsideration or an appeal from any order or action taken pursuant to this chapter. Nothing in this subsection is intended to expand or diminish the court's authority to enter an order pursuant to Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of Documents. Representations to the Court. Violation).

(e) Court to adopt means of service. — The court shall adopt a means of prompt and effective service in those instances where the plaintiff avers that service cannot be safely effected by an adult individual other than a law enforcement officer or where the court so orders.

(f) Service by sheriff. — If the court so orders, the sheriff or other designated agency or individual shall serve the petition and order.

(g) Service of petition and orders. — The petition and orders shall be served upon the defendant, and orders shall be served upon the police departments and sheriff with appropriate jurisdiction to enforce the orders. Orders shall be promptly served on the police and sheriff. Failure to serve shall not stay the effect of a valid order.

(g.1) Service of original process of a foreign protection order. — No plaintiff or petitioner shall be charged any costs or fees associated with the service of original process of a foreign protection order. Costs or fees associated with the service of original process of a foreign protection order may be assessed against the defendant.

### 23 Pa. Cons. Stat. Ann. § 6109(a) Service of orders

(a) Issuance. — A copy of an order under this chapter shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement in accordance with the provisions of this chapter or as ordered by the court or hearing officer.

### Pa. R.C.P. No. 1901.4 Service and Registration of Order

(a) Service of the petition and temporary order shall be in accordance with Rule 1930.4.

(b) An Affidavit of Service substantially in the form set forth in Rule 1905(d) shall be filed with the prothonotary.

(c) Upon the filing of a protection order with the prothonotary, the prothonotary shall transmit a copy of the order to the State Police PFA Registry in the manner prescribed by the Pennsylvania State Police.

Note: This provision also applies to an order denying a plaintiff's request for a final protection order

(d) No fee shall be charged to the plaintiff or petitioner for service of any protection from abuse order or pleading or for the registration, filing or service of any foreign protection order.

## Pa. R.C.P. No. 1930.4 Service of Original Process in Domestic Relations Matters

(a) Personal Service.

(1) Persons Who May Serve. A sheriff or competent adult, as defined in Pa.R.Civ.P. 76, may effectuate personal service of original process in domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters.

(2) Manner of Service.

(i) A sheriff or competent adult may serve original process:

(A) by handing a copy of the original process to the defendant;

(B) at the defendant's residence by handing a copy of the original process to:

(I) an adult member of the family with whom the defendant resides; but if an adult family member is unavailable, then to an adult in charge of the residence; or

(II) the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging; or

(C) at the defendant's office or usual place of business by handing a copy of the original process to the defendant's agent or the person for the time being in charge; or

(ii) pursuant to special order of court.

(3) Service in Protection From Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.

(i) If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection From Abuse or a Protection of Victims of Sexual Violence or Intimidation petition is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii).

(ii) Alternative service may include, but is not limited to, service by mail pursuant to subdivision (b) or service by commercial carrier pursuant to subdivision (c).

(b) Service by Mail.

(1) In domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by United States Postal Service (USPS) first class regular and certified mail to the defendant's last known address.

(i) The party serving the original process by mail shall:

(A) restrict delivery of the certified mail to the addressee only; and

(B) request a return receipt, which may be an electronic return receipt.

(ii) Completed Service by Mail. Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the certified mail;

(B) the return receipt acknowledges delivery of the certified mail to the defendant consistent with USPS policy and the first class regular mail is not returned within 15 days of mailing; or

(C) USPS returns the certified mail indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

(iii) Incomplete Service by Mail.

(A) Service of original process is incomplete when:

(I) USPS returns the certified mail with a notation indicating that the mail was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (b)(1)(ii).

(B) If service by mail is incomplete, the party attempting service shall utilize another method pursuant to these rules to effectuate service.

(2) Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters. A party may serve original process by mail, if authorized by the court under subdivision (a)(2)(ii).

(c) Service by Commercial Carrier.

(1) In all domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or

order to appear, if required, and other orders or documents, as necessary, by commercial carrier and USPS first class regular mail to the defendant's last known address.

(i) The party serving the original process by commercial carrier shall:

(A) restrict delivery of the commercial carrier's package to the defendant's address only; and

(B) request that the commercial carrier provide a return receipt, which may be an electronic return receipt, detailing the date of delivery, the delivery address, and to whom the package was delivered.

(ii) Completed Service by Commercial Carrier. Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the commercial carrier's package;

(B) the return receipt acknowledges delivery of the commercial carrier's package to the defendant's address consistent with the commercial carrier's policy and the first class regular mail is not returned within 15 days; or

(C) the commercial carrier returns the package indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

(iii) Incomplete Service by Commercial Carrier.

(A) Service of original process is incomplete when:

(I) the commercial carrier returns the package indicating that the package was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (c)(1)(ii).

(B) If service by commercial carrier is incomplete, the party attempting service shall utilize another service method pursuant to these rules.

(2) Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters. A party may serve original process by commercial carrier, if authorized by the court under subdivision (a)(2)(ii).

(d) Acceptance of Service. The defendant or the defendant's authorized agent may accept service of original process as set forth in Pa.R.Civ.P. 402(b).

(e) Time for Service.

(1) Service Within the Commonwealth. Within 30 days of filing the original process, a person or party shall serve the original process on a defendant located within the Commonwealth.

(2) Service Outside of the Commonwealth.

(i) Within 90 days of filing the original process, a person or party shall serve the original process on a defendant located outside the Commonwealth as:

(A) authorized by this rule;

(B) provided by the law of the jurisdiction in which defendant will be served;

(C) provided by treaty; or

(D) directed by the foreign authority in response to a letter rogatory or request.

(ii) Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.

(A) A person shall serve original process on a defendant located outside of the Commonwealth by personal service as provided:

(I) in subdivision (a); or

(II) by the law in the jurisdiction where the defendant resides or is located.

(B) If personal service is not completed within 48 hours after the filing of the original process, a person or party may serve a defendant located outside of the Commonwealth by other means authorized by this rule.

(f) Service of Original Process on an Incarcerated Party.

(1) A party serving original process on an incarcerated party in a domestic relations action shall include:

(i) a notice of any proceeding; and

(ii) a specific notice of the incarcerated party's right to petition the court to participate in the proceeding.

(2) A party may petition the court to request that the incarcerated party participate in a proceeding when:

(i) the incarcerated party seeks to participate as provided by statute or rule; or

(ii) another party requires the incarcerated party's participation or testimony.

(g) Reinstatement of Original Process.

(1) If a person or party cannot complete service within the time required by subdivision (e), the prothonotary shall reinstate the original process upon the party's praecipe:

(i) accompanied by the original process; or

(ii) indicating that the original process has been lost or destroyed and accompanied by a substituted original process.

(2) A person or party shall serve the reinstated original process within the time periods set forth in subdivision (e).

(3) A party may:

(i) request the prothonotary reinstate the original process at any time or any number of times; or

(ii) name a new party defendant in a reinstated original process only if the complaint or petition has not been served on a defendant.

(h) Proof of Service.

(1) Original Process Served.

(i) A party or person serving the original process shall complete a proof of service, which shall be by an affidavit if an individual other than a sheriff serves the original process.

(ii) The proof of service shall state:

(A) the date and time of service;

(B) the place of service;

(C) the manner in which service was made;

(D) the identity of the person served;

(E) other facts necessary for the court to determine whether proper service has been made; and

(F) the additional documents required in subdivision (h)(3), as necessary.

(2) Personal Service Pursuant to Subdivision (a). The proof of service shall be filed in the appropriate filing office within ten days of the date of service.

(3) Service by Mail or Commercial Carrier Pursuant to Subdivisions (b) or (c).

(i) Service Complete under Subdivision (b)(1)(ii)(A) or (c)(1)(ii)(A).

(A) The proof of service shall include the return receipt bearing the defendant's purported signature; and

(B) The proof of service shall be filed within ten days of the date the defendant signed the return receipt.

(ii) Service Complete under Subdivision (b)(1)(ii)(B) or (c)(1)(ii)(B).

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging delivery to the defendant's residence consistent with USPS or the commercial carrier's policy; and

(II) an affidavit indicating the first class regular mail was not returned within 15 days of mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(B) or (c)(1)(ii)(B).

(iii) Service Complete under Subdivision (b)(1)(ii)(C) or (c)(1)(ii)(C).

(A) The proof of service shall include:

(I) the return receipt or envelope acknowledging the attempted delivery to the defendant's residence and that delivery had been refused; and

(II) an affidavit stating the first class regular mail was not returned within 15 days after mailing.

(B) The proof of service shall be filed within ten days of the date:

(I) the return receipt acknowledges the attempted delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

(II) after the passage of time set forth in subdivisions (b)(1)(ii)(C) or (c)(1)(ii)(C).

(4) Acceptance of Service Pursuant to Subdivision (d).

(i) If the defendant or the defendant's authorized agent accepts service of the original process as authorized in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service on the form set forth in Pa.R.Civ.P. 402(b).

(ii) The Acceptance of Service shall be filed in the appropriate filing office within ten days of accepting service.

(5) Original Process not Served.

(i) If a party or person cannot serve the defendant within the time allowed in subdivision (e), the party or person attempting service:

(A) shall complete a proof of no service promptly; and

(B) file the proof of no service in the appropriate filing office within ten days of the expiration of time allowed for service in subdivision (e).

(ii) If a party or a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

(i) Appearance at Hearing or Conference. A party appearing for a hearing or conference will be deemed to have been served.

## Virginia

### Full Faith and Credit Enabling Legislation

#### Va. Code § 16.1-279.1(F)- Juvenile and Domestic Relations District Court

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an

attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

#### **Va. Code § 19.2-152.10(G)-General District Court**

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable

evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

## Firearms

### Va. Code § 18.2-308.1:4-Prohibition for Those Subject to Protective Orders

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1 [juvenile in detention-final order], 16.1-253.4 [Emergency protective order, juvenile in detention], 16.1-278.2 [child abuse-final order], 16.1-279.1 [family abuse-final order], 19.2-152.8 [Emergency protective order-all courts], 19.2-152.9 [preliminary protective order-general district court], or 19.2-152.10 [final protective order-general district court]; (ii) an order issued pursuant to subsection B of § 20-103 [divorce-order excluding a spouse from home due to reasonable apprehension of physical harm]; (iii) an order entered pursuant to subsection D of § 18.2-60.3 [no contact order after stalking conviction]; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 [family abuse-final order] or 19.2-152.10 [final protective order-general district court] or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 or 19.2-152.10 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of surrendering any such firearm to a law-enforcement agency in accordance with subsection C or selling or transferring any such firearm to a dealer as defined in § 18.2-308.2:2 or to any person who is not otherwise prohibited by law from possessing such firearm in accordance with subsection C. A violation of this subsection is a Class 6 felony.

C. Upon issuance of a protective order pursuant to § 16.1-279.1 [family abuse-final order] or 19.2-152.10 [final protective order-general district court], the court shall order the person who is subject to the protective order to (i) within 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10 (a) surrender any firearm possessed by such person to a designated local law-enforcement agency, (b) sell or transfer any firearm possessed by such person to a dealer as defined in § 18.2-308.2:2, or (c) sell or transfer any firearm possessed by such person to any person who is not otherwise prohibited by law from possessing such firearm and (ii) within 48 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10, certify in writing, on a form provided by the Office of the Executive Secretary of the Supreme Court, that such person does not possess any firearms or that all firearms possessed by such person have been surrendered, sold, or transferred and file such certification with the clerk of the court that entered the protective order. The willful failure of any person to certify in writing in accordance with this section that all firearms possessed by such person have been surrendered, sold, or transferred or that such person does not possess any firearms shall constitute contempt of court.

D. The person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall be provided with the address and hours of operation of a designated local law-enforcement agency and the certification forms when such person is served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10.

E. A law-enforcement agency that takes into custody a firearm surrendered to such agency pursuant to subsection C by a person who is subject to a protective order pursuant to § 16.1-279.1 or 19.2-152.10 shall prepare a written receipt containing the name of the person who surrendered the firearm and the manufacturer, model, and serial number of the firearm and provide a copy to such person. Any firearm surrendered to and held by a law-enforcement agency pursuant to subsection C shall be returned by such agency to the person who surrendered the firearm upon the expiration or dissolution of the protective order entered pursuant to § 16.1-279.1 or 19.2-152.10. Such agency shall return the firearm within five days of receiving a written request for the return of the firearm by the person who surrendered the firearm and a copy of the receipt provided to such person by the agency. Prior to returning the firearm to such person, the law-enforcement agency holding the firearm shall confirm that such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and is not otherwise prohibited by law from possessing a firearm. A firearm surrendered to a law-enforcement agency pursuant to subsection C may be disposed of in accordance with the provisions of § 15.2-1721 if (i) the person from whom the firearm was seized provides written authorization for such disposal to the agency or (ii) the firearm

remains in the possession of the agency more than 120 days after such person is no longer subject to a protective order issued pursuant to § 16.1-279.1 or 19.2-152.10 and such person has not submitted a request in writing for the return of the firearm.

F. Any law-enforcement agency or law-enforcement officer that takes into custody, stores, possesses, or transports a firearm pursuant to this section shall be immune from civil or criminal liability for any damage to or deterioration, loss, or theft of such firearm.

G. The law-enforcement agencies of the counties, cities, and towns within each judicial circuit shall designate, in coordination with each other, and provide to the chief judges of all circuit and district courts within the judicial circuit, one or more local law-enforcement agencies to receive and store firearms pursuant to this section. The law-enforcement agencies shall provide the chief judges with a list that includes the addresses and hours of operation for any law-enforcement agencies so designated that such addresses and hours of operation may be provided to a person served with a protective order in accordance with subsection C of § 16.1-279.1 or subsection D of § 19.2-152.10.

## Service

### Va. Code Ann. § 19.2-152.8(E), (J) Emergency protective orders authorized

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State

Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

J. No fee shall be charged for filing or serving any petition pursuant to this section.

#### Va. Code Ann. § 19.2-152.9(B), (C), (E) Preliminary protective orders.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex,

and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall

also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

#### Va. Code Ann. § 19.2-152.10 (D), (G), (J) Protective order

D. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

J. No fees shall be charged for filing or serving petitions pursuant to this section.

#### Va. Code Ann. § 16.1-279.1(C), (F) Protective order in cases of family abuse

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of

service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

## West Virginia

### Full Faith and Credit Enabling Legislation-W. Va. Code Ann. § 48-28-3

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

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

(c) A court of this State shall enforce the provisions of a valid foreign protection order which govern custody and visitation if the order was issued in accordance with the jurisdictional requirements governing the issuance of custody and visitation orders in the issuing state or under federal law and with the requirements set out in subsection (d) of this section.

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

(1) Identifies the protected individual and the respondent;

(2) Is currently in effect;

(3) Was issued by a tribunal that had jurisdiction over the parties and subject matter under the law of the issuing state; and

(4) Was issued after the respondent was given reasonable notice and had an opportunity to be heard before the tribunal issued the order or, in the case of an order ex parte, the respondent was given notice and has had or will have an opportunity to be heard within a reasonable time after the order was issued in a manner consistent with the respondent's rights to due process of law.

(e) A foreign protection order which appears authentic on its face is presumed to be valid.

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

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

(1) The respondent filed a written pleading seeking a protection order from the tribunal of the issuing state; and

(2) The tribunal of the issuing state made specific findings in favor of the respondent.

## Firearms

### Protection Order Prohibition-W. Va. Code § 48-27-502(b)-(c)

(b) The protective order must prohibit the respondent from possessing any firearm or ammunition.

(c) The protective order must inform the respondent that he or she is prohibited from possessing any firearm or ammunition and that possession of a firearm or ammunition while subject to the court's protective order is a criminal offense under state and federal law, notwithstanding the fact that the respondent might otherwise have a right to possess a firearm.

### Criminal Prohibition-W. Va. Code § 61-7-7(a)(7)

(a) Except as provided in this section, no person shall possess a firearm, as such is defined in section two [§ 61-7-2] of this article, who:

(7) Is subject to a domestic violence protective order that:

(A) Was issued after a hearing of which such person received actual notice and at which such person had an opportunity to participate;

(B) Restrains such person from harassing, stalking or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)

(i) Includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) By its terms explicitly prohibits the use, attempted use or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

## Service

### W. Va. Code § 48-27-311 Service of process

A protective order may be served:

(1) On the respondent by means of a Class I legal advertisement published notice, with the publication area being the most current known county in which the respondent resides, published in accordance with the provisions of section two [§ 59-3-2], article three, chapter fifty-nine of this code if personal service by law enforcement has been unsuccessful. Simultaneously with the publication, the respondent shall be served with the protective order and the order of publication by first class mail to the respondent's most current known residential address.

(2) Against nonresident persons by the manner prescribed in section thirty-three-a [§ 56-3-33a], article three, chapter fifty-six of this code.

Any protective order issued by the court of this state which is served in compliance with the provisions of Rule 4(f) of the West Virginia Rules of Civil Procedure served outside the boundaries of this state shall carry the same force and effect as if it had been personally served within this state's boundaries.

### W. Va. R. Civ. Proc. 4(f)

(f) Personal service outside State. Personal service of a copy of the summons and complaint may be made outside of this State on any defendant. If any such defendant be then a resident of this State and if the plaintiff shall, during the pendency of the action, file with the court an affidavit setting forth facts showing that the defendant is such a resident, such service shall have the same effect as personal service within this State and within the county of the defendant's residence; otherwise, such service shall have the same effect as constructive service. In either case, the summons shall notify the defendant that the defendant shall appear and defend within 30 days after service, otherwise judgment by default may be rendered against the defendant at any time thereafter.

### W. Va. Code § 56-3-33a Actions against nonresident persons by petitioners seeking domestic violence or personal safety relief

a) Any person who is:

(1) Not a resident of this state; or

(2) A resident of this state who has left this state; or

(3) A person whose residence is unknown shall be considered to have submitted to the jurisdiction of the courts of this state as to any action arising from the conduct specified in subsection (b) of this section, if such conduct was:

(A) Committed in this state; or

(B) If such conduct was not committed in this state if the conduct was purposely directed at a resident and has an effect within this state.

(b) Conduct compelling application of this section consists of:

(1) Any act constituting domestic violence or abuse as defined in section two hundred two [§ 48-27-202], article twenty-seven, chapter forty-eight of this code; or

(2) Any act constituting a basis for seeking personal safety relief as defined in section four [§ 53-8-4], article eight, chapter fifty-three of this code; or

(3) Any act or omission violating the provisions of a duly authorized protective or restraining order, whether issued by this state or another jurisdiction, for the protection of any person within this state.

(c) Any person subject to or considered to have submitted to the jurisdiction of the courts of this state who is made a respondent in an action may be served with the petition and order initiating such action either:

(1) By law-enforcement officers, wherever the respondent may be found, whether inside or outside the boundaries of this state; or

(2) If the respondent is alleged to have committed conduct specified in subsection (b) of this section, this shall be considered equivalent to an appointment by such nonresident of the Secretary of State, or his or her successor in office, to be his or her true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him or her, in any court in this state, for a cause of action arising from or growing out of such conduct, and the engaging in such conduct is a signification of such nonresident's agreement that any such process against him or her, which is served in the manner hereinafter provided, is of the same legal force and validity as though such nonresident were personally served within this state.

(A) Such service shall be made by leaving two copies of both the petition and order, with the Secretary of State, or in his or her office, and such service shall be sufficient upon such nonresident: Provided, That notice of such service and a copy of the petition and order shall forthwith be sent by registered or certified mail, return receipt requested, by a means which

may include electronic issuance and acceptance of electronic return receipts, by the Secretary of State to the respondent at his or her nonresident address and the respondent's return receipt signed by himself or herself or his or her duly authorized agent or the registered or certified mail so sent by the Secretary of State which is refused by the addressee and which registered or certified mail is returned to the Secretary of State, or to his or her office, showing thereon the stamp of the post-office department that delivery has been refused. After receiving verification from the United States Postal Service that acceptance of the notice, petition and order has been signed, the Secretary of State shall notify the clerk's office of the court from which the petition and order were issued by a means which may include electronic notification. If the notice, petition and order were refused or undeliverable by the United States Postal Service, the Secretary of State shall create a preservation duplicate from which a reproduction of the stored record may be retrieved which truly and accurately depicts the image of the original record. The Secretary of State may destroy or otherwise dispose of the original returned or undeliverable mail. Written notice of the action by the Secretary of State must then be provided by certified mail, return receipt requested, facsimile, or by electronic mail, to the clerk's office of the court from which the process, notice or demand was issued. If any respondent served with a petition and order fails to appear and defend at the time and place set forth in the order, judgment may be rendered against him or her at any time thereafter. The court may order such continuances as may be reasonable to afford the respondent an opportunity to defend the action or proceeding.

(B) As provided in section three hundred eight [§ 48-27-308], article twenty-seven, chapter forty-eight of this code regarding domestic violence proceedings and in section thirteen [§ 53-8-13], article eight, chapter fifty-three of this code regarding personal safety proceedings, no fees may be charged for service of petitions or orders until the matter is brought before the appropriate court for final resolution. Any fees ordinarily remitted to the Secretary of State or to a law-enforcement agency at the time of service shall be deferred and taxed in the costs of the action or proceeding.

(C) Data and records regarding service maintained by law-enforcement agencies and by the office of the Secretary of State for purposes of fulfilling the obligations of this section are not public records subject to disclosure under the provisions of article one [§§ 29B-1-1 et seq.], chapter twenty-nine-b of this code.

(d) The following words and phrases, when used in this section, shall for the purpose of this section and unless a different intent be apparent from the context, have the following meanings:

(1) "Duly authorized agent" means and includes among others a person who, at the direction of or with the knowledge or acquiescence of a nonresident, engages in such act or acts and includes among others a member of the family of such nonresident or a person who, at the residence, place of business or post office of such nonresident, usually receives and receipts for mail addressed to such nonresident.

(2) "Nonresident" means any person who is not a resident of this state or a resident who has moved from this state subsequent to engaging in such acts or acts covered by this section.