

## Statutes Allowing Fleeing Survivors Access to Protective Orders

2/2008

The following statutes permit fleeing victims of domestic violence to file for a protective order in one of many places, including where the plaintiff resides or is sheltered at the time of the filing

State	Relevant Statute	Language of the Statute
<b>Alabama</b>	Ala. Code §30-5-3(c)	A petition for a protection order may be filed in any county as follows: ... (2) Where the plaintiff is temporarily located if he or she has left his or her residence to avoid further abuse... A minimum period of residency is not required to petition the court for an order of protection.
<b>Arizona</b>	Ariz. Rev. Stat. §13-3602A	A person may file a verified petition ... for an order of protection for the purpose of restraining a person from committing an act included in domestic violence... For purposes of this section, notwithstanding the location of the plaintiff or defendant, any court in this state may issue or enforce an order of protection.
<b>Arkansas</b>	Ark. Code Ann. §9-15-201b	The petition shall be filed in the county where the petitioner resides, where the alleged incident of abuse occurred, or where the respondent may be served.
<b>Delaware</b>	Del. Code Ann. tit. 10, §§1042(c), 1041(2)	A petition for a protective order may be filed in any county where the petitioner resides, the respondent resides, the alleged domestic violence occurs, or where the petitioner is temporarily located away from the residence to avoid domestic violence.
<b>Florida</b>	Fla. Stat. ch. 741.30(j)	[A] petition for an injunction against domestic violence may be filed in the circuit where the petitioner currently or temporarily resides, where the respondent resides, or where the domestic violence occurred. There is no minimum requirement of residency to petition for an injunction for protection.
<b>Hawaii</b>	Haw. Rev. Stat. §586-2	An application for relief under this chapter may be filed in any family court in the circuit in which the petitioner resides.

Prepared by the American Bar Association Commission on Domestic Violence <http://www.abanet.org/domviol>

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<b>Idaho</b>	Idaho Code §39-6304(6)	A petition shall be filed in the county of the respondent's residence, the petitioner's residence, or where the petitioner is temporarily residing.
<b>Indiana</b>	Ind. Code Ann. §34-26-5-4(b) & (c)	A petition for an order for protection must be filed in the county in which the: (1) petitioner currently resides; (2) respondent resides; or (3) domestic or family violence occurred. There is no minimum residency required to petition for an order of protection.
<b>Iowa</b>	Iowa Code §236.3	A person... may seek relief from domestic abuse by filing a verified petition in the district court. Venue shall lie where either party resides. <i>See also Bartsch v. Bartsch</i> , 636 N.W.2d 3 (2001), interpreting same (personal jurisdiction over non-resident respondent permitted because it preserved status of the victim).
<b>Kentucky</b>	Ky. Rev. Stat. Ann. §403.725	Any family member or member of an unmarried couple who is a resident of this state or has fled to this state to escape domestic violence and abuse may file a verified petition in the District Court of the county in which he resides.
<b>Massachusetts</b>	Mass. Gen. Laws ch. 209A §2	If the plaintiff has left a residence or household to avoid abuse, such plaintiff shall have the option of commencing an action in the court having venue over such prior residence or household or the court having venue over the present resident or household. <i>See also Caplan v. Donovan</i> , 450 Mass. 463, 879 N.E.2d 117 (2008).

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<b>Minnesota</b>	Minn. Stat. § 518B.01(3)	An application for relief under this chapter may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic violence occurred. There are no minimum residency requirements that apply to a petition for an order for protection.
<b>New Hampshire</b>	N.H. Rev. Stat. Ann. §§ 173-B:3.I, 173B:2.II	Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 137-B:3 in the county where the plaintiff temporarily resides.
<b>New Jersey</b>	N.J. Stat. Ann. § 2C:25-28	[A] plaintiff may apply for relief under this section in a court having jurisdiction over the place where the alleged act of domestic violence occurred, where the defendant resides, or where the plaintiff resides or is sheltered.
<b>North Dakota</b>	N.D. Cent. Code § 14-07.1-02.9	Upon application of an individual residing within the state, a court may issue a domestic violence protection order or an ex parte temporary order under this chapter even though the actions constituting domestic violence occurred exclusively outside the state. In these cases, a respondent is subject to the personal jurisdiction of this state upon entry into this state. If the domestic violence justifying issuance of a protective order occurred exclusively outside the state, the relief that may be granted is limited to an order restraining the party from having contact with or committing acts of domestic violence on another person in this state.
<b>Oklahoma</b>	Okla. Stat. Tit. 22, § 60.2A.1	The person seeking relief may file a petition for a protective order with the district court in the county in which the victim resides, the county in which the defendant resides, or the county in which the domestic violence occurred.

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<b>Rhode Island</b>	R.I. Gen. Laws § 15-15-2 (a) - (d)	Proceedings under this chapter shall be filed and determined in the family court of the county in which the plaintiff resides.... There shall be no minimum residence requirements for the bringing of an action under this chapter.
<b>Texas</b>	Tex. Fam. Code Ann. § 82.003	An application may be filed in: (1) the county in which the applicant resides; or (2) the county in which the respondent resides.
<b>Tennessee</b>	Tenn. Code Ann. § 36-3-602	If the respondent is not a resident of Tennessee, the petition may be filed in the county where the petitioner resides.
<b>Utah</b>	Utah Code Ann. § 30-6-3	An action brought pursuant to this chapter shall be filed in the county where either party resides or in which the action complained of took place.
<b>Vermont</b>	Vt. Stat. Ann. tit. 15, § 1102(c)	Proceedings under this chapter may be commenced in the county in which the plaintiff resides. If the plaintiff has left the residence or household to avoid abuse, the plaintiff shall have the option to bring an action in the county of the previous residence or household or the county of the new residence or household.
<b>Virginia</b>	Va. Code Ann. § 16.1-243A.3	Family Abuse: Proceedings in which an order of protection is sought as a result of family abuse shall be commenced where (i) either party has his or her principal residence, (ii) the abuse occurred, or (iii) a protective order was issued[,] if at the time the proceeding is commenced the order is in effect to protect the petitioner or a family or household member of the petitioner.

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<b>Washington</b>	Wash. Rev. Code § 26.50.020(6)	An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.
<b>West Virginia</b>	W. Va. Code § 48-27-303	The action may be heard in the county in which the domestic violence occurred, in the county in which the respondent is living, or in the county in which the petitioner is living, either temporarily or permanently. If the parties are married to each other, the action may also be brought in the county in which the action for divorce between the parties may be brought[.]
<b>Wyoming</b>	Wyo. Stat. Ann. § 35-21-102(a)(ii) and -103(a)	A victim of domestic abuse may petition the court under this act by filing a petition with the circuit court clerk or the district court clerk if the county does not have a circuit court for an order of protection. "Court" means the circuit court or, if the county does not have a circuit court, the district court in the county where an alleged victim of domestic abuse resides or is found.

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