



Testimony on H. 413  
An Act Relating to Recognition and Enforcement of Canadian  
Domestic Violence Prevention Orders

House Committee on Judiciary  
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The Center supports H. 413 and appreciates this Committee's commitment to addressing the needs of domestic violence survivors in Vermont. H. 413 authorizes Vermont law enforcement officers to enforce Canadian Domestic Violence Prevention Orders and will ensure that domestic violence survivors seeking protection here in Vermont—both Americans and Canadians alike—are not stymied by the legal complexity posed by traveling across our Northern border.

As the Committee is well-aware, the potential fact scenarios in which someone might obtain a domestic violence protection order in Canada and find themselves in Vermont needing help are plentiful. People move freely between Vermont and Quebec, and many towns close to the border are small and geographically isolated.

However, while movement across the Canadian border is relatively fluid, the border itself can create tough legal barriers that limit the reach of law enforcement and the courts. Depending on the circumstances, a Vermont court might lack authority to issue a protective order in a cross-border case, due to lack of jurisdiction over the defendant or an inability to properly serve the defendant. A survivor fleeing violence in Canada and seeking refuge here in their home

country and state does not actually guarantee that a Vermont court can issue an order to protect them here.

In the absence of a Vermont protection order, if a Canadian court has concluded that a survivor needs protection, Vermont law enforcement should be empowered to honor that court's decision immediately. Erring on the side of protection saves lives.

As a uniform law proposal, this bill has been thoroughly vetted and debated by the Uniform Law Commission, which provides additional assurance that legal complexities and issues of fairness have been addressed. Meanwhile the process for enforcing orders needs to be simple and flexible—as this bill allows. Survivors should not need a lawyer to figure out which country's courts can help them, nor should they need to pursue yet another order in a Vermont court after already seeking help in Canada.

Thank you for taking up this important legislation.