

Domestic Violence
Previous Statute

Statute 9/1/01 to 1/1/02

Statute after 1/1/02

48-2C-1 title

48-26-101 title

48-26-101 title

applicability of definitions no previous
provision

48-26-201 applicability of definitions

48-26-201 applicability of definitions

48-2C-2(a) board defined

48-26-202 board defined

48-26-202 board defined

48-2C-2(b) department defined

48-26-203 department defined

48-26-203 department defined

48-2C-2(c) shelter defined

48-26-204 shelter defined

48-26-204 shelter defined

48-2C-2(d) secretary defined

48-26-205 secretary defined

48-26-205 secretary defined

48-2C-2(e) family protection program
defined

48-26-206 family protection program
defined

48-26-206 family protection program
defined

48-2C-3 family protection services
board

48-26-301 family protection services
board

48-26-301 family protection services
board

48-2C-4 duties of board

48-26-401 duties of board (minor word
changes)

48-26-401 duties of board (no changes
from 9/1/01)

48-2C-4a(a) authorize local councils

48-26-901 authorize local councils

48-26-901 authorize local councils

48-2C-4a(b) purpose local councils

48-26-902 purpose local councils

48-26-902 purpose local councils

48-2C-4b state public health plan

48-26-501 state public health plan

48-26-501 state public health plan

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2C-4c legal services fund	48-26-603 legal services fund	48-26-603 legal service fund
48-2C-5 closure of shelters	48-26-406 closure of shelters	48-26-406 closure of shelters
48-2C-7 funding application	48-26-601 funding application	48-26-601 funding application
48-2C-8 award provisions	48-26-602 award provisions	48-26-602 award provisions
48-2C-9 annual reports	48-26-604 annual reports	48-26-604 annual reports
48-2C-10 referral to shelters	48-26-1101 referral to shelters	48-26-1101 referral to shelters
48-2C-10a notice of victim rights	48-26-502 notice of victim rights	48-26-502 notice of victim rights
48-2C-11 licenses; 48-2C-12 waiver	48-26-402 licenses	48-26-402 licenses
48-2C-13 rules & regulations	48-26-403 rules for legislative approval	48-26-403 rules for legislative approval
48-2C-13b perpetrators program	48-26-404 perpetrators program	48-26-404 perpetrators program
48-2C-13c license intervention program	48-26-405 license intervention program	48-26-405 license intervention program
48-2C-14 continuation of board	48-26-1102 continuation	48-26-1102 continuation
48-2C-15 confidentiality	48-26-701 confidentiality	48-26-701 confidentiality
48-2C-16 continuing education employees	48-26-801 continuing education employees	48-26-801 continuing education employees

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2C-17 continuing education police	48-26-802 continuing education police	48-26-802 continuing education police
48-2C-18 judicial education	48-26-803 judicial education	48-26-803 judicial education
48-2C-19 curricula	48-26-804 curricula	48-26-804 curricula
48-2C-20 continuing education school personnel	48-26-805 continuing education school personnel	48-26-805 continuing education school personnel
no previous provision	48-26-407 shelters do not violate zoning	48-26-407 shelters do not violate zoning
no previous provision	48-26-505 public health standards	48-26-505 public health standards
no previous provision	48-26-1001 legislative findings children's centers	48-26-1001 legislative findings children's centers
no previous provision	48-26-1002 excludes abuse & neglect	48-26-1002 excludes abuse & neglect
no previous provision	48-26-1003 rules children's centers	48-26-1003 rules children's centers
no previous provision	48-2-1004 contract	48-2-1004 contract
no previous provision	48-26-1005 certification	48-26-1005 certification
no previous provision	48-26-1006 representations re certification	48-26-1006 representations re certification

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
no previous provision	48-26-1007 court orders	48-26-1007 court orders
48-24-1 findings & purposes	48-27-101 findings & purposes	48-27-101 findings & purposes (no change from 9/1/01)
no previous provision	48-27-201 application of definitions	48-27-201 application of definitions (no change from 9/1/01)
48-2A-2(a) family violence defined	48-27-202 domestic violence defined	48-27-202 domestic violence defined (no change from 9/1/01)
no previous provision	48-27-203 emergency hearing defined	48-27-203 emergency hearing defined (no change from 9/1/01)
48-2A-2(b) family or household member	48-27-204 family or household member (substantial expansion)	48-27-204 family or household member (grammatical rewrite of last section)
no previous provision	48-27-205 final hearing defined (respondent request)	48-27-final hearing defined (remove respondent request)
no previous provision	48-27-206 law enforcement agency	48-27-206 (no change from 9/1/01)
48-2A-2(c) program for victims	48-27-207 program for victims	48-27-207 program for victims
48-2A-2(d) program for perpetrators	48-27-208 program for perpetrators	48-27-208 program for perpetrators
no previous provision	48-27-209 protective order (respondent request)	48-27-209 protective order (remove respondent request)

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2A-3(a) Jurisdiction	48-27-301 Jurisdiction (add family courts)	48-27-301 Jurisdiction (no change 9/1/01)
48-2A-3(b) venue	48-27-302 venue	48-27-302 venue
48-2A-3(c) leave house	48-27-303 leave house	48-27-303 leave house
no previous provision	48-27-304(a) commencement of proceedings	48-27-304(a) commencement of proceedings (filing to be in magistrate court)
48-2A-4 no refusal of right to petition	48-27-304(b) no refusal of right to petition	48-27-304(b) no refusal of right to petition
48-2A-8 testimony of spouses	48-27-304(c) testimony of spouses	48-27-304(c) testimony of spouses
48-2A-4(a) who may file	48-27-305 persons who may file	48-27-305 persons who may file
48-2A-4(c) counterclaim, affirmative defenses	48-27-306 counterclaim, affirmative defenses	48-27-306 counterclaim, affirmative defenses
48-2A-4(d) person accompanying	48-27-307 person accompanying	48-27-307 person accompanying
48-2A-4(e) fees	48-27-308 fees	48-27-308 fees
48-2A-3(d) priority of petitions	48-27-309 priority (drops time limits)	48-27-309 (no change 9/1/01)
48-2A-3(e) full faith & credit	48-27-310 full faith & credit	48-27-310 full faith & credit

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2A-3(f) service by publication	48-27-311 service of process (no change except title)	48-27-311 service of process
48-2A-3a divorce actions	48-27-401 proceedings when divorce pending (no change except title)	48-27-401 proceedings when divorce pending
48-2A-3b proceedings when temporary order	48-27-402 proceedings when temporary order (some renumbering, extended emergency order becomes temporary order)	48-27-402 proceedings when temporary order (family court must hold hearing on emergency order)
48-2A-5(a) temporary orders	48-27-403(a) emergency orders (no separate definition; includes firearms prohibition; drops service provision)	48-27-403(a) emergency orders (adds magistrate court throughout)
48-2A-5(a) temporary orders service	48-27-403(b) emergency orders service (expands service provisions, refers)	48-27-403(b) emergency orders service (drops request, final hearing set)
no previous provision	48-27-403(c) transfer to family court	48-27-403(c) transfer to family court
48-2A-5(b) full hearing within five days	48-27-403(d) final hearing upon request	48-27-403(d) mandatory final hearing with 10 days
48-2A-5(b) burden of proof, medical proof; 48-2A-5(d) continuance	48-27-403(e) hearing on request; burden of proof; medical proof	48-27-403(e) required hearing; burden of proof; medical proof; continuance if no service
48-2A-5(c) persons present	48-27-403(f) persons present	48-27-403(f) (no change 9/1/01)

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2A-6(d) duration	48-27-403(g) duration & continuance	48-27-403(g) duration & continuance
48-2A-6(a) order upon proof or admission; 48-2A-6(f) modification	48-27-501 order & modification (not clear which court may modify)	48-27-501 order & modification (restricted to final order)
48-2A-6(a); 48-2A-6(j) mandatory provisions	48-27-502 mandatory provisions (adds notice of statewide application, firearms prohibition)	48-27-502 mandatory provisions
48-2A-6(b) permissive provisions	48-27-503 permissive provisions	48-27-503 permissive provisions
48-2A-6(c) witness provisions	48-27-504 witness provisions	48-27-504 witness provisions
48-2A-6(d), (e), (f) duration, extension & modification	48-27-505 duration, extension & modification (permitted automatic extension of emergency orders)	48-27-505 duration, extension & modification, notice to feds (only family court orders now covered, notice sent to federal authorities)
48-2A-6(g) no effect real or personal property except child support	48-27-506 no effect real or personal property except child support	48-27-506 no effect real or personal property except child support
48-2A-6(i) prohibit mutual protective orders except on proof	48-27-507 prohibit mutual protective orders except on proof	48-27-507 prohibit mutual protective orders except on proof
48-2A-6(k) costs	48-27-508 costs	48-27-508 costs
48-2A-7 conditions of visitation	48-27-509 conditions of visitation	48-27-509 conditions of visitation

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2A-11 de novo appeal to circuit court	48-27-510 appeals (denial of emergency order, either party petition for review from final order)	48-27-510 appeals (permits family court to stay); 10 day appeal period
48-2A-9(j) purge domestic violence files	48-27-511 purge domestic violence files	48-27-511 purge domestic violence files
48-2A-10 filing orders with law enforcement	48-27-601 filing orders with law enforcement (requires action if protected person reported missing)	48-27-601 filing orders with law enforcement (requires action if protected person reported missing)
48-2A-9(a) service of pleadings	48-27-701 service of pleadings	48-27-701 service of pleadings
48-2A-9(b) & (c) law enforcement advice on remedies; transportation	48-27-702 law enforcement advice on remedies; transportation	48-27-702 law enforcement advice on remedies; transportation
48-2A-9(d) reports to state police	48-27-801 reports to state police	48-27-801 reports to state police
48-2A-12 registration of order	48-27-802 maintenance of registry	48-27-802 maintenance of registry
48-2A-9(h) not for inclusion in criminal database	48-27-803 limitation on use	48-27-803 limitation on use
48-2A-10a civil contempt	48-27-901 civil contempt	48-27-901 civil contempt
48-2A-10b violation of orders, criminal complaints	48-27-902 violation of orders, criminal complaints	48-27-902 violation of orders, criminal complaints

Previous Statute	Statute 9/1/01 to 1/1/02	Statute after 1/1/02
48-2A-10d misdemeanor offenses	48-27-903 misdemeanor offenses	48-27-903 misdemeanor offenses
48-2A-10c arrest for violations of orders	48-27-1001 arrest for violations of protective orders	48-27-1001 arrest for violations of protective orders
48-2A-14 arrest in domestic violence matters	48-27-1002 arrest in domestic violence matters	48-27-1002 arrest in domestic violence matters
48-2A-7(d) forms	48-27-1101(a) forms	48-27-1101(a) forms
no previous provision	48-27-1101(b) effective date (9/1/01)	51-2A-23(a) 1/1/2002
48-2A-9(g) rules authority	48-27-1102 rules authority	48-27-1102 rules authority
48-2A-9(i) law enforcement training	48-27-1103 law enforcement training	48-27-1103 law enforcement training
48-2A-13 judicial education	48-27-1104 judicial education	48-27-1104 judicial education
48-2A-6(l) time keeping requirements	48-27-1105 time keeping requirements	48-27-1105 time keeping requirements