

Domestic Violence Implementation Lab

Interjurisdictional Service in Alabama

A Resource from the
Pandemic Rapid Response Team

August 2022



	Ex Parte Protective Order (Temporary/Emergency)	Final Protective Order
Statute	Code of Alabama 30-5	
Terminology	Protection From Abuse Ex Parte Order	Protection From Abuse Order
Length of Order	Until final Protection from Abuse Order, unless a specific end date is on the order	Does not end, unless a specific end date is on the order
Available Relief	<ul style="list-style-type: none"> • No threats to commit or committing acts of abuse • No harassing, stalking, annoying, threatening, or engaging in conduct that would place protected parties in reasonable fear of bodily injury • No verbal/written contact (either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person) • No physical or violent contact with protected parties or their property • Stay away (minimum of 300 ft of home or other specified place) • Temporary custody of children • Temporary possession of home/vehicle 	In addition to relief provided by an ex parte order: <ul style="list-style-type: none"> • More long-term custody/visitation of children • Possession of home/vehicle • Attorney fees/other support for protected parties

Protected Parties	<ul style="list-style-type: none"> • A person who is at least 18 years old or is otherwise emancipated • A parent, legal guardian, next friend, court-appointed guardian ad litem, or the State Department of Human Resources may petition for relief on behalf of a minor child or person with physical or mental incapacity • Minors/children of the victim • Other person designated by the court
Requirements for Service	<ul style="list-style-type: none"> • Notice of hearing/protection order: <ul style="list-style-type: none"> ○ Plaintiff: Within 24 hours ○ Defendant: As soon as possible (with petition) ○ Law Enforcement: Within 24 hours ○ Protective Order Registry: Courts enter within 24 hours ○ Law Enforcement Tactical System: Law Enforcement enter within 24 hours ○ National Crime Information Center: Law Enforcement enter within 24 hours • Proof of Service: <ul style="list-style-type: none"> ○ Protective Order Registry: Courts enter within 24 hours ○ Law Enforcement Tactical System: Law Enforcement enter within 24 hours ○ National Crime Information Center: Law Enforcement enter within 24 hours
Registration Required for Enforcement	<ul style="list-style-type: none"> • Not required • If registered, notice is made within 12 hours after service is made
Military Jurisdictions	<p>Military Bases:</p> <ul style="list-style-type: none"> • 117 ARW • 187 FW • Anniston Army Depot • Fort Rucker • Maxwell AFB and Gunter Annex • Redstone Arsenal • USAREC (2nd Medical Recruiting Battalion) • USAREC (Montgomery Battalion) <p>Processes on Military Jurisdictions: Contact the individual military jurisdiction for service process details.</p>

<p><u>Tribal Jurisdictions</u></p>	<p>Federally Recognized Tribe: Poarch Band of Creek Indians</p> <p>State Recognized Tribes:</p> <ul style="list-style-type: none"> • Cher-O-Creek Intra Tribal Indians • Cherokee Tribe of Northeast Alabama • Cherokees of Southeast Alabama • Echota Cherokee Tribe of Alabama • Ma-Chis Lower Creek Indian Tribe of Alabama • Mowa Band of Choctaw Indians • Piqua Shawnee Tribe • Star Clan of Muscogee Creeks • United Cherokee Ani-Yun-Wiya Nation <p>Processes on Tribal Jurisdictions: Contact the individual tribal jurisdiction for service process details.</p>
<p>Other Information</p>	<p>None</p>

Out of State Service Fees¹:

None

For more information, please contact State Point of Contact Cary McMillan (cary.mcmillan@alacourt.gov).

If you would like to provide suggestions/feedback on this Profile, visit:
https://ncsc2.iad1.qualtrics.com/jfe/form/SV_eQzzYCCgK38Q64C

¹ Courts should not charge a victim of domestic violence, dating violence, stalking, or sexual assault any costs associated with the filing, issuance, registration, or service of protection orders, whether issued by civil or criminal courts, including intra- and inter-jurisdictional orders. This no-cost provision also applies to any fees or costs associated with a criminal matter related to domestic violence, stalking, dating violence, and sexual assault (42 U.S.C. § 3796 hh(c)(4)). Charging any of these costs will render a jurisdiction ineligible for certain VAWA funds.