

CONSISTENT ARMOR: ADVOCATING FOR A UNIFORM STANDARD IN THE EXTENSION OF PROTECTIVE ORDERS

*Aubrey Cagle**

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* I would like to thank Christine Scartz, Director of the Jane W. Wilson Family Justice Clinic at the University of Georgia School of Law, for her generous guidance and for sharing her extensive knowledge on protective orders—particularly the nuanced, often overlooked issues that impact their effectiveness. I am also deeply grateful for the invaluable experience I gained through my work with the clinic.

INTRODUCTION

Domestic violence has significant impacts on the victims, their children, and society as a whole.¹ It is an epidemic that has lasting negative effects ranging from lowered work productivity to death.² “An estimated fifty percent of all homeless women and children seeking shelter on the streets are the products of domestic violence.”³ This results in society bearing the cost of domestic violence in many ways.⁴ First, society must fund the upkeep of shelters and programs for these victims, as well as the cost and lasting effects of foster care programs for the victims’ children.⁵ Additionally, the psychosocial problems that arise in the victim and any involved children due to exposure to domestic violence perpetuate a cycle of abuse by creating future victims or abusers.⁶ Because of this, it is important to eradicate domestic violence by ensuring the accessibility of protection sought out by victims.

Domestic violence victims looking for relief from the dangers of everyday life frequently turn to protective orders for support.⁷

¹ Carolyn N. Ko, Note, *Civil Restraining Orders for Domestic Violence: The Unresolved Question of “Efficacy,”* 11 S. CAL. INTERDISC. L.J. 361, 361-62 (2002).

² *Id.* at 361 (“An estimated 1.3 million women are physically abused by their husbands, former spouses, or live-in partners each year. Abuse from domestic violence results in more than 450,000 visits to the emergency room each year. Since 1976, nearly one-third of all female homicide victims have been killed by their intimate partners. In Los Angeles County, a woman ‘dies at the hands of her husband or boyfriend’ every five days. . . . Domestic abuse also has a significant economic impact. Absenteeism of battered women and decreases in their work productivity cause employers to lose between three to thirteen billion dollars annually.”).

³ *Id.* at 361-62.

⁴ *Id.* at 362.

⁵ *Id.* (“The result of . . . [the displacement of victims of domestic violence] is that society must pay for the costs of shelters, counseling programs, and foster care programs to assist these women and children.”).

⁶ *Id.* (“Domestic abuse also causes psychosocial problems for women and children. Studies find that domestic violence often manifests itself in a tendency for an individual to become either a victim or a batterer. For instance, women experiencing abuse are 150 times more likely to abuse their children, and sons who witness domestic violence are ten times more likely to become abusers themselves.”).

⁷ *Id.* at 362-63 (“Restraining orders continue to be the primary form of protection for victims of domestic violence. For instance, 11,623 restraining orders were issued in Los Angeles County for the year 2000. More than 10,000 protection orders were filed in Philadelphia in 1996. In 1992, 46,515 restraining orders were issued against offenders in Massachusetts. The pervasive issuance of restraining orders makes it imperative

Protective orders are civil orders that are enforced criminally.⁸ They criminalize contact and can place other restrictions and obligations on the respondents.⁹ Furthermore, these orders are enforceable and transferable between the states. This ensures consistent protection and does not confine the petitioner to the state issuing the order. While this is a great starting point for protecting victims of domestic violence, there are gaps that still need to be addressed. One of those gaps is what happens when the original order expires. Significant gaps in fairness exist regarding order extensions, as standards differ across jurisdictions.

This Comment will first briefly discuss the history of protective orders. Focusing on why there is a need for protective orders, how those needs have evolved, and how they have been addressed by the amendments to the Violence Against Women Act (“VAWA”) is important in laying the groundwork for the issues that still exist. Most importantly for this Comment, however, is understanding the processes and standards for obtaining an initial protective order. This must be understood in order to address the greater issue of extension of the initial order.

This Comment primarily advocates for a uniform extension standard by attacking the lack of fairness experienced by both parties in the absence of such a standard. A fairness analysis is conducted for each of the five different categories of extensions the states appear to fall into: easy, difficult, no extension allowed, no standard for an extension, or moderate standards. There is also a brief discussion about the incompatibility of uniform enforcement without a uniform standard of extension.

Finally, this Comment proposes a solution to this issue by analyzing the comprehensive standard of Washington D.C. The standard provided by D.C. statute and case law places burdens on

that they address abuse and adequately restrain offenders.”); *see also id.* at 367 (“Although civil restraining orders are not the only remedies available to battered women, they are probably the most attractive.”).

⁸ *Id.* at 364.

⁹ *Id.* at 366 (“Other available remedies . . . include orders requiring restitution to the victim for loss of earnings and other related expenses, granting possession of the residence to the victim, ordering child support payments if the victim is granted custody of any children, and requiring the batterer to attend a treatment program. In addition, the defendant is prohibited from possessing, purchasing, or receiving firearms while subject to a restraining order.”).

the petitioner while not taking away from the value of the desire for protection, thus making the standard of extension significantly fairer than it is in some states. Additionally, the comprehensiveness of the D.C. standard addresses many of the criticisms of extensions and protective orders in general, offering fairness protections to the respondents as well. The argument for this solution is also justified by evaluating uniform standards for other types of family law civil orders, specifically through the lens of extension or modification when applicable.

I. BACKGROUND

A. History of Protective Orders

An increase in the reports and the severity of instances of domestic violence, sexual assault, and stalking ultimately resulted in the passage of the Violence Against Women Act of 1994 (“VAWA 1994”) as a part of the Violent Crime Control and Law Enforcement Act of 1994.¹⁰ The passage of the VAWA 1994 sparked a national conversation about the gaps in protection for victims of domestic violence.¹¹ The VAWA has continuously

¹⁰ LISA N. SACCO & EMILY J. HANSON, CONG. RSCH. SERV., R45410, THE VIOLENCE AGAINST WOMEN ACT (VAWA): HISTORICAL OVERVIEW, FUNDING, AND REAUTHORIZATION 1 (2019) (“In the 1960s, the violent crime rate rose fairly steadily – it more than doubled from 1960 (160.9 per 100,000) to 1969 (328.7 per 100,000) – igniting concern from both the public and the federal government. Adding to this was the concern about violent crimes committed against women.”). As a result of the public becoming aware of this increase in domestic violence throughout the 1960s, many grassroots organizations emerged and advocated for legislative assistance in combating the matter. *Id.*; see The Violence Against Women Act, 34 U.S.C. §§ 12291-12514.

¹¹ After the passage of the VAWA of 1994, the Office of Violence Against Women (OVW) was established the following year to administer the VAWA and the funding of programs to combat domestic violence, as outlined in the VAWA. This funding gave communities the ability to conduct adequate research and investigations into instances of domestic violence, something not possible prior to the funding. This led to not only an increased understanding of how to combat domestic violence but also areas still in need of improvement. See *generally* OFF. ON VIOLENCE AGAINST WOMEN, U.S. DEPT OF JUST., TWENTY YEARS OF THE VIOLENCE AGAINST WOMEN ACT: DISPATCHES FROM THE FIELD (2016).

attempted to close these gaps in each of its four reauthorizations in 2000, 2005, 2013, and 2022.¹²

The VAWA 1994 was “the first comprehensive federal legislative package designed to end violence against women.”¹³ It extended beyond just domestic violence to include protections and remedies for cases of rape and stalking.¹⁴ The VAWA made protective orders more accessible in every state, and the VAWA 1994 required each state to grant full faith and credit to the orders of other states.¹⁵ These significant impacts only grew with each reauthorization of the VAWA, all designed to address specific gaps in the protection of victims of domestic violence as they were brought to the attention of the legislature by several lobbyist groups.¹⁶

The Violence Against Women Act of 2000 was the first reauthorization of the VAWA which expanded the protections provided in the 1994 legislation.¹⁷ The 2000 reauthorization focused on extending protection to other classifications of people and different instances of violence.¹⁸ It specifically made sure to include protections for immigrant victims of domestic violence, victims of dating violence, and survivors of all forms of sexual assault.¹⁹ It also addressed custody issues for the first time.²⁰ The

¹² Ami Lynch, *Violence Against Women Act*, BRITANNICA, <https://www.britannica.com/event/Violence-Against-Women-Act> [<https://perma.cc/RXL4-H4DE>](last visited May 28, 2025).

¹³ *History of VAWA*, LEGAL MOMENTUM, <https://www.legalmomentum.org/history-vawa> [<https://perma.cc/599A-JEPQ>](last visited Dec. 19, 2024).

¹⁴ The VAWA addressed victims of rape by including provisions increasing penalties for repeat sex offenders as well as banning states from charging sexual assault victims for forensic sexual assault examinations. Protections for victims of stalking were also granted in the VAWA by criminalizing electronic surveillance. *See* SACCO & HANSON, *supra* note 11, at 1; LEGAL MOMENTUM, *supra* note 14.

¹⁵ Funding availability and the full faith and credit clause in the act made protective orders more accessible through increasing community programs. OFF. ON VIOLENCE AGAINST WOMEN, *supra* note 12, at 7.

¹⁶ Ko, *supra* note 2, at 362 (“The American society has been attempting to address this social problem since the feminist movement in the late 1960s and 1970s brought the issue to the nation’s agenda and encouraged government response.”).

¹⁷ LEGAL MOMENTUM, *supra* note 14.

¹⁸ *Id.*

¹⁹ The 2000 reauthorization of the VAWA addressed the needs of immigrant victims of domestic violence by increasing safety and independence from abusers through allowing them to petition for immigrant classification completely independently from the abuser. *Abused Spouses, Children and Parents*, U.S.

2000 reauthorization allowed victims of domestic violence who had an active protective order to seek custody orders outside of the jurisdiction in which they may be in danger.²¹ Both of these important expansions of the VAWA demonstrate that violence is not limited to certain circumstances, such as domestic relations, and that transferability between states is necessary to ensure protection in some circumstances.

The VAWA was reauthorized again in 2005.²² This reauthorization not only provided an increase in focus and access to services for communities in need (including immigrants, communities of color, and low-income individuals)²³ but also expanded on the ideas of what protective orders may be missing to ensure lasting protection to the victims.²⁴ The 2005 reauthorization introduced specific court-mandated training and classes intended to decrease the risk of violence during and after the order may expire.²⁵ This improvement in the 2005 reauthorization demonstrates the awareness that the need for protection does not expire simply when the initial order may, as the trainings and requirements are designed to facilitate a lasting change in the behavior of the abuser.²⁶

The 2013 and 2022 reauthorizations of the VAWA focused on expanding domestic violence protections and program funding for

CITIZENSHIP & IMMIGR. SERVS. (Jan. 24, 2025), <https://www.uscis.gov/humanitarian/abused-spouses-children-and-parents> [https://perma.cc/7Q7N-R74N]. Dating violence and stalking victims were also offered more protection under the 2000 reauthorization by adding both of those instances as crimes under which victims can petition for protective orders. *Reauthorizing the Federal Violence Against Women Act*, NETWORK FOR PUB. HEALTH L. (Oct. 24, 2018), <https://www.networkforphl.org/news-insights/reauthorizing-the-federal-violence-against-women-act> [https://perma.cc/DYU3-YTAQ].

²⁰ LEGAL MOMENTUM, *supra* note 14.

²¹ *Id.*

²² SACCO & HANSON, *supra* note 11, at 16.

²³ *Id.* at 16.

²⁴ *See* Lynch, *supra* note 13.

²⁵ Types of training and classes that may be required, as allowed in the VAWA 2005, include but are not limited to: anger management courses, family violence intervention programs, and substance abuse counseling. *Violence Against Women Act*, NAT'L NETWORK TO END DOMESTIC VIOLENCE, <https://web.archive.org/web/20250101162317/https://nnedv.org/content/violence-against-women-act/> [https://perma.cc/6DLF-NLJL] (last visited Dec. 19, 2024).

²⁶ *Id.*

members of the LGBTQ+ community and college-age students.²⁷ The 2013 reauthorization was the first to close critical gaps in justice by extending protection to *all* victims.²⁸ The reauthorization explicitly included members of the LGBTQ+ community as victims able to obtain protective orders and services as well as prohibiting any discrimination in the procurement of such order or services.²⁹ College communities and student victims were also addressed as vulnerable classes in 2013, requiring college campuses to institute recording processes and prevention plans and programs for student victims.³⁰ The 2022 reauthorization was focused on increasing funding for all of the domestic violence prevention and response programs that have been established throughout the lifetime of the VAWA.³¹ Together, these reauthorizations reflect a continued commitment to broadening protections while strengthening the resources available to support all victims of domestic violence.

B. The Initial Protective Order

A protective order can include many different types of relief.³² The relief granted is based on many different factors, including the nature of the acts of violence alleged, the relationship between the parties, the judge's discretion, and the statutes of the issuing state.³³ The most basic and uniform provision of a protective order is the "stay-away order."³⁴ This is the part of the order that requires the respondent to refrain from threatening or committing acts of violence or harassment towards the petitioner.³⁵ It also requires the respondent to stay a certain distance away from the petitioner and the petitioner's home, workplace, and school, as

²⁷ *Id.*

²⁸ *See id.*

²⁹ *See id.*

³⁰ *See id.*; Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54 (2013).

³¹ *See id.*

³² *See generally Domestic Violence Restraining Orders Laws and Forms: 50-State Survey*, JUSTIA (Jan. 2023), <https://www.justia.com/criminal/domestic-violence-restraining-orders-forms-50-state-resources/> [<https://perma.cc/2Q22-UKYY>].

³³ *Id.*

³⁴ Ko, *supra* note 2, at 364.

³⁵ *See* JUSTIA, *supra* note 33.

well as cease all communication both directly and indirectly with the petitioner.³⁶

The other types of relief a petitioner can seek may vary based on the case and the issuing state. For example, if there were substances involved in the alleged acts, the petitioner may ask the court to include a treatment or substance control class requirement in the order.³⁷ If the parties share a house, vehicle, or child, then the court can also give temporary possession of the house or vehicle to the petitioner, as well as temporary sole custody of any shared children.³⁸ These are common types of relief that are statutorily available to petitioners in nearly every state. However, some state statutes even authorize courts to require respondents to surrender any weapons or pay restitution or support to the petitioner for the duration of the order.³⁹

The process of obtaining an initial order, in most states, includes two different hearings, both of which the petitioner must attend.⁴⁰ The first is an ex parte hearing.⁴¹ This is not a full court hearing, and the respondent does not have a right to appear and present their testimony.⁴² At the conclusion of this hearing, per the judge's approval, a temporary order is issued and will last either a few days or weeks—based on different state statutes—until a final hearing can be scheduled.⁴³ At the final hearing, the respondent has the right to attend and present evidence to counter the petitioner's claims.⁴⁴ The court will either approve or deny the final order at the conclusion of this hearing.⁴⁵ The final order typically lasts for a set period of time, usually one to three years; however, the length varies by state and can even continue indefinitely.⁴⁶ The final order, in nearly every state, can be extended by petitioning the court upon expiration.

³⁶ *See id.*

³⁷ *See id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *See id.*

⁴⁵ *See id.*

⁴⁶ *See id.*

The evidentiary standard to obtain this initial final order is the same in every state, preponderance of the evidence.⁴⁷ As long as the petitioner can prove by a preponderance of the evidence that either harassment or an act of domestic violence occurred, they will obtain the order.⁴⁸ This ensures uniformity in the issuing of initial protective orders for victims of domestic violence.

C. Extension of the Initial Order

The uniformity mentioned above does not exist when the petitioner motions the court for an extension of the original order. There is no set standard for extension and every state seems to have a different answer to what that may look like. I have been able to separate the states based on their respective standards for extension into the following categories: easy standards, difficult standards, no standards, prohibited standards, and moderate standards.

1. Easy Standard

Kansas is an example of a state where it is extremely easy to obtain an extension of a protective order. In Kansas, the petitioner's desire to have the order extended is enough for it to be granted.⁴⁹ While this may appear to be a good standard, it is often criticized because of the excessive burden it places on the respondent.

The primary critiques of the Kansas standard come from states, such as Indiana, that fall into the difficult standard category. In Indiana, it is challenging to obtain an extension unless there is a violation of the order.⁵⁰ This is because the court in Indiana has determined that an extension of an order cannot be based on the initial circumstances; instead, it is the petitioner's burden to prove that an extension is "currently" necessary to

⁴⁷ Alexa Bejinariu, Emily I. Troshynski & Terance Miethe, *A Content Analysis of Civil Protection Order Statutes: What Makes Some State Statutes More Comprehensive Than Others?*, 48 AM. J. CRIM. JUST. 489, 491 (2021).

⁴⁸ *Id.*

⁴⁹ C.B. v. Bailey, No. 122,581, 2021 WL 2386378, at *2 (Kan. Ct. App. June 11, 2021).

⁵⁰ J.K. v. T.C., 25 N.E.3d 179, 181-82 (Ind. Ct. App. 2015).

prevent violence.⁵¹ The reason for this being that “if full compliance with a [prior] protective order can be a basis for extending the order or issuing a new one[,]” then this would open up the possibility to an indefinite and unnecessary protective order.⁵²

2. Difficult Standard

Along with Indiana, Delaware is another example of a state with a difficult standard for extension.⁵³ In order to get a protective order extended in Delaware, one of three conditions must be met: domestic violence has occurred since the entry of the order; the respondent has violated the order; or the respondent consented to the extension.⁵⁴ This standard also faces its own criticisms, specifically from the petitioners. Under this standard, protective orders must be disregarded by the respondent before an extension can be granted, rendering them essentially pointless in the petitioner’s eyes.

Arguments countering this standard often point to the fundamental purpose of the statutes which allow for protective orders to protect the victims of domestic violence.⁵⁵ While states like Alaska and Texas previously required a violation for an extension to be granted, both have since taken legislative action to combat the problems that occur under this standard.⁵⁶ The Alaska statute governing protective order extensions now states that an extension cannot be denied simply because “the act of domestic violence was the basis for a previous protective order[.]”⁵⁷ Texas has also changed its statute which allows petitioners to apply for an extension by providing an explanation of “the threatened harm that reasonably places the applicant in fear of imminent physical

⁵¹ *Id.* at 182.

⁵² Jack Kenney, *Supreme Court Interprets Civil Protection Order Act, Other Holdings*, RES GESTAE, Apr. 2020, at 20, 21 (alteration in original) (citing *S.H. v. D.W.*, 139 N.E.3d 214, 221 (Ind. 2020)).

⁵³ *See generally, e.g.*, *K.P. v. R.C.*, No. CS16-02279, 2024 WL 302099 (Del. Fam. Ct. Jan. 17, 2024).

⁵⁴ *Id.* at *5.

⁵⁵ Samuel R. Buchman, Note, *The Incomplete Process of Fixing Alaska’s Domestic Violence Protective Order Statute*, 37 ALASKA L. REV. 57, 65 (2020).

⁵⁶ *Id.* at 78; *Mitchell v. Mitchell*, 445 P.3d 660, 662 (Alaska 2019).

⁵⁷ Buchman, *supra* note 56, at 74 (citing ALASKA STAT. § 18.66.100(e) (2018)).

harm, bodily injury, assault, or sexual assault.”⁵⁸ These alterations demonstrate that this standard is too harsh and recognize the unfairness and danger it places on the petitioner.

3. No Standard for Extension

There are also some states that, despite having a statute that allows for an extension, have no standard established through case law for what that looks like.⁵⁹ This lack of guidance is especially problematic because it results in a lack of uniformity at the intra-state level, not just between states.⁶⁰ The lack of a clearly established standard gives judges too much discretion and allows for bias to influence the decision-making process, resulting in unpredictability.⁶¹

4. No Extensions Allowed

States that do not allow extensions based on their statutes require the petitioner to petition the court for an entirely new order upon expiration.⁶² This is a very rare case, though, with only a small number of states not allowing extensions at all.⁶³ In this circumstance, the court reissues an order based on the same standard used to obtain the original—the petitioner proves by a preponderance of the evidence that an act of domestic violence or harassment occurred.⁶⁴ The issue with this standard is that it is dependent upon state statute if the same underlying instance can be used to obtain a subsequent order.⁶⁵ If the petitioner seeks a reissuance of an order in a state where the same underlying

⁵⁸ *Id.* at 78.

⁵⁹ *See, e.g.*, GA. CODE ANN. § 19-13-4(c) (2025); *see also* HAW. REV. STAT. § 586-5.5(a) (2025).

⁶⁰ *See* Buchman, *supra* note 56, at 76.

⁶¹ *Id.* at 77.

⁶² *See, e.g.*, ARIZ. REV. STAT. ANN. § 13-3602 (2025).

⁶³ Arizona is an example of a state with no ability to extend a protective order. Because there is no ability for extension listed in the state’s statute, the petitioner must repetition the court for a new order upon expiration. *See id.*

⁶⁴ Bejinariu et al., *supra* note 48, at 491.

⁶⁵ Some states provide that an instance used to issue a previous order cannot be used to issue subsequent orders. *See, e.g.*, J.K. v. T.C., 25 N.E.3d 179, 181-82 (Ind. Ct. App. 2015); Other states allow previously used instances as a means to demonstrate the need for a subsequent order. *See, e.g.*, Hardy-Wilson v. Hadaway, No. 21-0336, 2021 WL 5475585, at *2 (Iowa Ct. App. Nov. 23, 2021).

instance cannot be used, it creates the same issues present in the difficult standard in which a violation must occur, creating unfairness towards the petitioner. However, if the state does not require a new instance for the new petition, then the unfairness tips towards the respondent, creating a potentially endless order.

5. Moderate Standard

Finally, states like Iowa are somewhere in the middle to represent a moderate approach. In Iowa, mere trepidation is not enough for an extension.⁶⁶ A new instance of domestic violence does not have to occur, but the petitioner must prove that the domestic abuser continues to pose a threat to their safety.⁶⁷ This is a good jumping off point when attempting to craft a standard that facilitates fairness to both the petitioner and the respondent. However, the primary issue with this is that defining what constitutes a “threat to the victim’s safety” needs to be made clear. Otherwise, it will become a only slightly more defined version of the no extension standard, where interpretation is left up to individual states and judges.

II. PROBLEM

As seen above, all of the current categories into which states may fall present their own problems of fairness, some of which are completely at odds with the purpose of protective orders.⁶⁸ This comment attempts to resolve these problems by advocating for a uniform standard that would provide a holistic solution to all of the issues arising as a result of the lack of uniformity in the extension of protective orders. The first, and arguably most

⁶⁶ *Hardy-Wilson*, 2021 WL 5475585, at *3.

⁶⁷ *Id.*

⁶⁸ The Senate report discusses the overall purpose of the VAWA and in turn protective orders by stating: “The Violence Against Women Act represents an essential step in forging a national consensus that our society will not tolerate violence against women. The act recognizes that many women fear for their safety whether they are at home, on the street, or at school . . . The Violence Against Women Act is designed to remedy not only the violent effects of the problem, but the subtle prejudices that lurk behind it.” Emily J. Sack, *Domestic Violence Across State Lines: The Full Faith and Credit Clause, Congressional Power, and Interstate Enforcement of Protection Orders*, 98 NW. U. L. REV. 827, 838 (2004) (alteration in original) (quoting S. REP. NO. 103-138, at 41-42 (1993)).

critical, problem is the unfairness to both the petitioner and the respondent resulting from unequal and wildly different standards of extension. Secondly, enforcement of the orders, especially between states, appears to be illogical without a uniform standard for extension.

The wildly different standards for extensions pose unfair advantages or hurdles for some victims of domestic violence. When looking at states such as Delaware that require a violation for there to be an extension,⁶⁹ the frustration and risk involved in getting an order extended is much higher than the simple request necessary for an extension in states such as Kansas.⁷⁰ However, the unfair circumstances are not limited just to the petitioners. The lack of uniformity may also pose unfair circumstances for respondents. Using the same example above, if all a petitioner must do in Kansas is request an extension, then the respondent may not pose a threat to the petitioner anymore but will still be subjected to criminal charges for contacting them in any way. This is an unfair circumstance that may hinder certain rights and abilities of respondents when it is no longer necessary.⁷¹ The purpose of protective orders is to aid and protect the victims of domestic violence.⁷² The unfairness resulting from the lack of uniformity appears to be counterintuitive to that goal. Instead, it demonstrates that in some circumstances the petitioner's protection is paramount to the respondent's civil rights, but in others it is only of actual importance when obtaining an original order. It is in very limited circumstances that we see a balance, or at least an attempt at balance, between ensuring protection for victims and weighing the rights of abusers.

A secondary issue to look at when discussing protective orders is enforcement of the orders. Law enforcement is required to enforce orders issued by other states when a violation occurs

⁶⁹ K.P. v. R.C., No. CS16-02279, 2024 WL 302099, at *5 (Del. Fam. Ct. Jan. 17, 2024).

⁷⁰ See generally C.B. v. Bailey, No. 122,581, 2021 Kan. App. Unpub. LEXIS 324 (Kan. Ct. App. June 11, 2021).

⁷¹ Cherry Henault, Note, *The Reissuance of Domestic Violence Orders Under Kentucky Law: A Due Process Analysis*, 40 BRANDEIS L.J. 575, 583-85 (2001).

⁷² Sack, *supra* note 69, at 840.

within their jurisdiction.⁷³ This is logical when looking at enforcement of the original order due to the uniform standard of obtaining it. However, because there is no uniform standard for extension between the states, this no longer appears logical when being evaluated in that situation. This opens the very real possibility of law enforcement officers enforcing an order that would not have been granted in their jurisdiction.⁷⁴ This is an obvious issue. However, it is important to note that this is not an issue limited just to enforcement between states. States, such as Georgia, that have no state-wide standard dictating what circumstances would allow an order to be extended, instead have variations of different standards within the state. This means that even county by county it is up to the individual judge's discretion if an order gets extended. Because of this, the lack of uniformity is not only an issue on a national scale but is also an internal problem for some states.

III. SOLUTION

To decide what uniformity should look like, this Comment seeks to figure out which state has it “right.” The best example of what a standard for extension should look like is the District of Columbia. In D.C., the statute explains that there must be a show of good cause for an extension.⁷⁵ This is something that the statutes of several other states also require.⁷⁶ D.C., however, differs because it provides an interpretation of “good cause” through case law, along with factors that should be evaluated in determining whether the harm still exists.⁷⁷

⁷³ *Id.* at 838-39 (“The Full Faith and Credit Provision of the Violence Against Women Act of 1994 . . . provides that a protection order of one state that meets the requirements of the Act shall be accorded full faith and credit by the court of another state and enforced as if it were the order of the enforcing state.”).

⁷⁴ *Id.*

⁷⁵ D.C. CODE § 16-1005(d) (2025).

⁷⁶ *See, e.g.*, IDAHO CODE ANN. § 39-6306(5) (2025) (“[A]n order obtained pursuant to this chapter may, upon motion and upon good cause shown, continue for an appropriate time period as directed by the court or be made permanent if the requirements of this chapter are met”); 750 ILL. COMP. STAT. ANN. 60/220(e) (West 2025) (“An extension of a plenary order of protection may be granted, upon good cause shown, to remain in effect until the order of protection is vacated or modified.”).

⁷⁷ *See Ramirez v. Salvaterra*, 232 A.3d 169, 187-89 (D.C. 2020).

The D.C. case that helps to define the standard provided in their statute is *Ramirez v. Salvaterra*.⁷⁸ The case defines “good cause” as “a cognizable danger that the respondent will commit or threaten to commit a criminal [act] against the petitioner in the coming year if the [protective order] is not extended.”⁷⁹ The case further provides that this is determined by evaluating the party’s relationship, interactions prior and during the order, any prior orders issued, and each of their current situations.⁸⁰ The second prong to this test requires good cause found for the extension to be balanced against the harms posed for each party if an extension is granted.⁸¹ Both prongs of this test institute safeguards to ensure neither party is unnecessarily burdened.

In addition to explaining what “good cause” is and how to evaluate a case if it is present, *Ramirez* also provides other fairness safeguards.⁸² The duration of an extension in D.C. is statutorily set at two years.⁸³ However, the statute provides the court with the discretion to increase this extension duration.⁸⁴ The *Ramirez* case establishes a standard for when this longer extension may be granted.⁸⁵ If the time of extension is more than the statutory two years, the court must find: (1) that the initial order was violated; (2) there was a previous order prior to the current one being extended that had the same respondent; and (3) there are other compelling circumstances relating to the

⁷⁸ See generally *id.* In the *Ramirez* case, the petitioner petitioned for a third extension of an order originally granted in 2014. *Id.* at 173. The trial court stated that there was not a violation of the order; the health of the respondent had declined; and there had been a sufficient lapse in time since the original order; thus, the “entire mosaic of the case” did not show good cause for extension. *Id.* at 177-78. The court of appeals, however, stated that the trial court did not take into account the fear still present in the petitioner as well as the severity of the original crime committed, both of which, when taken into account with the rest of the “mosaic of the case” allow for an extension. *Id.* at 189-90.

⁷⁹ *Id.* at 173.

⁸⁰ *Id.* (“In making this determination, the court must evaluate the entire mosaic of the case, including the parties’ relationship and interactions both before and after the issuance of the [protective order] and any prior extension of the [protective order], as well as the parties’ current circumstances.”).

⁸¹ *Id.*

⁸² *Id.* at 182, 193.

⁸³ D.C. CODE § 16-1005(d)(3) (2025).

⁸⁴ *Id.*

⁸⁵ See *Ramirez*, 232 A.3d at 181-89, 195.

petitioners welfare.⁸⁶ This is a significant point because statutory limits ensure some level of fairness to the respondent to not subject them to perpetual no contact orders—so maintaining them is important. However, recognizing that in some situations, dangers may persist beyond the statutorily designated time creates another layer of protection for the petitioner. Having the option to extend the time of protection for reasonable circumstances aids in achieving fairness for both petitioners and respondents.

D.C. is a good standard for extension because it interprets the phrase “for good cause shown” which is included in the statutes of many other states and defines exactly what aspects of the relationship can and should be evaluated to determine the necessity of an extension.⁸⁷ It also goes beyond that and explains what must be present if the extension is longer than the standard time based on the statute.⁸⁸ This is important considering many states that do allow for extensions explain in their statute that there is a set time the extension can be granted for, but the time can change based on the court’s discretion. Defining what that looks like is also important in ensuring fairness along with uniformity.

IV. CRITIQUES

Whenever there is a discussion of uniformity of a family law issue, the primary argument tends to be in support of the doctrine of “federalism in family law.”⁸⁹ This doctrine is one that has dictated family law issues since the Constitution was adopted in

⁸⁶ *Id.* at 185.

⁸⁷ Compare *Ramirez*, 232 A.3d at 178-89, with IDAHO CODE ANN. § 39-6306(5) (2025) (“[A]n order obtained pursuant to this chapter may, upon motion and upon good cause shown, continue for an appropriate time period as directed by the court or be made permanent if the requirements of this chapter are met . . .”), and 750 ILL. COMP. STAT. ANN. 60/220(e) (West 2025) (“An extension of a plenary order of protection may be granted, upon good cause shown, to remain in effect until the order of protection is vacated or modified.”).

⁸⁸ See *Ramirez*, 232 A.3d at 182-89.

⁸⁹ Lynn D. Wardle, *From Slavery to Same-Sex Marriage: Comity Versus Public Policy in Inter-Jurisdictional Recognition of Controversial Domestic Relations*, 2008 BYU L. REV. 1855, 1881 (2008).

1788.⁹⁰ However, the doctrine of federalism in family law has been criticized and ignored by the court.⁹¹ At its inception, our nation's founders feared tyranny. This fear was addressed in the Constitution by advocating for and establishing a strong sense of federalism.⁹² Family law was one area of the law that the framers felt could be left to the states as a safeguard against their fear of tyranny.⁹³ However, this was a solution reflecting a fear that is no longer present and actually hinders necessary advancements in family law to reflect the development of civil rights for groups such as the LGBTQ+ community.⁹⁴ Over 200 years later, significant social movements have occurred that have shaped the way family law issues are viewed and defined. Therefore, a strict application of the doctrine of federalism has and will continue to hinder changes on issues that are "critical for coherent deconstructionism."⁹⁵ For this reason, federalism in family law has also been critiqued by both advocates and opponents of different family law policy proposals.⁹⁶ Both sides of family law debates on issues such as same-sex marriage have sought decisions at the national level, rejecting the doctrine of federalism in family law entirely.⁹⁷

⁹⁰ *Id.* ("Moreover, the Founders, both Federalists and Anti-Federalists, emphasized and celebrated the fact that the national government had no power to directly regulate domestic relations under the Constitution. The principle of federalism in family law—that family law falls within the residual sovereign power of the states—has been recognized since 1787.").

⁹¹ Lynn D. Wardle, *Tyranny, Federalism, and the Federal Marriage Amendment*, 17 YALE J.L. & FEMINISM 221, 221 (2005) ("In many decisions during the past thirty years, federal courts (especially) have simply ignored the principle of federalism in family law, and the judicial doctrine of deference to federalism in family law seems to have eroded significantly.").

⁹² *Id.* at 226 ("[R]estraining tyranny by preventing the concentration of despotic power in a central government was the primary purpose of the American Founders' version of federalism.").

⁹³ *Id.*

⁹⁴ See generally, e.g., Lynn D. Wardle, *The Proposed Federal Marriage Amendment and the Risks to Federalism in Family Law*, 2 U. ST. THOMAS L.J. 137 (2004).

⁹⁵ *Id.* at 138. A timely example of this would be the debate surrounding same sex marriage.

⁹⁶ *Id.*

⁹⁷ *Id.* at 139 ("What both the advocates of same-sex marriage and the supporters of the FMA appear to have in common is their desire to decide the same-sex marriage issue at the national level, and to override, circumvent, or modify the doctrine of federalism in family law.").

It is important to note that the VAWA itself has not been immune to criticisms, specifically when it comes to arguments advocating for federalism in family law.⁹⁸ For example, even though the primary argument is focused on Congress's ability to use the Commerce Clause to create a federal cause of action for victims of rape and other forms of gender violence as a provision in the VAWA,⁹⁹ the doctrine of federalism in family law was also used to advocate against that portion of the VAWA. Many people disagreed with the provision, and the arguments in favor of federalism resulted in it not being upheld by the Supreme Court in the controversial *Morrison* case.¹⁰⁰ It is important to point out, however, that these arguments were centered around this singular provision and not the entirety of the VAWA.¹⁰¹ Additionally, eliminating the federal claim of action for victims did not also eliminate any of the protections offered to them through the criminal justice system or their ability to obtain a protective order. Therefore, striking down only this one provision demonstrated that there is still an acceptance for family law issues in cases where the legislation is providing necessary protection to vulnerable parties.

Aside from the doctrine of federalism in family law being abandoned to promote necessary social change, it has also been ignored for the purpose of protecting vulnerable people affected by different matters of family law. As discussed in greater detail throughout this Comment, several uniform acts geared towards protecting children and vulnerable spouses in issues surrounding child custody, child support, and divorce have been widely adopted.¹⁰² Victims of domestic violence are considered to be vulnerable people, thus prompting federal legislation such as the VAWA, which is designed to offer them protection. These are all examples showing that, while the doctrine of federalism in family

⁹⁸ See generally *United States v. Morrison*, 529 U.S. 598 (2000).

⁹⁹ *Id.* at 608-09.

¹⁰⁰ See generally *id.*

¹⁰¹ *Id.* The federal claim of action for victims was the only provision of the VAWA that was struck down as a result of the *Morrison* case. See *id.*

¹⁰² See generally, e.g., UNIF. CHILD CUSTODY JURISDICTION & ENF'T ACT (UNIF. L. COMM'N 1997); UNIF. MARRIAGE & DIVORCE ACT (UNIF. L. COMM'N 1973); Child Support Recovery Act of 1992, 18 U.S.C. § 228 (amended 1998). All are discussed in greater detail in the "Similar Circumstances" section of this Comment.

law is still a prominent argument against some types of federal family law legislation, there are certain groups that are afforded an exception for the purpose of protecting them, and domestic violence survivors have been considered one of those groups. Thus, advocating for uniformity at the federal level for extending protective orders, when necessary, aligns with the instances in which federalism in family law has been and can be ignored.

Another criticism, specifically regarding extending protective orders, appears to be the argument against continuing to subject the abusers to criminal repercussions for a violation of a civil order when it is no longer necessary.¹⁰³ While this is an understandable concern, some states, D.C. specifically, attempt to address this by including language requiring “good cause” for an extension. Providing a clear definition of what constitutes “good cause,” which D.C. does very well, is what will be essential in avoiding issuing extensions that are subjecting people to criminal charges when it is no longer necessary. The same benefit is provided by the time restrictions that many state statutes have, and D.C. addresses this as well. Therefore, adopting the D.C. standard would address this concern by establishing safeguards and clear definitions of the statute to prevent unnecessary extensions but make them obtainable when danger persists. This ensures fairness for both the petitioner and respondent.

V. SIMILAR CIRCUMSTANCES

The obvious solution to these problems, and the one proposed in this Comment, would be to create a uniform standard for the extension of protective orders. In order to craft and advocate for this solution, this Comment looks at other types of civil family law orders, such as child support orders, child custody orders, and marriage and divorce orders, that have been addressed on a federal level to achieve uniformity. Specifically, this Comment looks at these attempts at uniformity through the lens of modification when applicable. Looking at these different proposals for uniformity and the arguments behind each will aid in

¹⁰³ See generally Sean Stentiford, Note, *Abuse Prevention Orders and Juveniles: Change Is Needed to Protect Defendant Juveniles from Extra-Statutorily Issued Restraining Orders*, 13 SUFFOLK J. TRIAL & APP. ADVOC. 193 (2008).

supporting the proposition of uniformity in the extension of protective orders by discrediting arguments against uniformity that are based in the argument of federalism in family law.

A. Uniformity in Child Custody and Visitation Orders

The determination of child custody and any modifications after are based on what is coined the “child’s best interest” analysis.¹⁰⁴ Though when considering modifications, decisions are based on if there was a substantial change in circumstance prompting the petition for modification.¹⁰⁵ While on its face this may appear to be a uniform standard of sorts, there are many different interpretations of the best interest analysis, and there are many different ways it is utilized and weighed.¹⁰⁶ The same goes for the substantial change analysis.¹⁰⁷ Many states have a different idea of who must have a substantial change (the primary custodial parent, the noncustodial parent, or the child itself).¹⁰⁸ In addition, what counts as a substantial change is different in nearly every state.¹⁰⁹ These are not the only ways in which child custody differs between the states. For example, time requirements in between the issuance and an initial modification, and time requirements between then and any subsequent modifications also vary.¹¹⁰

¹⁰⁴ See generally Christopher P. Carrington, Case Note, *Hollandsworth v. Knyzewski*, 353 Ark. 470, 109 S.W.3d 653 (2003), 26 U. ARK. LITTLE ROCK L. REV. 615 (2004).

¹⁰⁵ See *id.* at 631 (“[T]o modify custody, the moving party must show that there has been a ‘material change in circumstances,’ not just conduct a simple best interests of the child analysis.” (citing *Hollandsworth v. Knyzewski*, 109 S.W.3d 653, 663 (2003))).

¹⁰⁶ See generally Deborah Greenberg Baron, Comment, *The Many Faces of Child Support Modification*, 16 J. AM. ACAD. MATRIM. LAWS. 259 (1999) (“The fifty states have created almost that many ways to modify child support.”).

¹⁰⁷ *Id.* at 261-63.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* “Change in circumstances” have been determined differently between all of the states in different case law. Some of the “circumstances” in question have been things such as incarceration, voluntary termination of employment, development of health condition, increase in the cost of the children’s needs with age, change in income percentage, and the need for medical coverage. *Id.*

¹¹⁰ *Id.* at 267 (“About one-fifth of the states have a limit on how often a party can file for a modification. Most of these statutes forbid a modification within a certain amount of time, unless the moving party can show a substantial and continuing change.”).

However, despite all these differences, there have been attempts at uniformity by the legislature regarding issuing and modifying child custody.¹¹¹ For example, both the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”)—formerly the Uniform Child Custody Jurisdiction Act—and the Uniform Marriage and Divorce Act (“UMDA”) address issues of child custody. The UCCJEA was designed because there was no guidance addressing jurisdictional issues relating to issuing child custody orders or modifications.¹¹² The goal of the UCCJEA was to explicitly lay out which state had jurisdiction over the children in custody matters, in order to avoid excessive and long-lasting litigation which burdens both the children and the litigants.¹¹³

The UMDA, on the other hand, addresses child custody in several ways. First, the UMDA explains the “best interest of the child” analysis as a way of determining child custody.¹¹⁴ This is now a concept that has been adopted in some form by every state as a way to make child custody decisions gender neutral.¹¹⁵ While, as mentioned above, not every state has adopted the UMDA’s guidelines for determining what is the “best interest of the child” and instead has developed their own idea of what that looks like, the concept and goal of this portion of the uniform act has

¹¹¹ Thomas H. Schulte, *Who’s in the Driver’s Seat?: Uniform Child Custody Jurisdiction and Enforcement Act*, ORANGE CNTY. LAW., Dec. 2014, at 36, 36.

¹¹² *Id.* (“There was a [t]ime when family law litigants, practitioners, and judicial officers found themselves enmeshed in interstate child custody disputes with no guidance from the law to resolve the jurisdictional quagmire created by actions concurrently filed in more than one state.”).

¹¹³ *Id.* (“[D]elays cause great harm to the subject child or children, and drastically increase the expenses incurred by the parties. Upon reviewing the appellate decisions involving the Act, it is evident that the failure to appropriately apply the law at the very outset of the litigation causes these unfortunate delays.”).

¹¹⁴ “The test for award of custody in the Uniform Act is the ‘best interest of the child’ theory.” William G. Callow, *Custody of the Child and the Uniform Marriage and Divorce Act*, 18 S.D. L. REV. 551, 555 (1973) (citing UNIF. MARRIAGE & DIVORCE ACT § 402 (UNIF. L. COMM’N 1973)).

The act directs the court to consider the wishes of the parents, the wishes of the child, the interrelationship of child and parents, brothers and sisters, and any other person significantly close to the child, the child’s adjustment to surroundings, and the mental and physical health of all individuals involved.

Id. (citing UNIF. MARRIAGE & DIVORCE ACT § 402 (UNIF. L. COMM’N 1973)).

¹¹⁵ *Id.*

remained the same: to protect children and their interests during challenging family times.¹¹⁶ The UMDA also addresses visitation requirements and guidelines for non-custodial parents.¹¹⁷ Additionally, it implements time constraints on modifications of custody orders.¹¹⁸ Both the section on visitation and on time constraints were produced with the intention of fostering relationships and stability for the child.¹¹⁹

While the UMDA has not been fully adopted by every state, several states have either adopted the entirety of the act or a significant portion of it, specifically its provisions relating to child custody laws.¹²⁰ The UCCJEA on the other hand has been adopted by every state except Massachusetts (which has adopted the UCCJA), the District of Columbia, Guam, and the Virgin Islands since the early 1980s.¹²¹ The purpose of pursuing uniformity in both of these acts was to mitigate harm to the child or children and decrease the burdens placed on the litigating parties.¹²² The complete adoption of the UCCJEA and the partial adoption of the UMDA demonstrate the understood need for uniformity and abandonment of federalism in family law when it comes to certain issues, such as those dealing with burdens placed on vulnerable parties like children or domestic violence survivors.

B. Uniformity of Child Support Orders

There have also been attempts to regulate and enforce child support at a federal level. First, the issuing of a child support order, as well as modifications to that order, are addressed by the UMDA, similarly to the issue of child custody. Additionally, Congress has used its Commerce Clause power to regulate and

¹¹⁶ *Id.*

¹¹⁷ “Visitation shall be granted to the noncustodial parent unless the court finds the visitation would seriously endanger ‘the child’s physical, mental, moral and emotional [sic] health.’” *Id.* at 556 (citing UNIF. MARRIAGE & DIVORCE ACT § 402 (UNIF. L. COMM’N 1973)).

¹¹⁸ *Id.* at 557 (“[T]he Act provides that no motion to modify a custody decree may be made earlier than two years after the order is entered, unless on the basis of affidavits filed, the judge decides there is reason to believe the present environment of the child may seriously endanger the child.”).

¹¹⁹ *Id.* (“Stability is defeated by frequent change in custody.”).

¹²⁰ See Baron, *supra* note 107, at 261.

¹²¹ Schulte, *supra* note 112, at 36.

¹²² See *id.*

enforce child support across state lines.¹²³ This was done initially with the passing of the federal Child Support Recovery Act (“CSRA”) in 1992, which was amended in 1998 by the federal Deadbeat Parent Act (“DPA”).¹²⁴

The UMDA proposes uniformity in modifying child support orders by basing modifications on a “change in circumstances.”¹²⁵ This is the same as the standard proposed by the UMDA for modifying child custody. Thus, it has similar issues. While not every state has fully adopted the UMDA, every state has integrated the “change of circumstances” requirement into their modification statutes in some capacity.¹²⁶ However, case law still largely dictates the interpretation of what constitutes a significant enough change for the purposes of modification.¹²⁷ Regardless of these differences, it is the acceptance by the legislature and the states of some form of uniformity that is promising for the purpose of this Comment.

The CSRA made nonpayment of child support across state lines punishable as a misdemeanor.¹²⁸ However, once it was amended through the DPA, the act of nonpayment across state lines became a felony.¹²⁹ Additionally, “[t]he DPA created a presumption of willful nonpayment that shift[ed] the burden of proof” from the custodial parent to the parent intended to be paying child support.¹³⁰ The law also separates the ability to pay from the ability to earn income, increasing the number of sources from which a noncustodial parent can use funds for payment.¹³¹

¹²³ See Darrell Baughn, *Throw the Book at Deadbeat Parents: Criminal Enforcement of Child Support Cases*, FAM. ADVOC., Fall 2000, at 49, 50.

¹²⁴ *Id.* at 50.

¹²⁵ Baron, *supra* note 107, at 261 (“According to the UMDA, modification is allowed upon a showing that the circumstances of the parties have changed such that the current order is unconscionable.”).

¹²⁶ *Id.* (“Nearly all states have a standard that parallels that incorporated in the UMDA.”).

¹²⁷ *Id.* (“While most states have incorporated this standard into their statutes, a few states still draw the standard from case law.”).

¹²⁸ See Baron, *supra* note 107, at 50.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.* (“Ability to pay does not mean ability to earn income. The money could come from worker’s compensation, Social Security benefits, or any other source.”).

Once again, the passage of these federal laws, as well as the partial adoption of the UMDA, demonstrates the legislature's willingness to step in and abandon the idea of federalism in family law when it concerns the well-being of certain populations. The passage of the CSRA and subsequently the DPA are especially important in demonstrating this point. By utilizing its commerce power, rather than simply proposing suggested uniform punishments for nonpayment, Congress showed that when there is an avenue for achieving uniformity to support vulnerable populations, it should be utilized.¹³²

C. Uniformity in Marriage and Divorce Orders

The UMDA was designed to be a comprehensive act addressing all areas of family law. As mentioned above, it provides guidance on modifications of child custody and child support which have been adopted, even though loosely interpreted, by all states. One aspect of the UMDA that has spread widely throughout the United States is the Act's allowance for the dissolution of a marriage based on "no-fault."¹³³ No-fault divorces were not accessible in every state before the passage of the UMDA.¹³⁴ Prior to this, divorces could only be granted based upon statutorily determined faults. This made obtaining a divorce challenging and inconsistent. This provision of the UMDA was designed to facilitate an easier divorce process reducing the burdens for both parties, including litigation costs, time, and public embarrassment.

Additionally, another largely adopted section of the UMDA is the doctrine of "equitable distribution" of marital assets upon dissolution.¹³⁵ This approach looks at marriage as a partnership, and thus, distribution of assets should be done fairly, regardless of title or other types of formal ownership.¹³⁶ The impact of this

¹³² See generally *id.*

¹³³ see also Robert J. Levy, *A Reminiscence About the Uniform Marriage and Divorce Act—and Some Reflections About Its Critics and Its Policies*, 1991 BYU L. REV. 43, 44 (1991).

¹³⁴ See *id.*

¹³⁵ *Id.*

¹³⁶ *Id.* ("[E]quitable distribution of marital property'—the concept that marriage should be treated as a partnership whose assets must be fairly distributed between the spousal partners at divorce without regard to their formal ownership.").

doctrine is not limited to property division, it also alters the determination of alimony award and amount.¹³⁷ Based on the equitable distribution approach, the property division acts as the assurance of fairness in a divorce and both parties being provided with the ability to adequately care for themselves outside of the marital relationship.¹³⁸ Because this is the typical reasoning behind issuing alimony, equitable distribution eliminates the need for such. Since alimony awards are designed to be largely left up to the discretion of the judge, this provision of the UMDA creates safeguards ensuring both parties are able to provide for themselves following a divorce without placing too many burdens on either party.

The UMDA provisions dictating the dissolution of marriages are designed to protect both parties, particularly ones that may be disadvantaged under the previous laws of individual states. The wide acceptance of these provisions, specifically, are once again examples of the legislature and the states being open to uniformity in family law for the purpose of fairness.

CONCLUSION

In conclusion, protective orders are a valuable resource for victims of domestic violence. The problem, however, is that the need for protection does not end when the initial order expires. Instead of having a uniform standard for extending orders, like we have with obtaining the original, we have a patchwork of states that have very different ideas of when an extension should be granted.

Developing a uniform standard is beneficial to the petitioners, the respondents, and to the law enforcement officers who are tasked with enforcing the orders even when they are granted outside of their jurisdiction. An extension standard that makes them available to those who need it while not being so lax as to perpetually punish abusers for past actions will not only provide safety to victims who are in need, but it will also address the primary criticism of extensions. Those primary criticisms being a rights argument for the respondents and arguments in

¹³⁷ See *id.* at 73-74.

¹³⁸ *Id.* at 44.

favor of the doctrine of federalism in family law. With the right standard, the respondent will not be overly burdened in some states while the petitioner is overly burdened in others. The D.C. standard offers such safeguards that directly address and resolve any issue of unfairness for either party by providing clear definitions and conditions required for extensions.

As far as federalism in family law is concerned, this is a deep-rooted doctrine originating with the constitution itself. However, that does not mean that it is the end-all-be-all for issues of family law. In fact, the courts have increasingly disregarded the doctrine while deciding many important cases involving the rights of communities, such as the LGBTQ+ community, in recent years. Additionally, the rejection of the doctrine is also visible in the many attempts at uniformity from the legislature and the adoption of proposed uniform standards throughout many states. All these attempts of uniformity of family law issues have been targeted to help vulnerable people, such as domestic violence victims. However, there has yet to be any attempts at uniformity in regard to the extension of protective orders. This is an area of the law that appears to be largely untouched and not discussed, yet, in desperate need of attention. If uniformity continues to be put aside in the extension of protective orders, then the larger issue of negative impacts on both petitioners and respondents' rights will continue to be present in different ways, at different times, and in different states.