

States Permitting Or Prohibiting Mutual Protective Orders Without A Separate Petition

June 2009

State	Mutual Order Without Separate Petition?	Statute
Alabama	No	<i>Ala. Code § 30-5-5 (c)(1)</i> A court may issue mutual protection orders only if a separate petition has been filed by each party.
Alaska	No	<i>Alaska Stat. 18.66.130(b)</i> A court may not grant protective orders against the petitioner and the respondent in the same action.
Arizona	No	<i>Ariz. Rev. Stat. § 13-3602(H)</i> . The court shall not grant a mutual order of protection. If opposing parties separately file verified petitions for an order of protection, the courts after consultation between the judges involved may consolidate the petitions of the opposing parties for hearing. This does not prohibit a court from issuing cross orders of protection.
Arkansas	No	<i>Ark. Code Ann. § 9-15-216.</i> (a) Except as provided in subsection (b) of this section, a court shall not grant a mutual order of protection to opposing parties. (b) Separate orders of protection restraining each opposing party may only be granted in cases where each party: (1) Has properly filed and served a petition for a protection order; (2) Has committed domestic abuse as defined in § 9-15-103; (3) Poses a risk of violence to the other; and (4) Has otherwise satisfied all prerequisites for the type of order and remedies sought.
California	Yes	<i>Cal. Fam. Code § 6305.</i> Conditions for issuance of mutual order: The court may not issue a mutual order enjoining the parties from specific acts of abuse unless both parties personally appear and each party presents written evidence of abuse or domestic violence and (b) the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense.
Colorado	Yes	<i>Colo. Rev. Stat. § 13-14-102 (18)</i> . A court shall not grant a mutual protection order to prevent domestic abuse for the protection of opposing parties unless each party has met his or her burden

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		of proof as described in subsection (4) of this section and the court makes separate and sufficient findings of fact to support the issuance of the mutual protection order to prevent domestic abuse for the protection of opposing parties. No party may waive the requirements set forth in this subsection (18).
Connecticut	Statute is silent	<i>Conn. Gen. Stat. § 46b-1</i>
Delaware	Statute is silent	<i>Del. Code Ann. Tit. 10 § 1045</i>
District of Columbia	Statute is silent	<i>D.C. Code § 16-1003</i>
Florida	No	<i>Fla. Stat. § 741.30 (i)</i> . The court is prohibited from issuing mutual orders of protection. This does not preclude the court from issuing separate injunctions for protection against domestic violence where each party has complied with the provisions of this section. Compliance with the provisions of this section cannot be waived.
Georgia	No	<i>Ga. Code Ann. § 19-13-4. (a)</i> ...The court shall not have the authority to issue or approve mutual protective orders...unless the respondent has filed a verified petition as a counter petition...no later than three days, not including Saturdays, Sundays, and legal holidays, prior to the hearing.
Hawaii	Statute is silent	<i>Haw. Rev. Stat. § 586-3</i>
Idaho	Yes	<i>Idaho Code § 39-6306 (6)</i> In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original

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		petitioner is the abuser and the original respondent is the victim of domestic violence.
Illinois	No	<i>750 Ill. Comp Stat. 60/215.</i> Mutual orders of protection are prohibited. Correlative separate orders of protection undermine the purposes of this Act and are prohibited unless both parties have properly filed written pleadings, proved past abuse by the other party, given prior written notice to the other . . . , satisfied all prerequisites for the type of order and each remedy granted, and otherwise complied with this Act. In these cases, the court shall hear relevant evidence, make findings, and issue separate orders . . . The fact that correlative separate orders are issued shall not be a sufficient basis to deny any remedy to petitioner or to prove that the parties are equally at fault or equally endangered.
Indiana	No	<i>Ind. Code § 34-26-5-14 (a).</i> A court may not grant a mutual order for protection to opposing parties. (b) If both parties allege injury, the parties shall do so by separate petitions. The trial court shall review each petition separately in an individual or a consolidated hearing and grant or deny each petition on the petition's individual merits. If the trial court finds cause to grant both petitions, the court shall do so by separate orders with specific findings justifying the issuance of each order. See <i>Ind. Code § 34-26-5-2 (c)</i> .
Iowa	No	<i>Iowa Code § 236.20.</i> Mutual protective orders prohibited. A court in an action under this chapter shall not issue mutual protective orders against the victim and the abuser unless both file a petition requesting a protective order.
Kansas	No	<i>Kan. Stat. Ann. § 60-3107.</i> (b) No protection from abuse order shall be entered against the plaintiff unless: (1) The defendant properly files a written cross or counter petition seeking such a protection order; (2) The plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in subsection (d) of K.S.A. 60-3104, and amendments thereto; and (3) The issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-

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Kentucky	No	<i>Ky. Rev. Stat. Ann. § 403.735(2)</i> A court may issue mutual protective orders only if a separate petition is filed by the respondent.
Louisiana	No	<i>La. Rev. Stat. Ann. 46:2133(C)</i> . An adult may seek relief under this Part by filing a petition with the court alleging abuse by the defendant. [Court interpreted the statute and held that mutual restraining orders are prohibited because it would violate the Petitioner's procedural due process rights. <i>Bays v. Bays</i> , 779 So.2d 7 (2001)].
Maine	No	<i>Me. Rev. Stat. Ann. Tit. 19-A, § 4007(7)</i> . The court may not issue a mutual order of protection or restraint.
Maryland	No	<i>Md. Code Ann. Fam. Law § 4-506 (3)</i> (i) Subject to the provisions of subparagraph (ii) of this paragraph, in cases where both parties file a petition under § 4-504 of this subtitle, the judge may issue mutual protective orders if the judge finds by clear and convincing evidence that mutual abuse has occurred. (ii) The judge may issue mutual final protective orders only if the judge makes a detailed finding of fact that: 1. both parties acted primarily as aggressors; and 2. neither party acted primarily in self-defense.
Massachusetts	Yes	<i>Mass. Gen. Laws Ann. Ch. 209A, § 3</i> . A court may issue a mutual restraining order or mutual no-contact order pursuant to any abuse prevention action only if the court has made specific written findings of fact. The court shall then provide a detailed order, sufficiently specific to apprise any law officer as to which party has violated the order, if the parties are in or appear to be in violation of the order.

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Michigan	No	<i>Mich. Comp. Laws § 600.2950(8)</i> A personal protection order shall not be made mutual. Correlative separate personal protection orders are prohibited unless both parties have properly petitioned the court pursuant to subsection (1).
Minnesota	No	<i>See Fitzgerald v. Fitzgerald, 406 N.W.2d 52 (1987); Mechtel v. Mechtel, 528 N.W.2d 916 (1995).</i>
Mississippi	Statute is silent	<i>Miss. Code. Ann. § 93-21-15(2)</i>
Missouri	No	<i>Mo. Rev. Stat. 455.050(2).</i> Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.
Montana	No	<i>Mont. Code. Ann. § 40-15-202 (3)</i> The order of protection may not be made mutually effective by the court. The respondent may obtain an order of protection from the petitioner only by filing an application for an order of protection and following the procedure described in this chapter.
Nebraska	No	<i>Neb. Rev. Stat. § 42-924.03.</i> A court shall only grant a respondent a protection order if (1) the respondent files a cross or counter petition seeking a protection order and (2) the issuing court makes specific findings of domestic or family abuse against the respondent and determines that the respondent is entitled to a protection order.

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Nevada	Statute is silent	<i>Nev. Rev. Stat. § 33.020(1)</i>
New Hampshire	No	<i>N.H. Rev. Stat. Ann. § 173-B:5(V) (a)</i> Mutual orders for relief shall not be granted. (b) Cross orders for relief may be granted only if: (1) The court has made specific findings that each party has committed abuse against the other; and (2) The court cannot determine who is the primary physical aggressor.
New Jersey	Statute is silent	<i>N.J. Stat. Ann. § 2C:25-28</i>
New Mexico	Statute is silent	<i>N.M. Stat. § 40-13-3</i>
New York	No	<i>N.Y. Dom. Rel. Law § 240(e)</i> No order of protection may direct any party to observe conditions of behavior unless: (i) the party requesting the order of protection has served and filed an action, proceeding, counter-claim or written motion and, (ii) the court has made a finding on the record that such party is entitled to issuance of the order of protection . . .
North Carolina	No	<i>N.C. Gen. Stat. § 50B-3(b)</i> . Protective orders entered, including consent orders, shall not be mutual in nature except where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted as aggressors, that neither party acted primarily in self-defense, and that the right of each party to due process is preserved.
North Dakota	No	<i>N.D. Cent. Code § 14-07.1-02(5)</i> . A court of competent jurisdiction may issue a dual protection order restricting both parties involved in a domestic violence dispute if each party has commenced an action pursuant to subsection 1 (requiring verified application) and the court, after a hearing, has made specific written findings of fact that both parties committed acts of domestic violence and that neither party acted in self-defense. The order must clearly define the responsibilities and

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		restrictions placed upon each party so that a law enforcement officer may readily determine which party has violated the order if a violation is alleged to have occurred
Ohio	No	<i>Ohio Rev. Code Ann. 3113.31(E)(4)</i> A court may not issue a protection order that requires a petitioner to do or to refrain from doing an act that the court may require a respondent to do or to refrain from doing under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this section unless all of the following apply: (a) The respondent files a separate petition for a protection order in accordance with this section...
Oklahoma	No	<i>Okla. Stat. Tit. 22 § 60.4(J)</i> . 1. A court shall not issue any mutual protective orders. 2. If both parties allege domestic abuse by the other party, the parties shall do so by separate petitions. The court shall review each petition separately, in an individual or a consolidated hearing and grant or deny each petition on its individual merits. If the court finds cause to grant both motions, the court shall do so by separate orders and with specific findings justifying the issuance of each order.
Oregon	Statute is silent	<i>Or. Rev. Stat. § 107.718</i>
Pennsylvania	No	<i>23 Pa. Cons. Stat. Ann. § 6108(c)</i> .--Mutual orders of protection shall not be awarded unless both parties have filed timely written petitions, complied with service requirements under section 6106 (relating to commencement of proceedings) and are eligible for protection under this chapter. The court shall make separate findings and, where issuing orders on behalf of both petitioners, enter separate orders.
Rhode Island	Statute is silent	<i>R.I. Gen. Laws § 15-15-1</i>
South Carolina	Yes	<i>S.C. Code Ann. § 20-4-60(e)</i> . No mutual order of protection may be granted unless the court sets forth findings of fact necessitating the mutual order or unless both parties consent to a mutual order.

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South Dakota	Yes	<i>S.D. Codified Laws § 25-10-5.2.</i> No court may, pursuant to the provisions of § 25-10-5, issue a mutual order enjoining both petitioner and respondent from committing acts of domestic abuse unless: (1) Both the petitioner and the respondent personally appear; (2) The respondent alleges, under oath, the existence of domestic abuse by stating the specific facts and circumstances of the domestic abuse; (3) The court finds, by a preponderance of the evidence, that domestic abuse has taken place.
Tennessee	Statute is silent	Tenn. Code Ann. § 36-3-601
Texas	Unclear	<i>Tex. Fam. Code Ann. § 85.003.</i> Separate Protective Orders Required. (a) A court that renders separate protective orders that apply to both parties and require both parties to do or refrain from doing acts under Section 85.022 shall render two distinct and separate protective orders in two separate documents that reflect the appropriate conditions for each party.(b) A court that renders protective orders that apply to both parties and require both parties to do or refrain from doing acts under Section 85.022 shall render the protective orders in two separate documents. The court shall provide one of the documents to the applicant and the other document to the respondent.(c) A court may not render one protective order under Section 85.022 that applies to both parties.
Utah	No	<i>Utah Code Ann. § 78B-7-108 (1).</i> A court may not grant a mutual order or mutual orders for protection to opposing parties, unless each party: (a) has filed an independent petition against the other for a protective order, and both petitions have been served; (b) makes a showing at a due process protective order hearing of abuse or domestic violence committed by the other party; and (c) demonstrates the abuse or domestic violence did not occur in self-defense. (2) If the court issues mutual protective orders, the circumstances justifying those orders shall be documented in the case file.
Vermont	Statute is silent	<i>Vt. Stat. Ann. Tit. 15, § 1101</i>
Virginia	Statute is silent	<i>Va. Code Ann. § 16.1-243</i>

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Washington	Yes, but only a temporary order	<i>Wash. Rev. Code § 26.50.060(4)</i> . In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.
West Virginia	No	<i>W. Va. Code § 48-27-507</i> . Mutual protective orders are prohibited unless both parties have filed a petition . . . and have proven the allegations of domestic violence by a preponderance of the evidence. This shall not prevent other persons, including the respondent, from filing a separate petition. The court may consolidate two or more petitions if he or she determines that consolidation will further the interest of justice and judicial economy. The court shall enter a separate order for each petition filed.
Wisconsin	No	<i>Wis. Stat. 813.12 (4(a))(3(b))</i> . The judge or circuit court commissioner may enter an injunction only against the respondent named in the petition. No injunction may be issued under this subsection under the same case number against the person petitioning for the injunction.
Wyoming	No	<i>Wyo. Stat. Ann. 35-21-105(h)</i> . The court shall not make any provisions of a single order of protection mutually effective. The court may issue a separate order of protection to each party, provided: (i) Each party has filed a separate written petition for an order of protection; and (ii) The court makes specific findings on the record that both parties have committed acts of domestic abuse and that each party is entitled to a separate order of protection.

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