WEST VIRGINIA CODE: §48-28B-4

§48-28B-4. Enforcement of Canadian Domestic Violence Protective Order by Court

(a) A court may issue an order enforcing or refusing to enforce a Canadian domestic violence protective order on application of a:

(1) Person authorized by law of this state, other than this act, to seek enforcement of a domestic violence protective order; or

(2) Respondent.

(b) In a proceeding under subsection (a) of this section, the court shall follow the procedures of this state for enforcement of a domestic violence protective order as contained in the West Virginia Rules of Practice and Procedure for Domestic Violence. An order entered under this section is limited to the enforcement of the terms of the Canadian domestic violence protective order as defined in §48-28B-2 of this code.

(c) A Canadian domestic violence protective order is enforceable under this section if:

(1) The order identifies a protected individual and a respondent;

(2) The order is valid and in effect;

(3) The issuing court had jurisdiction over the parties and the subject matter under law applicable in the issuing court;

(4) The order was issued on a basis for which a domestic violence protective order would be issued in this state for conduct that would constitute domestic violence under this code; and

(5) The order was issued after:

(A) The respondent was given reasonable notice and had an opportunity to be heard before the court issued the order; or

(B) In the case of an ex parte order, the respondent was given reasonable notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with the right of the respondent to due process.

(d) A Canadian domestic violence protective order valid on its face is prima facie evidence of its enforceability under this article.

(e) A claim that a Canadian domestic violence protective order does not comply with subsection (c) of this section is an affirmative defense in a proceeding seeking enforcement of the order. If the court determines that the order is not enforceable, the court shall issue

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an order that the Canadian domestic violence protective order is not enforceable under this section, and §48-28B-3 of this code, and may not be registered pursuant to the requirements of §48-28B-5 of this code.

(f) This section applies to enforcement of a provision of a Canadian domestic violence protective order against a party to the order in which each party is a protected individual and respondent only if:

(1) The party seeking enforcement of the order filed a pleading requesting the order from the issuing court; and

(2) The court made specific findings that entitled the party to the enforcement sought.

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