



BWJP

CHANGING SYSTEMS
TRANSFORMING LIVES



PROTECTION ORDERS

NATIONAL CENTER ON PROTECTION
ORDERS AND FULL FAITH & CREDIT



GUN VIOLENCE

NATIONAL CENTER ON GUN
VIOLENCE IN RELATIONSHIPS

GUIDE TO JUDICIAL NOTIFICATION

APRIL 2025

BWJP

Guide to Judicial Notification

The 2005 Reauthorization of the Violence Against Women Act (VAWA) included a certification requirement in the [STOP Grants Program](#),¹ requiring any applicant for STOP funds (including States) to certify that *“its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of Title 18, United States Code, and any applicable related Federal, State, or local laws[.]”*²

34 U.S.C. § 10449(e)(1)(A)

(e) Judicial notification

(1) In general A State or unit of local government shall not be entitled to funds under this subchapter unless the State or unit of local government—

(A) certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 and any applicable related Federal, State, or local laws [.]

What does this mean?

STOP funding depends on the Court’s ability to show that they have a policy or practice that reliably informs domestic violence offenders in cases involving protection orders and misdemeanor crimes of domestic violence about the potential or actual prohibitions they may face under federal, State, tribal, or local firearms laws. Failure to show compliance could result in your State losing all or part of its STOP grant funding. *Law enforcement, prosecution, and victim services (as well as courts) depend on courts meeting the grant conditions for STOP funding.*

What role do judges and systems actors play in implementing Judicial Notification?

The Judicial Notification requirements of VAWA are effective only when implemented alongside other federal, state, local, and tribal laws related to firearms and domestic violence. Judges play a primary role in providing this notification; however, court clerks and law enforcement personnel responsible for serving legal documents also have important responsibilities in informing individuals subject to protection orders and those convicted of misdemeanor domestic violence offenses. This notification is a crucial component of a comprehensive system designed to prevent abusers from using firearms against victims, their children, and others.

Does Judicial Notification create any constitutional concerns for the parties?

Judicial Notification does not raise any Due Process concerns under the Constitution, nor does it create any issues related to the Second Amendment. By establishing this requirement, Congress is simply involving the courts to inform domestic violence offenders about potential restrictions on their ability to possess or purchase firearms under federal, state, local, or tribal laws. The failure to provide this notification does not create any new legal rights or concerns or serve as a defense for domestic violence offenders who wish to challenge their restrictions on firearms possession and purchase. Since the courts providing notification are only disseminating information about existing firearms laws that effect domestic violence offenders and are not responsible for enforcing these laws, there are no Second Amendment concerns.

What is new about Judicial Notification?

In 2022, the Bipartisan Safer Communities Act expanded the federal firearm prohibition for people convicted of certain misdemeanor crimes of domestic violence, 18 U.S.C. § 922(g)(9), to also include dating violence. The new relationship category of dating partners applies to a defendant who was in a current or recent former dating relationship with the victim. If the victim and defendant were dating partners, the prohibition is only applicable to convictions on or after June 25, 2022. For further information on the new expansion of MCDV to include dating partners, see, [ATF's Frequently Asked Questions on Misdemeanor Crimes of Domestic Violence](#) and [Guidance on Misdemeanor Crimes of Domestic Violence](#). See also, [The New Misdemeanor Dating Violence Federal Firearms Prohibition](#). Courts must incorporate information into their Judicial Notification practices.

Facilitating Enforcement of Federal Firearms Prohibitions in Domestic Violence Cases:

How Should Notification be Provided in Civil and Criminal Cases?

Notification applies to many stages of proceedings

Protection orders:

- It may be printed in an interim, emergency, ex parte, or temporary order to be served to the respondent.³
- When a protection order is issued, the court may provide verbal notification on the record.
- Orders can have standardized checkboxes for courts to use—to document they are reading the required language.
- When the final protection order is issued, the court may include written language referring to federal, state, and local laws that may restrict the respondent's access to firearms based on the terms of the protection order.
- The court may provide repeated notification during contempt, enforcement, or modification hearings after the issuance of the order.
- Notification can also be provided by a printed handout that the court gives directly to a respondent or that is included with the order served to the respondent.

Criminal proceedings:

Judicial notification should be provided extensively throughout all types of criminal proceedings. A person does not need to be convicted of a crime specifically labeled “domestic violence” for the federal prohibition to apply. As long as the conviction meets the requirements outlined in 18 U.S.C. § 921(a)(33) and (37), it can qualify as a relevant crime. For instance, an offense may not be referred to as “domestic violence” in the state penal code but could include charges such as assault, battery, or making terroristic threats that would meet the federal prohibition.⁴

- The court may provide notification to the offender verbally or in writing at any stage of the criminal process, including:
 - at arraignment or other pre-hearing stage, particularly if a no-contact or bail order is issued;
 - during the hearing or trial;
 - at a diversion hearing; or
 - post trial hearings such as sentencing, compliance review, or probation/parole violation hearings.

- Clerks, probation and parole officers, and prosecutors may provide a brochure or other written information to the misdemeanant during the criminal process.
- Law enforcement personnel serving notices of hearings or executing bench warrants may provide brochures to offenders.

State level compliance

Each year, states must submit an attachment to their STOP application to the Office on Violence Against Women (OVW) about compliance with each certification. For further information, see the [2024 STOP Solicitation](#). The following are examples of actions taken by the VAWA State Administrator to ensure compliance:

- The VAWA State Administrator annually reviews procedures to see if court practice complies;
- The VAWA State Administrator meets annually with State Court Administrators to review practices; and
- The VAWA State Administrator meets with the State Coalition Director to review obstacles to good practice and safety issues.

Local compliance

Courts should understand the basic level of notification and the benefits of more complex notification procedures that would implement notification in different ways and at multiple levels throughout the court process. Examples include the following:

- Identifying and annually reviewing ways to institutionalize good procedure
- Standard language on forms
- Changes to court rules
- Training for judges and court personnel

The following is suggested language to use on forms and to provide oral notification:

Person subject to a protection order.

“As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol or revolver, or ammunition pursuant to federal law under 18 U.S.C. § 922(g)(8) and/or state law. If you have any questions about whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney.”

Person convicted of MCDV.

“If you are convicted of a misdemeanor crime involving violence where you are or were a spouse, intimate partner, dating partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or state law. If you have any questions about whether these laws make it illegal for you to possess or purchase a firearm you should consult an attorney.”

For training and technical assistance on judicial notification, firearm-related issues, or protection order enforcement, please visit the [National Resource Center on Domestic Violence and Firearms](#) and the [National Center on Protection Orders and Full Faith and Credit](#).

Endnotes

- 1 The STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program is awarded to states and territories. It enhances the capacity of states and local communities to develop and strengthen effective strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. Each state and territory must allocate 25 percent for law enforcement, 25 percent for prosecutors, 30 percent for victim services (of which at least 10 percent must be distributed to culturally specific community-based organizations), 5 percent to state and local courts, and 15 percent for discretionary distribution. See the STOP Violence Against Women Formula Grant Program, available at <https://www.justice.gov/ovw/stop-violence-against-women-formula-grant-program> (last accessed November 30, 2024).
- 2 All States must be compliant with judicial notification. States had until the later of January 5, 2008, or the period ending on the date on which the next session (after January 5, 2006) of the State legislature ended, to comply with this certification requirement.
- 3 In some states ex parte order may provide for removal of firearms. Ex parte, temporary, or emergency orders generally are not considered “qualifying” orders because the respondent/defendant has not yet received notice and has not had an opportunity to participate in the hearing. See *U.S. v. Wilson*, 149 F.3d 280 (7th Cir. 1998). However, in scenarios where the ex parte order is continued after a hearing, the order may trigger the federal prohibition. See *U.S. v. Calor*, 340 F.3d 428 (6th Cir. 2003).
- 4 See 18 U.S.C. §§ 922(g)(9), 921(a)(33) (definition of a “misdemeanor crime of domestic violence”); 18 U.S.C. § 921(a)(37) (definition of “dating relationship”); 18 U.S.C. § 924(a)(2) & 925(a)(1); The Bipartisan Safer Communities Act, Section 12005, Public Law 117-159 (effective date of dating relationship provisions, June 25, 2022); 27 C.F.R. §§ 478.11, 478.32(a)(9).

This project was supported by Grant No. 15JOVW-21-GK-05133 MUMU and 15JOVW-23-GK-05140-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/presentation/exhibit are those of the author(s) and do not necessarily reflect the official views or policies of the departments and do not in any way constitute an endorsement by the Department of Justice, Office on Violence Against Women.



COPYRIGHT @ BWJP 2025
www.bwjp.org