

The Stream of Violence: A New Approach to Domestic Violence Personal Jurisdiction

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ABSTRACT

There is a split among state courts about whether personal jurisdiction over an alleged domestic violence perpetrator is required in order to obtain a civil protection order preventing the defendant from contacting the victim. Some courts have held that such orders interfere with the defendant's liberty interests, and therefore the Due Process Clause requires personal jurisdiction for the issuance of such orders. Other courts have held that personal jurisdiction is not required because such protection orders are analogous to custody and divorce orders, which, under the "status exception," courts have historically entered without establishing personal jurisdiction over the other party. This Article argues that the focus on the status exception is misplaced and that instead, courts should reframe the way they look at personal jurisdiction in domestic violence cases by applying the principles embedded in the stream of commerce doctrine and the effects test. Drawing upon common threads from each line of cases, the Article proposes a test for domestic violence jurisdiction that focuses on the knowledge of the defendant about the victim's likely destination if she is forced to flee to another state.

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Abraham L. Freedman Fellow, Temple University James E. Beasley School of Law. Thanks to Rick Greenstein, Theresa Glennon, and Jaya Ramji-Nogales for their helpful comments on this Article. I also really appreciated the comments I received from the attendees at the Central States Law Schools Association 2015 Scholarship Conference, the Delaware Valley Feminist Law Teachers Conference, and the International Society for Family Law, North American Regional Conference. Finally, as always, I appreciate the careful proofreading by my dad and my wife.

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