

[Letterhead]

[Date]

[Address]

Re: Fee for serving Protection from Stalking Order in Atchison County, KS, Case No.

Dear Sheriff _____:

My office has recently received a statement from your office dated _____ requesting reimbursement of a \$75.00 process service fee before you will return the summons showing proof of service in a Protection from Stalking case.

The federal Violence Against Women Act (VAWA) provides grants to the states, including grants to the State of Michigan. As stated in the federal law, a condition of receipt of these grants is that each jurisdiction certify that "its laws, policies and practices" do not require . . . the victim [to] bear costs associated with the . . . service of a protection order . . . whether issued inside or outside the State, tribal or local jurisdiction." 42 U.S.C. § 3796hh(c)(4).

For your convenience, I am attaching a copy of a portion of Frequently Asked Questions posted on the website of the U. S. Department of Justice that address the issue of payment of fees under VAWA. Because of these requirements, I ask that you waive the service fee in this case -- and in all future cases involving service of a protection order -- and return the summons showing proof that the order was served in this protection from stalking case.

Thank you for your consideration.

Sincerely,

Clerk of the District Court

FREQUENTLY ASKED QUESTIONS ON STOP FORMULA GRANTS (page 26)
Under the Violence Against Women Act, 42 U.S.C. § 3796hh(c)(4)

<http://www.ovw.usdoj.gov/docs/stop-formula-faq.pdf>

18. What is required to comply with the “fees and costs” certification?

Applicants for these programs must certify that:

[Their] laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction.

This certification shall be treated as a material representation of fact upon which the Department of Justice will rely when it determines whether to award the grant.

For additional assistance in understanding the types of fees covered by this requirement and assessing your compliance, please see the Violence Against Women Act of 2000 Costs for Criminal Charges and Protection Orders Chart.

19. Do applicants need to change their statutes to come into compliance with the “fees and costs” certification?

If the laws of the State, tribe, or unit of local government conflict with the “fees and costs” provision, then the applicant will not be able to make the necessary certification, even if the jurisdiction has a policy of never charging fees.

20. What if an applicant’s statute is silent on the issue of fees?

If the statute is silent on the issue of fees, then the applicant may not need to pass a law because the policy does not need to be expressed in a law. However, the applicant will need to ensure that its policies and practices do not require victims to bear any of the 27 relevant costs. We encourage applicants to pass a law or adopt a written policy to ensure that victims are not required to bear these costs.