Domestic violence is against the law

It is a crime in all states, though each state’s laws are a little different.

Abuse can include:

• physical attacks, including forced sexual relations

• verbal abuse or harassment, including disrespectful or demeaning comments

• threats against you or another family member

• creating disturbances at your place of work

• harassing telephone calls

• spying on you

• child abuse

Domestic violence can be handled in three different types of courts:

Criminal court, where the state will prosecute the abuser (possible crimes include abuse of intimate partner, violation of a protection order, elder abuse, murder, rape, assault, kidnapping, false imprisonment, property destruction, vandalism, trespassing, stalking, unlawful possession or concealment of a weapon, intimidating a witness, and many others)

Civil court, where you might address violation of a protection order or sue for money damages (possible civil lawsuits include sexual harassment, personal injury)

Family court (family violence directly affects divorce proceedings and can be a factor in limiting or prohibiting the abuser’s rights to child custody or visitation privileges)

Domestic violence might also involve child abuse and neglect and might impact on other areas of law, such as public benefits, immigration status, etc.

A Court Order of Protection

Your fastest form of legal help is to get a Court Order of Protection. A Court Order of Protection is an official legal notice, enforceable in court that requires the abuser to stop the violence and abuse. Relief available under a Court Order of Protection can be tailored to your specific needs and can address your concerns. It can order the abuser to stay away from you and can prevent him from contacting you by phone, mail, e-mail, fax, or through third parties. It can force the abuser to move out of your home and give you exclusive use of the car. The court may award temporary custody of children to you, along with child support, spousal support, and the continuation of insurance coverage. The police can arrest and jail the abuser for violating the order.

To get a Court Order of Protection: Call the local State’s or District Attorney or tell the police you want to get one. They will tell you who to contact. You will have to go to court. In court, the judge needs to be convinced that you have been threatened with violence or that you have suffered abuse. Witnesses, including police officers, can help your case. Depending on your state law and how the court applies it, physical evidence is also helpful, but not essential. Physical evidence could include signs of physical abuse such as bruises, photos of physical damage to property (the table he smashed, the hole he punched in the wall), or objects used in an assault (the ashtray he threw, the knife he brandished).

For Court Orders of Protection to work

The order should focus on your specific safety needs. If you have children and are concerned for their safety, you must specifically request custody and visitation restrictions or “no contact” orders. You must call the police every time the order is violated. You should make lots of copies and carry a copy everywhere, especially if it has custody or visitation provisions. A protection order is one tool that can help you gain your independence and stop your abuser from hurting you and your children. You should contact a domestic violence advocate and a qualified attorney in your area to discuss ways of ensuring the safety of you and your children, which can include getting a protection order.

**Full Faith and Credit**

A protective order issued by a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the Unites States, or an Indian tribe or band that has jurisdiction to issue protection orders is accorded full faith & credit & enforced as if it were an order of this state whether or not the relief ordered is available in this state, if there is probable cause to believe that it is a valid foreign protection order. A protection order, temporary or final, from any other jurisdiction may be enforced even if the order is not registered, filed, or entered into the state law enforcement information system.

There is probable cause to believe that a protection order is valid if it:

* identifies both the protected individual and the respondent AND
* appears, on its face, to be authentic and currently in effect with appropriate dates, required signatures, and Court-ordered conditions.

In circumstances where a written protection Order is not presented, law enforcement officers may consider other credible information in determining whether there is probable cause to believe that the order exists and is currently in effect. Enforcement of an Order of Protection can NEVER be dependent on the victim’s ability to present a certified copy of that Order of Protection.

If an officer determines that an otherwise valid Order of Protection cannot be enforced because the respondent has not been notified of or served with the order, the officer must make a reasonable effort to serve the Order upon the respondent, informing the respondent of the Order and its conditions. Officers must allow the respondent a reasonable opportunity to comply with the Order, after which time, the officer *must* then enforce the Order.