

U.S. Department of Justice
Office of the United States Attorney
District of Columbia



KNOW YOUR RIGHTS: A Victim's Guide to the Domestic Violence Justice System

170362 ●

**Victim Witness Assistance Unit
United States Attorney's Office
District of Columbia**

AND

**Emergency Domestic Relations Project
Sex Discrimination Clinic
Georgetown University Law Center**

About the Victim Witness Assistance Unit in the Domestic Violence Unit

The Victim Witness Assistance Unit (VWAU) is part of the U.S. Attorney's Office in the District of Columbia. It is directed by Kathryn Turman and provides advocacy services for victims of domestic violence, sexual assault, and violent crimes. Charlotte Clarke is the Domestic Violence Coordinator of Victim Services in the Domestic Violence Unit and supervises an advocacy staff comprised of Michelle Dodge, Marcia Rinker, Deardre Smith and student interns. The Domestic Violence *Prosecution* Unit, formed in April, 1996 and supervised by Robert Spagnoletti, works together with the Victim Assistance staff as a team to enhance victim safety and improve the quality of experience victims have in the criminal justice system. The victim advocates work at the Domestic Violence Intake Center and provide short-term and crisis intervention services including risk assessment, safety planning, and social service referrals. They help victims navigate their way through the criminal justice process by providing information, court preparation and escort services, and by assisting victims who want to submit victim impact statements. The Unit also provides expert testimony and community education about all aspects of the problem of domestic violence.

About the Emergency Domestic Relations Project

The Emergency Domestic Relations Project (EDRP) is part of the Georgetown University Law Center Sex Discrimination Clinic and is directed by Professors Deborah Epstein and Susan Deller Ross. Staffed by Intake Counselors Meshall Thomas and Melba Calderon, EDRP assists nearly 3,000 victims each year who seek civil protection orders from the D.C. Superior Court.

The Project:

- Co-directs and staffs the D.C. Superior Court's new Domestic Violence Intake Center;
- Trains hundreds of volunteer attorneys to handle civil protection order cases on a pro bono basis and provides new volunteers with experienced mentors;
- Refers indigent victims to trained volunteer lawyers;
- Provides essential counseling services to victims who cannot obtain counsel;
- Conducts extensive community education about the problem of domestic violence and, in particular, about victims' legal rights and remedies.

Acknowledgments

The Victim Witness Assistance Unit wishes to thank Kelly Jansen and Renee Esfandiary for their valuable assistance in developing materials and providing editorial feedback. It also wishes to thank: Kathryn Turman (Chief, Victim Witness Assistance Unit) who supported the project and provided many useful materials and creative ideas from her previous work; Kerry Kemp for editing and providing feedback about how to make the material more understandable, and; the efforts of Kay van der Horst and Robert Spagnoletti (Chief, Domestic Violence Unit) for their editorial and technical assistance.

The Emergency Domestic Relations Project wishes to give special thanks to the generous support of the **Beech Street Foundation** and the **Morris and Gwendolyn Cafritz Foundation**. Without their support, along with the support of the U.S. Attorney's Office, this publication would not have been possible. The Project also wishes to thank Professor Catherine Klein of the Family Abuse Project of Catholic University of America and Leslye Orloff, Ayuda's National Policy Director, for their significant contribution to an earlier edition of the civil justice system portion of this publication. Special thanks also go to Fredrica Lehrman, of Shaw, Pittman, Potts & Trowbridge, Professor Naomi Cahn of George Washington University, Kevin Huger and Meshall D. Thomas, all of whom contributed to earlier editions.

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BY:

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United States Attorney's Office
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Special Message

One year, 2 months, and 3 days have passed since my life began again. I look back now and see how much I had to endure to reach this juncture in my life. On June 14, 1994, I walked out of my abusive marriage not knowing where to go, or what to do. All I knew then was that I had to leave that situation. A year has passed now, and I am stronger and wiser. I am writing to let you know that I am, and forever will be eternally grateful for what everyone has done for me. I am sure you know that when I arrived at the shelter, I had no money, a frightened child, low self-esteem, no job, and was very uncertain about what lay ahead of me. Since then I have obtained full-time employment, [my son] is in pre-school, and we are preparing to move into a bigger apartment.

If nothing I have said permeates in this letter, let this be known to the other women who may come for help: You do not have to go back. You do not have to subject yourself to abuse whether physical, mental, emotional or verbal. There is a strong person inside all of us, just waiting to prevail. Whether you have one child or ten, we have to reach down inside our souls and keep going. I know you told me that at least 40% of all the women who come to you, end up going back to their abusive partners. I was surprised to learn that a large majority of the women I met last year went back to their partners. Initially, I wondered why—then I realized that a few years ago, I was that woman that kept going back.

--Survivor of Domestic Violence

Reasons to Use the Justice System

I just ask that he be held accountable for his behavior and I think that he needs to spend some time in jail to understand that what he did is unexcusable. I am not a vindictive person, but I am hurt when my children call me in tears because they want to be home [they had to leave for safety reasons]. I miss them. I don't want to appear unfeeling, but I've tried marriage counseling, I've tried begging and pleading. I'm really tired of having to clean up the mess that he leaves behind him.

The worst thing for me is that I am still in constant fear for my life. I want him to be in jail as long as possible. Once released, if he isn't looking for me, I believe that he would find another person to manipulate, take advantage of, and even possibly murder.

If/when he gets out of jail, I am terrified that he will return to me. I would hope that the judge could require that the abuser would no longer have contact with me for the rest of my life.

I hope he is made to go through drug treatment and batterer treatment that is monitored closely. He'll never finish it unless he doesn't have a choice. Finally, I am tired of dealing with all of the financial mess he has left me. I'd like him to be made responsible for the debts he incurred.

He always said to me that I was lucky he didn't have a gun because if he did, he'd "cap" me. In the last months, I've been really worried when he goes off and whoops on me— how long will it last and will I be killed or handicapped when it is over. I worry about my children who are in the next room. Is he going to hurt them too? What do they think of the violence? Will they have a mother when this whooping is over or will I be handicapped and unable to care for them?

People like my abuser, you can't handle outside the legal system.... There's no rules, and if he doesn't have rules he has to follow then that opens me up to a lot of things for him to do.

It's not only that I do not like it, but that it's also not right. It's not legal. It's not only that it's just not simply my choosing that it's not okay, but it really, really isn't okay.

When you go to court to get [a protection] order and you walk out with it, you feel like you have a little bit of power over your life again. Most abusers are bigger and stronger than you. The order gives you a bit more of an edge.

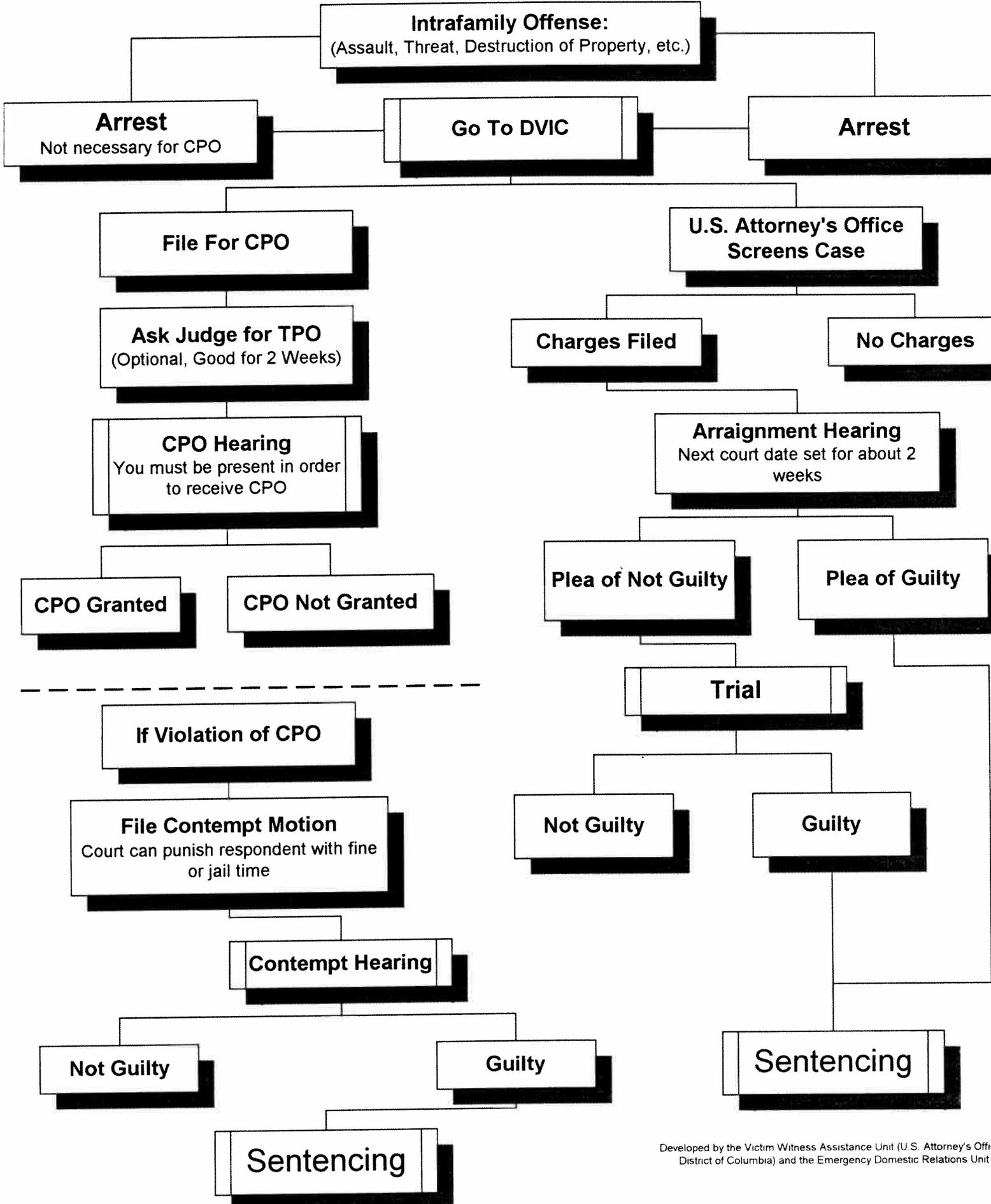
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Figure 1: Comparison of Civil and Criminal Justice System



A civil action is brought by the victim of domestic violence. The victim asks the court to issue a Civil Protection Order (CPO). The victim asks the court for a CPO which tells the abuser to stop threatening and harming her or him. A CPO also may include a number of additional provisions tailored to your specific needs—for example, award you temporary custody of your children and order the abuser to pay child support and get treatment for substance abuse or battering. To get a CPO, you have to follow several steps: 1) file a petition for a CPO with D.C. Superior Court (you are called “the petitioner”), 2) get court papers properly “served” on the abuser (who is called “the respondent”), and 3) go to D.C. Superior Court for a hearing in front of a judge. You must follow these steps to get a CPO. If at any point in the process, you change your mind and don’t want to pursue your case, it is your right to do so. The process of obtaining a CPO usually takes two weeks. If you are in immediate danger, you may ask the court to give you a ***temporary protection order (TPO)***, to protect you up to the time of your trial. Trying to get a CPO or a TPO against someone is not the same as making a criminal complaint. The abuser will not have a criminal record or go to jail, even if you are successful in getting the court to issue a protection order.

A criminal action in a domestic violence case is not brought by the victim, as in the civil justice system, but by the U.S. Government, based upon a police investigation of the victim’s complaint that a person has committed a criminal act. Although the victim’s wishes are considered, the decision about whether to press criminal charges and about whether to drop charges in a criminal domestic violence case rests with the U.S. Attorney’s Office, not with the victim. In a criminal action, the victim is able to have the abuser arrested and at least temporarily removed from the home and/or ordered to stay away from the victim. However, you should be aware that even if the abuser is arrested, s/he often will be released the same day and will remain free until further criminal proceedings take place. As the victim of domestic violence, you (“the complainant”) are expected to testify and cannot decide to drop criminal charges. As a result of being found guilty of a crime, the abuser may receive criminal penalties, such as a fine, being put in jail or placed on probation or court-monitored drug or batterer treatment.

This chapter tells you more about how the civil and criminal justice systems can help protect you if you are a victim of domestic violence.

Table 1: Overview of the Civil and Criminal Justice Systems

QUESTION	CIVIL JUSTICE SYSTEM	CRIMINAL JUSTICE SYSTEM
<p>What justifies a court action?</p>	<p>The same thing justifies a court action in the criminal and civil systems: namely, a crime (e.g., injuring or threatening to do bodily harm) where the victim and the perpetrator are related by blood, marriage, having a child in common, legal custody, sharing or having shared a residence, or having or having had a dating relationship (which need not be a sexual one).</p>	<p>The same thing justifies a court action in the criminal and civil systems: namely, a crime (e.g., injuring or threatening to do bodily harm) where the victim and the perpetrator are related by blood, marriage, having a child in common, legal custody, sharing or having shared a residence, or having or having had a dating relationship (which need not be a sexual one).</p>
<p>As the victim of domestic violence, what do I have to do to pursue a complaint?</p>	<p>You must come to the Domestic Violence Intake Center (DVIC), Room 4235, D.C. Superior Court, at 500 Indiana Avenue, N.W., Washington, DC).</p> <p>Tell the DVIC intake counselor that you want to “file a petition for a civil protection order (CPO).” S/he will help you with the paperwork you need and will help you find a lawyer if you want one.</p> <p>If you are in immediate danger, the DVIC intake counselor will make sure that you talk to a judge that very day, so that the judge can give you a temporary protection order (TPO) to protect you for two weeks, until your hearing.</p> <p>You will be responsible for making sure that the court papers are “served” on the abuser—that is, that the CPO petition and notice of a hearing are hand-delivered -- by someone other than you -- to the abuser. The DVIC will help you with this.</p> <p>You will have to go to court to testify and prove to a judge that you were threatened or physically harmed.</p>	<p>You (or a neighbor) call the police when the abuser is threatening or harming you. The police will make an arrest if the abuser is present or file a police report and start a warrant investigation if the abuser is not present.</p> <p>After a crime was committed, but especially after an arrest has been committed, come down to the Domestic Violence Intake Center (DVIC), Room #4235, D.C. Superior Court, at 500 Indiana Avenue, N.W., Washington, DC)</p> <p>An intake counselor at the center will be on duty to talk to you about the history of violence and help you to make a safety plan. The U.S. Attorney’s Office will make a determination whether or not to file criminal charges.</p>

QUESTION	CIVIL JUSTICE SYSTEM	CRIMINAL JUSTICE SYSTEM
<p>What are the legal terms for the victim and the abuser?</p>	<p>In a civil case, the victim who files a petition for a CPO is called "<i>the petitioner.</i>" The abuser is called "<i>the respondent.</i>"</p>	<p>In a criminal case, the victim is called "<i>the complainant or complaining witness.</i>" The abuser is called "<i>the defendant.</i>"</p>
<p>Who brings the case against the abuser? Will I need a lawyer?</p>	<p>You or your lawyer may bring a civil suit by filing a petition for a CPO. The DVIC may be able to refer you to a free lawyer who will represent you. If that is not possible, you will have to find your own lawyer or represent yourself.</p>	<p>The U.S. Government through the U.S. Attorney's Office brings criminal charges. Thus, the government provides a prosecuting attorney who handles the trial.</p>
<p>Once a case is brought against the abuser, can I (the victim) drop the case?</p>	<p>YES. This is your case. Anytime you wish to drop your civil case, you can do so by telling the judge or an intake counselor at the DVIC.</p>	<p>NO. Remember, in a criminal case, it is the U.S. Government, not the victim, that is bringing charges. The U.S. Attorney's Office has a general policy of not dropping criminal charges.</p>
<p>What type of relief is available for me as a victim of domestic violence?</p>	<p>A <i>civil protection order (CPO)</i> issued by a judge may include any or all of the following provisions:</p> <ul style="list-style-type: none"> • Order the abuser ("respondent") not assault, threaten or harass you ("petitioner") • Order the abuser to stay away from you and have no contact with you • Order the abuser to vacate (leave) your residence • Award custody of the children belonging to you and the abuser • Order the abuser to pay child support and/or follow specified visitation schedule • Order the abuser to seek treatment for substance abuse (drug and alcohol) problems and/or batterer treatment (to control violence against a partner) • Pay medical bills or pay for property damage 	<p>If criminal charges are filed against the abuser, the Government generally asks the court for a <i>criminal stay-away order</i>, which generally order the abuser to stay away from the victim. This remains in effect only until the trial is over.</p> <p>If the abuser is <i>convicted</i>, s/he will have a criminal record and may have any of a number of criminal penalties imposed:</p> <ul style="list-style-type: none"> • Jail time • Probation that may include a stay away order • Substance abuse or batterer treatment (to treat violent behavior towards partners) monitored with probation • An order to make restitution (i.e., to repay you for financial damages) • A fine • Other conditions (e.g., community service, parenting classes)

Table 2: Comparison of Civil and Criminal Hearings - Timeline

TIME	CIVIL Hearings or actions requiring victim participation	CRIMINAL Hearings or actions requiring victim participation
<p>Day 1: When an intrafamily offense occurs</p>	<ul style="list-style-type: none"> • Recommend Calling Police <p>Even if you do not call the police, you can still obtain a protection order.</p>	<ul style="list-style-type: none"> • Must Call the Police <p>Police must bring criminal charges against abuser. Not calling the police immediately reduces the likelihood of an arrest.</p>
<p>Day 2: The next day or as soon as possible (excluding Sundays)</p>	<ul style="list-style-type: none"> • Go to DVIC • File for CPO • Talk to a Judge about Issuing a TPO the Same Day • Apply For Child Support <p>You are not required to file the next day, you can file anytime after the offense occurred.</p>	<ul style="list-style-type: none"> • Go To DVIC <p>In most cases, the victim is required to meet with a U.S. Attorney's Office advocate the day after an arrest. If you are unable to come, call 879-7844.</p> <p>Abuser gets arraigned in C-10 Your attendance is not recommended. At arraignment, the U.S. Marshals will serve the CPO papers if they are available.</p>
<p>Two Weeks Later</p>	<ul style="list-style-type: none"> • Civil Protection Order Hearing <p>You must return on the date given on your petition (usually 2 weeks later) for hearing in front of a judge. Once the judge issues the order, you do not need to return to court unless the abuser violates the order.</p>	<ul style="list-style-type: none"> • Criminal Status Hearing • Possible Plea Bargain Including the Deferred Sentencing Option • Schedule Trial Date <p>Status hearings usually occur about 2 weeks after arraignment - you need not attend.</p>

TIME	CIVIL Hearings or actions requiring victim participation	CRIMINAL Hearings or actions requiring victim participation
3-6 Months Later	<ul style="list-style-type: none"> • None <p>Nothing required of you</p>	<ul style="list-style-type: none"> • Criminal Trial <p>3-5 months after the offense, the victim will need to come down to testify at the criminal trial. It is recommended that you contact the U.S. Attorney's Office victim advocate to get information about the upcoming trial.</p>
Anytime after Trial (If the Defendant Is Found Guilty)	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Submit a Victim Impact Statement Before Sentencing • Sentencing Hearing
If There Is a Repeat Offense after the First One and You Have a Pending Case	<ul style="list-style-type: none"> • Call the Police • Go to Dvic • File a Contempt Motion 	<ul style="list-style-type: none"> • Call the Police • Go to the DVIC, Call Your Victim Advocate, and/or Call Your Prosecutor and Tell Them What Happened <p>You may be asked to testify at a hearing to get the abuser held.</p>
Two Weeks after the Second Offense	<ul style="list-style-type: none"> • Go to Contempt Hearing 	<ul style="list-style-type: none"> • None

THE CIVIL JUSTICE SYSTEM

A civil action is brought in court by the victim, either with or without the help of an attorney, or by the District of Columbia's lawyers (who are called the Corporation Counsel). The law that covers Civil Protection Orders in D.C. is called the Intrafamily Offenses Act. This law gives judges the power to issue two different kinds of orders that can tell the abuser to stop threatening or harming you. These orders can also provide for temporary custody of children and other terms that can increase your protection. The two kinds of orders are:

- **Temporary Protection Order (TPO).** *A TPO protects you on an emergency basis while you are taking further legal action. It lasts up to 14 days.*
- **Civil protection order (CPO).** *The purpose of a CPO is to provide long-term protection for you. It lasts up to 1 year.*

A TPO always should be followed by a CPO to ensure that you have full protection beyond the first 14-day period, which is all that a TPO covers. It is important to note that you *cannot* get a divorce from your abuser as part of a TPO or CPO. If that is what you want, you will have to bring an additional, separate legal action. The organizations listed in "Resources" on pages 50 or 76 can either directly help you or refer you to others who can give you assistance.

Samples of these civil protection orders are included on page 24 of this chapter, and an overview of the civil justice system begins on page 7. *NOTE: If criminal charges are filed against the abuser, the prosecuting attorney can ask for what is known as a "criminal stay-away order," which is described in the section on the Criminal Justice System on page 28. The critical differences between a CPO and a criminal stay-away order and steps you can take to ensure that such orders are enforced are summarized in Figure 6 on page 44 and Table 3 on page 46.*

What is a Civil Protection Order (CPO)?

A CPO is a court order by a judge, lasting up to 1 year, that orders your abuser to stop abusing or threatening you and directs him/her to take other actions to ensure your safety. If you are asking the court for a CPO, you (the victim) are referred to as the "*petitioner*." The person you want to stop threatening or abusing you is called the "*respondent*," because s/he is responding to your petition.

You should file a petition for a CPO as soon as possible after abuse occurs by going to the Domestic Violence Intake Center, Room 4235, D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, DC. The procedures you have to follow are described further below.

Trying to get a CPO against someone is not the same as making a criminal complaint, and the abuser will not have a criminal record or go to jail even if you are successful in getting the court to issue a CPO.

Figure 2: Civil Protection Order (CPO) Flowchart:

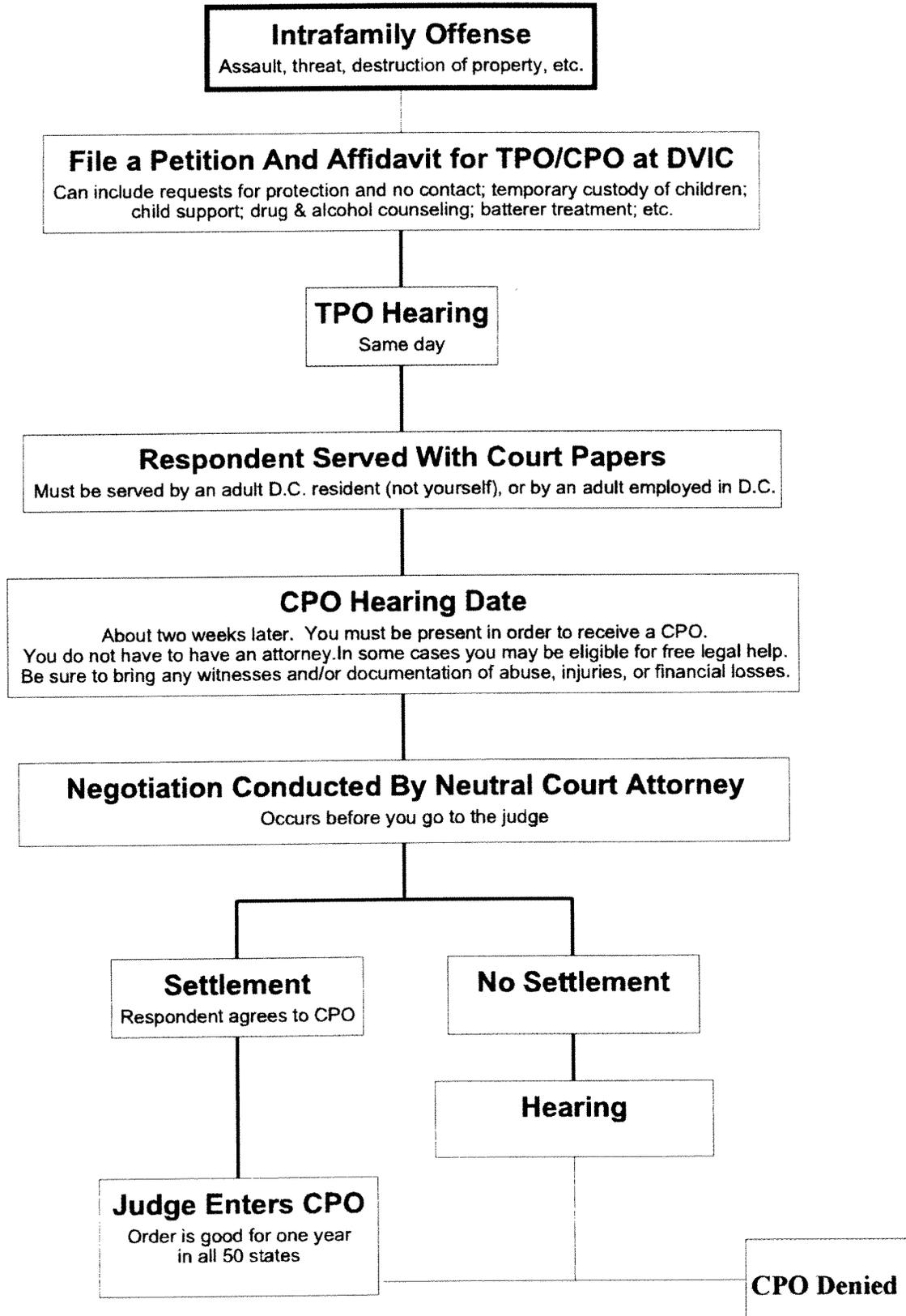
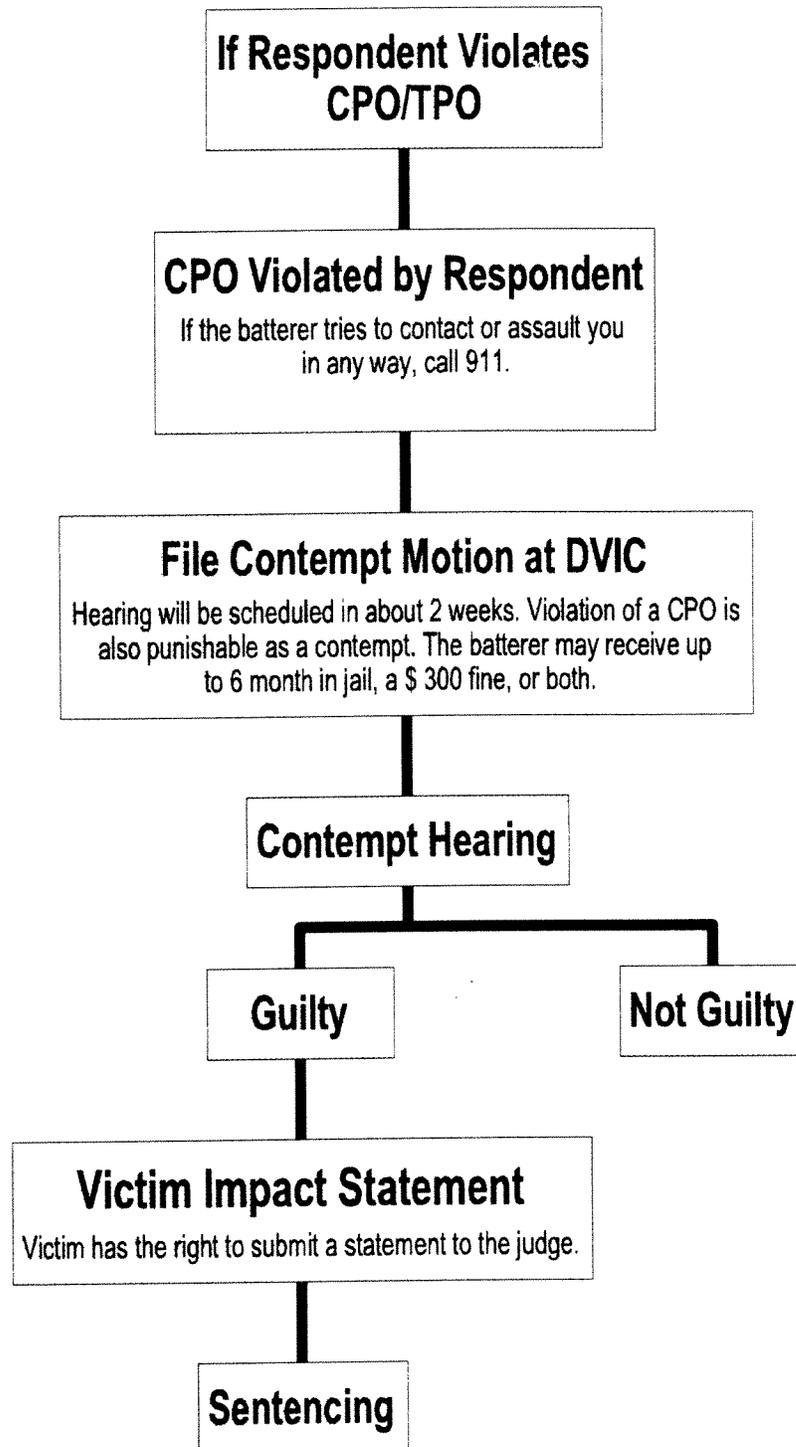


Figure 3: Violations of Civil Protection Order (CPO) or Temporary Protection Order (TPO)



Who Can Get a CPO?

You can get a CPO if you have been slapped, punched, shoved, kicked or otherwise physically abused, threatened, stalked by a person to whom you are related in one or more of the ways listed below. You must either live in the District of Columbia or at least one incident of abuse must have occurred in the District of Columbia.

To get a CPO, you must be related to your abuser in at least *one* of the following ways:

- By blood (e.g., sister, brother, mother, son, grandmother).
- By marriage.
- By having a child in common.
- By having legal custody of the abuser (e.g., as in the case of a parent who is being abused by a child) or by being in the custody of the abuser (e.g., as in the case of a child who is being abused by an adoptive parent).
- By sharing or having shared the same home.
- By having or having previously had a dating relationship (which need not be a sexual relationship).

How Can a CPO Help Me?

What are some of the common things a judge can order in issuing a CPO?

- A CPO can **order that the violence stop, so that the abuser must not threaten, assault, stalk, or physically or sexually abuse you.**
- A CPO can include a **stay-away order**, so that the abuser must stay away from you, your home, and your workplace, and it also can order that s/he not telephone you, write you, or contact you in any other way.
- A CPO can grant **temporary custody of children**, if you and the abuser have children in common. Custody can be awarded to either parent for the length of the order. A CPO also can establish a visitation schedule that, while ensuring your safety, spells out the times when the parent who does not have the children can see them.
- A CPO can include a **vacate order**. It can order the abuser to leave the home while the CPO is in effect. However, you must be a renter or owner of the house or apartment to ask the court for a vacate order—that is, your name must be one of the names on the lease or mortgage, or you must contribute to the rent or the upkeep of the apartment. You should talk to a lawyer or to an

intake counselor at D.C. Superior Court's Domestic Violence Intake Center, (202) 879-0152, if you have any questions about this aspect of a CPO.

- A CPO can order either party to return the other party's **personal property**, and can reimburse you for damage the abuser has done to your property.
- A CPO can order **domestic violence counseling** for the abuser if you request it and the court believes it is appropriate. The court also can order alcohol and/or drug rehabilitation for the abuser.
- A CPO can provide for **police assistance** in a number of situations. For example, if it is necessary for you or the abuser to get personal property out of the home, the police can be ordered to go with either of you to the home to prevent violence.
- A CPO can cover your **attorney's fees and costs**. If you have an attorney, the court may ask the abuser to pay for the attorney's time.
- A CPO can order the abuser to pay **temporary child support** for children that you and the abuser have in common. If the judge decides that child support is appropriate to help resolve the case, s/he can order the abuser to pay child support. The name of the case that allows this is *Powell v. Powell*, and you can tell the judge that you want her or him to award you temporary child support based on the *Powell* case.

NOTE: A temporary child support provision in a CPO lasts only 1 year. If you are a D.C. resident, you can begin the process of getting a permanent child support order. Just tell the intake counselor at the Domestic Violence Intake Center that you would like permanent child support and s/he will help you fill out the appropriate forms and help refer you to a free lawyer from the Office of Corporation Counsel to represent you.

How Can I Get Temporary Protection While I'm Waiting for a CPO?

If you need temporary protection while you are waiting for your CPO trial, you can ask the court for a temporary protection order (TPO). A TPO is a court order issued by a judge that orders an abuser to stop threatening or harming you and lasts up to 14 days. A TPO can be issued on the same day you request it and can provide the same protections that a CPO can.

To get a TPO, you must prove to a judge that your safety or welfare is in immediate danger. When you first go to the Domestic Violence Intake Center at D.C. Superior Court, tell an intake counselor that you want to file a petition (a request) for a CPO and that you also want a TPO. You cannot request a TPO unless you are also filing a petition for a CPO. The intake counselor at the Domestic Violence Intake Center will help you with your paperwork and show you to a courtroom to talk to a judge.

In order to persuade a judge that your safety or welfare is in immediate danger, you should bring any evidence or witnesses that may support your claim. Evidence would include such things as a

doctor's report, torn or bloody clothing, or photographs of you that show bruises or other physical harm. If you do not have evidence or witnesses, explain to the judge why you feel you are in immediate danger. If you persuade the judge that you are in immediate danger from your abuser, the judge will issue a TPO.

When the TPO is issued, you will be given the following three papers that must be “*served*” on the abuser (“respondent”)—in other words, hand-delivered to the respondent or to someone 18 years old or older who lives at the respondent’s current residence:

- A copy of the TPO.
- A copy of your petition (request) for a CPO.
- A copy of a notice ordering the respondent to appear in court in about 2 weeks for a hearing on your petition for a CPO.

A TPO is effective for 14 days from the date it is issued, but is not enforceable until it is served on the respondent. The court cannot issue a CPO unless the CPO petition and notice to appear for the CPO hearing have been served. Everything you need to know about serving these court papers on the abuser is explained beginning on page 14.

Remember, the TPO is good only for 14 days. You will need the CPO for protection beyond that time. If the court hearing to consider your petition for a CPO is held on or before date on which the TPO expires, there will be no gap in the time that you are protected.

Enforcement of a TPO (making sure that the abuser obeys the requirements of the TPO) is like enforcement of a CPO. This is explained in on page 20.

How Can I Get a Civil Protection Order?

The process of getting a CPO involves three steps: 1) filing a petition (request) for a CPO, 2) having a copy of the petition and other court papers “served” on (hand-delivered to) the abuser, and 3) going to court for a hearing before a judge in D.C. Superior Court.

When you are seeking a CPO, it is helpful to have a lawyer if that choice is available to you. However, many people get TPOs and CPOs without a lawyer. There are three possibilities to consider in going through the CPO process:

- **Represent yourself.** Many people get TPOs and CPOs without a lawyer (the legal term for representing yourself is *pro se*, pronounced PRO SAY). This handbook explains how you can get a TPO or a CPO without a lawyer.
- **Be represented by the D.C. Corporation Counsel—i.e., civil attorneys who work for the District of Columbia.** The D.C. Corporation Counsel represents people seeking CPOs if the abuse is extremely severe or if there is a related criminal case. Their services are free. When you

file your petition at the Domestic Violence Intake Center, a representative from the D.C. Corporation Counsel will decide whether its civil attorneys can represent you.

- **Contact the Emergency Domestic Relations Project.** Several organizations that provide free legal representation for low-income women. One of them may be able to assist you. The Emergency Domestic Relations Project serves as a clearinghouse for free legal services other than those listed above. You can contact them at 393-6290, and they are also listed in the “Justice Resource” section on page 50 or page 76.
- **Hire a private attorney.** You can hire a private attorney, but there is a fee for most attorneys' services. You can contact the Emergency Domestic Relations Project at 393-6290.

Step #1: File a petition for a CPO.

The first thing you must do to get a CPO is to file a petition. There is no filing fee. You begin the CPO petition process at the Domestic Violence Intake Center, (see page 50). Tell the intake counselor that you want to file a petition for a CPO. The process at the Domestic Violence Intake Center can take as long as an entire day, so be sure to plan enough time.

Be prepared to discuss specific acts of violence that have occurred recently. In other words, be ready to describe how you were hurt or how your property was destroyed. You may have to tell your story to more than one person. If possible, bring evidence of the violence, such as a doctor's report or photographs of injuries or property damage.

The Domestic Violence Intake Center intake counselor will ask you questions about your relationship with the abuser and about the violence that has taken place, will **help you fill out a CPO petition**, and will answer your questions. A CPO petition asks you to explain in detail what incidents of violence, threats, or property destruction have occurred recently. With the help of the intake counselor, you can fill out the CPO petition without an attorney. If you feel you need the help of an attorney, however, let the intake counselor know. For additional help in locating an attorney, refer to “Resources,” on page 50 .

A filled-out CPO petition is included on page 24 of this handbook to show you what one looks like. The judge at your CPO hearing will ask questions only about the events you describe in the petition, so you should work with the intake counselor to write down as many events as you can remember. ***The more complete your CPO petition is, the stronger your case will be.***

To assist the intake counselor in drafting your CPO petition, give her or him a detailed explanation and description of each time you were threatened or abused or your property was destroyed. If the violence has happened over several years, tell the intake counselor, and then go on to describe all the specific times you remember when violence took place. If the abuser also has assaulted or threatened your child or another member of your family, those incidents should be included in the petition. Be very specific about the details. For example, instead of just telling the intake counselor “he hit me,” explain exactly what happened: “He hit me in the face with his fist, causing bruises and cutting my lip open. I had to go to the emergency room to be seen by a doctor,

and had to get five stitches. The children were there when s/he hit me, and also 'Jane Doe,' my neighbor, was there and saw what happened."

Once your CPO petition is complete, the intake counselor will take you to the Clerk's Office of D.C. Superior Court next door. ***The Office of the Clerk will file your CPO petition and set a date for a hearing at which your petition will be considered by a judge.*** The Office of the Clerk will give you two copies of your CPO petition and the notice of the hearing date, one for you and one to be served on the respondent. ***(NOTE: Unless the court papers are properly served, you will not be able to get a CPO. Information about how to serve court papers is provided below.)***

The intake counselor will ask for your case to be screened to determine whether an attorney from the D.C. Corporation Counsel's office can represent you or whether your case can be referred to a private, free lawyer. Right now, there are far too many domestic violence cases for the D.C. Corporation Counsel's Office or private volunteer attorneys to handle. ***Unless the physical abuse is especially severe, or there is a related criminal case, you probably should not expect that a free attorney will be able to represent you.***

The ***intake counselor also may refer you to an advocate from the D.C. Coalition Against Domestic Violence.*** This person can offer you emotional support and can stay in touch with you until your case goes to trial, helping to answer questions that come up before that time. Depending on your situation, the advocate from the D.C. Coalition Against Domestic Violence also may help you get into a shelter or help you get other important social services like emergency financial assistance.

Based on your interview, the ***intake counselor may refer you to an advocate from the U.S. Attorney's Office*** who will get information from you that will enable the U.S. Attorney's Office to decide whether your case should be prosecuted and whether an arrest warrant should be issued.

Step #2: Make sure that the necessary court papers are properly "served" on the respondent.

Every effort should be made to serve the appropriate court papers on the respondent as soon as possible after you receive them. If a judge issues a TPO to protect you while you wait for your CPO hearing, you will also get a copy of that to be served on the person who abused you. The TPO is not enforceable until it is served on the abuser. When you file your petition for a CPO at the clerk's office, you will be given two copies of your CPO petition and the notice of the CPO petition hearing date. One set of copies is for you, and the other set is for "service" on—that is, hand-delivery to—the respondent. The CPO petition will notify the abuser that you are asking for a CPO, and the notice will specify the date and time when s/he must come to court for a hearing on your CPO.

You are responsible for making sure that the abuser is served with these court papers. The rules for serving court papers are described below. These rules apply to TPOs and CPOs. Read them carefully. ***If the rules are not followed closely, you may not get a CPO.***

Who can serve the court papers? As the person who petitioned for a TPO or a CPO, you ("the petitioner") are responsible for having the court papers served on the respondent, but the law specifies that ***you must not serve the papers yourself. Under the law, you must get someone***

who is not the petitioner (that is you) and not a witness to serve the papers for you. There are three ways to have the papers served on the abuser: by the D.C. Metropolitan Police, by a friend or other person who is not a witness, or by a professional process server.

The Paternity and Warrant Squad of the D.C. Metropolitan Police Department will try to serve the court papers on the abuser for you if you want them to do so. The police may or may not succeed in tracking down the abuser, but the more information you give to the clerk's office about abuser's physical appearance and the locations where s/he spends time, the more likely it is that the police will be able to find the abuser and serve the papers. (*NOTE: If you do NOT want the police to serve the papers, you should tell the intake counselor and the filing clerk*). Service by police officers is a new system in D.C., but the Paternity and Warrant Squad has established a very successful track record. The Squad has set up a phone number, (202) 727-9087, that you may call between 6:00 a.m. and 2:00 p.m. to find out whether service has been accomplished in your case.

Because you cannot be sure that the police will succeed in serving the papers, you should make your own effort to have it done. A friend—one who will not be testifying or be involved in the case—is often a good choice. Also, there are professional process servers listed in the telephone book under "Process Servers." Most process servers will charge you a one-time fee of \$30–\$40 and will ask you to provide the home address or work address of the abuser. It is helpful if you can provide the process server with a photograph of the abuser.

If you are unable to find someone to serve papers on the abuser, or if you cannot afford to pay someone to serve the papers, contact the Emergency Domestic Relations Project at (202) 393-6290 and they will try to help you.

What is required of the person who serves the court papers? As suggested above, the person who serves the papers must NOT be petitioner (in other words, you) and must NOT be a witness involved in the case. Other requirements are:

- The server must be age 18 or older.
- The server must be a resident of the District of Columbia or work in the District of Columbia.
- The server must sign the official court form and have it notarized to prove that the respondent was served with the papers. The form must be signed in the presence of a notary public and stamped with the notary's seal. If the process server cannot find a notary, then the process server can sign the official court form in front of a clerk in the Domestic Violence Intake Center.
- You or the process server must return the signed and notarized official court form either 1) to the Domestic Violence Intake Center, before the hearing date, or 2) to the judge on the hearing date. ***To issue a CPO, the court needs to know that the respondent has been properly served.*** If you do not return the signed, notarized court form that says the papers were served on the abuser, then be sure to have the server come to the hearing on your CPO petition to testify before the judge that service was completed.

It is not always easy to serve papers on an abuser. The person you choose to serve the papers should be aware that the abuser may become angry when given the notice to appear in court. The person who serves the papers should be careful.

What happens if I cannot have the court papers served? If the respondent is not served according to the rules explained above, s/he is not required to appear in court. ***You still should appear at the scheduled time and ask the court for a continuance.*** This means that you are asking for a new court date to give you more time to serve the respondent.

Each time the case is continued, you must return to the Domestic Violence Intake Center to request a new notice (if one is not provided by the courtroom clerk) showing the next date to appear in court. Then you must have the new notice served on the respondent along with your petition.

Step #3: Go to court for a hearing.

What should I bring to the Civil Protection Order hearing? When you go to D.C. Superior Court for the hearing on your CPO, try to bring people who witnessed the events mentioned in your CPO petition—for example, a friend who saw the abuse, neighbors who heard shouting, the person who drove you to the emergency room or anyone who saw any signs of injuries, such as blood, cuts or bruises. If no one witnessed a particular event, bring anyone who can support your claim that there have been past incidents of domestic violence between you and the respondent.

Apart from witnesses, you should bring any medical records or reports from a doctor or hospital if they are related to injuries you received because of the abuser's actions. Also bring any police reports that might be available. You can try to get the police report from the police officer who made the report. You also may go to the Domestic Violence Intake Center and they will provide you with a copy of the police report if it is available.

If you are planning to ask the court to order the abuser out of the house or apartment you share, and your name is on the lease or deed, you should bring the lease or deed to court.

What will happen at the court hearing on my CPO petition? On the date set for your hearing, you will appear before a judge in the D.C. Superior Court. CPOs are issued by the court every day of the week during normal business hours. Expect to spend at least a half day in court.

All people seeking CPOs begin by checking into the courtroom that is listed on the notice directing you to ***appear in court at 8:30 a.m.*** When you arrive, you should must check in with the clerk sitting in the hallway just outside the courtroom.

After you check in, you will be met by a court attorney negotiator, who will answer any questions you have and ***will attempt to work out a CPO by consent***—that is, a CPO that both you and the respondent can consent to. The consent process for issuing a CPO is discussed in more detail on page ??? below.

If both you (“the petitioner”) and the abuser (“the respondent”) appear in court on the scheduled date of your CPO hearing, then a CPO may be issued in one of two ways: by consent or by having a hearing.

- **Issuing a CPO by consent:** When you are in the courtroom that you have been told to go to, you will be called to meet with a court attorney negotiator who has special training in dealing with domestic violence issues. The attorney negotiator is a neutral person who is not an advocate for either you or the respondent. The attorney negotiator’s job is to assist the court and attempt to work out an agreement between you and the abuser. If the abuser admits that there was domestic violence and agrees to an order forbidding any future abuse or violence, s/he can sign a CPO by consent, agreeing to give you the protection you want. This agreement will make a hearing unnecessary. If a CPO is given by consent, the parties go before the judge, who will sign the order and explain the penalties for violating the order.
- **Issuing a CPO by having a hearing:** If, when talking to the attorney negotiator, the respondent refuses to agree to what you want, there will be a hearing during which both you and the abuser will be put on the witness stand in a courtroom and asked to testify under oath about the events you described in your petition.

If either you or the respondent bring witnesses with you, those witnesses will be asked to testify as well. *Be sure to keep your witnesses out of the courtroom until they are called to testify. If you let your witnesses hear other people’s testimony, including your own, they may be disqualified from testifying at all.* You should also ask the judge to order the abuser’s witnesses to leave the courtroom before the trial begins. If there are no witnesses or evidence besides you and the respondent, the judge’s decision will depend on which person s/he believes is telling the truth.

The questions the judge will ask will be limited to the incidents you put in your CPO petition. Therefore, it is important that you describe as many recent violent events as you can remember when you first file the petition. The more events you have listed in your petition, the more likely it is that the judge will find that at least one of the events occurred and issue the CPO based on that event.

If the judge finds that physical abuse or threats took place, s/he will issue a CPO. If the judge cannot be convinced that there is good cause to believe the events took place, your case will be dismissed. *If your case is dismissed, you still have the right to file another petition for a CPO if there is future domestic violence.*

What happens if one of us do not come to court on the scheduled hearing date?

- *If you, the petitioner, do not appear in court, the judge may dismiss the case. A CPO cannot be issued if you are not there.* If an emergency arises and you cannot appear in court on the scheduled day, notify the Domestic Violence Intake Center immediately at (202) 879-0152 and tell them you do not want your case dismissed. If the case is dismissed because you are not there, you will have to file another petition in order to get a CPO.

- ***If the respondent does not show up in court because s/he has not been served, a CPO will not be issued.*** Because of the large number of cases before the court, it may be as long as 2 or 3 weeks before a CPO case is rescheduled. You may request an earlier date if you feel it is necessary. In any case, the court will schedule a new date. It is very important to make sure the abuser is served with notice of the new date to avoid any further delay.
- ***If the respondent does not show up in court even though s/he was properly served, you can ask the judge to enter a default against him or her and to issue a "bench warrant" to arrest the respondent for failing to appear in court.*** If the judge decides to issue a bench warrant, the abuser will be arrested as soon as s/he is located. The police will not make any special effort to find the abuser unless you help them. If you know where the abuser is, you can speed the process of arrest by calling the police and letting them know where to find the abuser. Be sure to give the police the "warrant number," which is the letters "CPO" followed by your case number. The case number should be on your copy of the petition and affidavit for the CPO or on whatever papers that you have filed with the court in your case. For example, if your case number is 6789-97, the "warrant number" is "CPO 6789-97." (You can call the clerk's office at (202) 879-0154 to make sure that you have the correct warrant number). It also helps the police if you give them the abuser's full name and date of birth. You should be notified once the respondent is arrested (although you might not be, so you should check in with the clerk's office periodically), and a new court date will be set for the hearing on your CPO request. Generally, when person is arrested on a bench warrant, s/he is released within 24 hours. The person may be released immediately on "*personal recognizance*"—that is, on the person's word that s/he will appear in court. If you feel threatened by the abuser's release, you may want to go to a shelter or stay with friends if that is possible. You have the right to call the police if you feel you are in danger.

If the respondent fails to appear in court the second time, you should ask the judge to issue a CPO even though the respondent failed to appear. This is known as a "***default CPO.***" The judge may issue a default CPO immediately, or may ask you to return on another date for a hearing. This means you can get a CPO, even if the abuser refuses to come to court, as long as s/he has been properly served.

Can I Change or Get an Extension of My CPO?

If circumstances change, and you want to add to or change the terms of your 1-year CPO—for example, if you want the visitation schedule changed, or the respondent has been staying at home and you now want him out—you can file a "*motion*" (a request) with the court asking that the CPO be changed. ***To change your CPO,*** go to the Domestic Violence Intake Center, Room #4235, D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C. The procedure for changing an order is similar to the process for getting the original CPO, but instead of a helping you file a petition, the intake counselor will help you fill out a motion to modify the CPO. You again must have the abuser served with notice of the hearing and your motion to modify the CPO. You again will have to attend a court hearing, at which you must try to convince the judge that there is

a need to modify the CPO by showing that there is "good cause" to do so.

At the end of 1 year, the requirements the CPO places on the respondent—for example, to stay away from you or to participate in counseling—run out. *If you want to extend the CPO beyond 1 year*, you must file a motion to extend the CPO at the Domestic Violence Intake Center, Room #4235 in the D.C. Superior Court before the CPO expires. The motion must be served on the respondent, notifying him that you are requesting that the existing order be extended. You will have to convince the judge that there is a good reason—for example, the abuser still is harassing you—to extend the CPO.

What Should I Do If My CPO Is Violated?

If the respondent violates your CPO, s/he may be in "contempt" for disobeying a court order. If found guilty of contempt, the abuser may receive punishment of a maximum of 6 months in jail and/or a \$300 fine. Violation of a CPO is also a crime in D.C., and the abuser may be criminally prosecuted and punished by 180 days in jail and/or a \$1,000 fine.

So there are two options if the respondent violates your CPO. First, you can enforce the CPO yourself by filing a contempt motion with the court. You can file a contempt motion even if the respondent is not putting you in physical danger. Second, the U.S. Attorney's Office can enforce the CPO by criminally prosecuting the respondent, because violation of the CPO is also a crime in D.C. If the U.S. Attorney's Office decides not to prosecute the respondent, you can still go ahead with a contempt motion.

If you decide to file a contempt motion against the respondent, you can do so at the Domestic Violence Intake Center, Room #4235, D.C. Superior Court. A violation of any term of the CPO is enough to justify filing a contempt motion. Again, you can request that the D.C. Corporation Counsel or a private volunteer attorney represent you in the contempt proceedings. If D.C. Corporation Counsel or a private attorney represented you in getting the CPO, that person probably will represent you in the contempt proceeding. You should call your original attorney directly before coming to court to file the contempt motion. You will have to attend a court hearing on your contempt motion just as you did for your CPO petition.

Step #1: If the abuser is causing you to be afraid, putting you in danger, or harming you, call the police immediately.

If the abuser is causing you to be afraid or putting you in danger, call the police immediately. The police have the authority to make an arrest for a violation of the CPO. If the abuser is actually harming you, it is particularly important that you call the police. Studies have shown that women who take action and call the police are significantly less likely to be abused again in the near future than women who do not call the police.

When the police arrive, show them your copy of the CPO and explain that the respondent has violated it by his behavior. In general, it is a good idea to carry a copy of the CPO with you at all

times so that you always have it available to show the police. The police are more likely to protect you and arrest the abuser if you show them your CPO.

If you are thinking about filing a contempt motion against the abuser (see below), you should be sure to make careful note of the day or days of the violation and take notes about the incident to keep details clear in your mind.

Step #2: Go to the Domestic Violence Intake Center and file a contempt motion to enforce your CPO.

To enforce your CPO yourself, you must file a contempt motion in the Domestic Violence Intake Center. An intake counselor will assist you in filling out motion papers describing what the abuser did to violate the CPO. You then will be assigned a hearing date 2 to 4 weeks from the date you file the motion.

Step #3: Make sure that the necessary court papers are properly served on the respondent.

The rules of service for contempt motions are the same as those for CPOs described earlier (see p. 15). You are responsible for having the court papers served on the person who abused you, but the law specifies that you must not serve the papers yourself. Under the law, you must get someone other than yourself and who is not a witness to serve the papers for you.

Step #4: Go to court for a contempt hearing.

On the hearing date, you and the respondent must report at 8:30 a.m. to the courtroom that you have been scheduled to go to at D.C. Superior Court. Again, you should expect to spend at least half the day in court. Also, you should bring with you any witnesses or evidence to prove that the CPO was violated. As mentioned before, a contempt charge that is proven against the abuser could result in a penalty of up to 6 months in jail and/or a \$300 fine. Because the penalties for contempt are so severe, the respondent has the right to have an attorney represent him or her in the contempt hearing. If the abuser cannot afford an attorney, the court will appoint one.

In a contempt proceeding, you must show beyond a reasonable doubt that the respondent violated the terms of the CPO. This is a stricter level of proof than was necessary to get a CPO. *If possible, you should have an attorney represent you in the contempt hearing.* (Consult "Resources" on p. 50, for help in locating an attorney.) However, you should not be stopped from pursuing a contempt motion because you cannot afford an attorney.

If the respondent violates the CPO, you can make him or her obey the CPO and take it seriously by bringing a contempt motion.

Federal Laws and Protection Orders?

The Violence Against Women Act (VAWA) and the Federal Gun Control Act were passed by the U.S. Congress in 1994. They both have provisions that are described below, giving extra protection to victims of domestic abuse with protection orders. If the abuser violates these laws, you should call the police.

Federal Violence Against Women Act: § 2262—Interstate Violation of Protective Orders

Your CPO is valid in all 50 states, in the District of Columbia, in U.S. territories, and in tribal lands of the United States. States are required to enforce “valid protection orders” issued by a court in another state. This means that police officers should enforce out-of-state protection orders that are valid. Officers who do not arrest may be liable for failure to arrest.

If the protection order is valid in the original state where it was issued, but could not have been obtained under the laws in the new state, the new state still must honor the protection order. For example, if you have a CPO in the District of Columbia and would not be able to get one in Maryland, you are entitled to having your protection order enforced while in Maryland according to Maryland enforcement rules. Finally, it is also a Federal offense to cross a state line with the intention of violating a valid protection order.

Federal Violence Against Women Act: § 2261—Travel to Commit Spousal Abuse

It is a Federal crime to cross a state line to commit domestic violence and/or to commit a crime of domestic violence in another state. Crossing a state line, including crossing out of the District of Columbia to commit an offense in Maryland or Virginia or vice versa, is a Federal crime if it is done so with the intent to injure, harass or intimidate a spouse or intimate partner. In addition, it is a Federal crime for anyone to cause a spouse or intimate partner to cross a state line by force, coercion, duress or fraud and then commit an act that injures the spouse or intimate partner. The penalty for violation of § 2261 of the Violence Against Women Act is 5 to 20 years in jail.

Federal Gun Control Act of 1994: § 922—Firearms Prohibition

This law prohibits individuals (abusers) who are the subject of valid protection orders—referred to as “respondents”—from purchasing, receiving, or possessing firearms. A respondent may be prosecuted under Federal law for merely possessing a firearm while a protection order is in effect. The respondent need not violate the CPO before they may be punished for possession of firearms.

This rule does not apply to dating partners where the partners have never lived together and have no children in common, and in some cases does not apply to police officers. It also applies only in cases where the respondent received notice and had an opportunity to be heard when the CPO was ordered. When getting a CPO, it is easier to enforce a gun ban if you ask that the respondent be

ordered not to possess, acquire, or purchase any firearms.

The Federal Gun Control Act also prohibits abusers who have CPO's against them from taking or receiving firearms via interstate commerce. It is also against the law to knowingly sell or give firearms or ammunition to anyone who is the subject of a protection order. The maximum penalty if convicted under this law is 10 years.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY DIVISION — DOMESTIC RELATIONS BRANCH**

Jane Doe _____, Petitioner,

v.

John Doe _____, Respondent.

IF No. 0000-97
V No. _____

PETITION AND AFFIDAVIT FOR CIVIL PROTECTION ORDER

Pursuant to D.C. Code §16-1001 *et seq.*, Petitioner respectfully requests that the court issue a 12-month Civil Protection Order against Respondent. In support of this request, Petitioner states:

1. Respondent is related to Petitioner by: blood; legal custody; marriage; having a child in common; now or previously having shared the same residence; romantic/dating relationship.

If related by "romantic/dating relationship": Do you reside in the District of Columbia? Yes No
Did any incident described below occur in D.C.? Yes No

2. Respondent committed or threatened to commit an act punishable as a criminal offense against Petitioner within the meaning of D.C. Code §16-1001, *et seq.*, by: *(Please describe any such acts, including physical assaults like hitting, punching, shoving or kicking; threats to do harm; or destruction of property)*

A. On or about September 15, 1997, at approximately 1:00 a.m./(p.m.)
at (location): 600 New Jersey Ave., N.W. Washington, D.C.,
Respondent Hit me in the back of my head with his fist. He slapped me twice with an
open hand and shoved me out of the door. He also threatened to hurt my dog and to
destroy my clothes.

B. On or about _____, 19____, at approximately _____ a.m./p.m.,
at (location): _____,
Respondent _____

C. On or about _____, 19____, at approximately _____ a.m./p.m.,
at (location): _____,
Respondent _____

D. On or about _____, 19____, at approximately _____ a.m./p.m.,
at (location): _____,
Respondent _____

RELIEF: (Check each form of relief you wish to be awarded by the court)

1. Ordering Respondent not to abuse, threaten, or harass me and/or my children and/or not to physically discipline my children.
2. Ordering Respondent not to abuse, threaten, or harass other persons
(names): _____
3. Ordering Respondent to stay away from: my person; my work; my home;
 my children's school/daycare; other persons (names); _____;
 other places I frequent (describe): My church.
4. Ordering Respondent not to contact me:
 by telephone; in writing; in any other manner, directly or indirectly through a third party
5. Awarding me temporary custody of my minor children, of whom Respondent and myself are the natural parents: (State name and date of birth of each child AND bring birth certificates to court hearing)
Frank Doe, 5/25/96

IF YOU ARE SEEKING CUSTODY, PLEASE COMPLETE QUESTIONS 5a - 5e:

- 5a. The children's current address is (You do not need to reveal this information if doing so will put you in danger): 600 New Jersey Ave., N.W., Washington, D.C. 20001
- 5b. Over the past five years the children have lived at the following other addresses (if any): _____

- 5c. Names and current addresses of the people the children have lived with during the past five years:
Jane and John Doe, 600 New Jersey Ave., N.W. Washington, D.C. 20001

- 5d. Have you participated in or do you know of any other court cases concerning custody of these children?
 Yes No If your answer is "Yes," please indicate where the other case(s) was/were filed:

- 5e. Do you know of any person other than yourself and Respondent who claims to have custody of the children?
 Yes No
6. Awarding Respondent visitation with the child(ren) if Respondent shows that the child(ren) and I can be adequately protected from harm by the Respondent.
7. Ordering Respondent to pay child support for the above minor children, in an amount in accordance with the D.C. Child Support Guideline, through the Court Registry.
To the best of my knowledge, Respondent's annual gross income equals or exceeds \$ 0
(Bring any proof of your own AND Respondent's income to court hearing, including 2 recent pay stubs, tax returns for the past 2 years or a completed financial statement. Also bring proof of any other child support orders that affect you or Respondent).

IF YOU ARE SEEKING CHILD SUPPORT, PLEASE COMPLETE QUESTIONS 7a - 7d:

- 7a. Has a paternity and/or child support case already been filed regarding any of the above-listed children?
 Yes If "Yes," please indicate where the case was filed, the case number, and the outcome,
 No if any: _____
- 7b. Are you or your children currently receiving public assistance? Yes No

- 7d. Do any of the children have special costs? (e.g., tuition, daycare, medical insurance, cost of medically necessary services) (specify): _____
8. Ordering Respondent to vacate my home, which:
 I rent/own by myself; we rent/own together; I rent/own with someone other than Respondent
(Bring lease/deed to court hearing)
9. Ordering Respondent to provide me with financial assistance and/or spousal support to pay my rent/mortgage/bills/or other expenses.
10. Awarding possession and use of the following jointly owned property to Petitioner:

11. Ordering Respondent not to remove me and/or my children from his/her health insurance policy.
12. Ordering Respondent to reimburse me for medical costs, property damage, or other expenses I have incurred due to Respondent's actions *(Bring medical bills, receipts, invoices, or estimates to court hearing)*
13. Damaged property includes *(describe)*: _____
 Ordering Respondent to enroll in and complete an appropriate counseling program for:
 alcohol abuse; drug abuse; domestic violence; parenting;
 other *(describe)*: _____
14. Ordering the police to: stand by while Respondent vacates my home; make sure Respondent turns over my keys; accompany me and stand by while I recover my belongings from Respondent; assist me with service of process upon the Respondent
15. Ordering Respondent to reimburse me for my attorneys' fees and costs.
16. Other *(describe)*: He is using drugs and I am concerned about his continued use of drugs in front of our children. My husband also has hit and threatened me several other times during the 10 years of our marriage.
17. The Respondent's actions place the safety or welfare of myself and/or a family member in immediate danger and I request that the Court grant me an emergency Temporary Protection Order today.

Petitioner further requests any other relief that is appropriate to the effective resolution of this matter, pursuant to D.C. Code Ann. §16-1005(c)(10). Petitioner requests that a hearing be set on this matter and that a Notice of Hearing and Order to Appear be issued to Respondent.

Respondent's address: Residence Business 600 New Jersey Ave., N.W., Washington, DC

DISTRICT OF COLUMBIA, ss: Jane Doe, being duly sworn, states that s/he is Petitioner named in this case; that s/he has read and understands the Petition and Affidavit; and that the facts stated herein are true to the best of her/his knowledge.

Jane Doe
 Petitioner

Paul Radey
 Deputy Clerk/ Corp. Counsel/ Notary Public

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

FAMILY DIVISION

DOMESTIC RELATIONS BRANCH

ample CPO Contempt Motion

Jane Doe, Petitioner

vs.

IF No. 0000-97

John Doe, Respondent

SF No.

MOTION TO ADJUDICATE CRIMINAL CONTEMPT

By order of this Court dated October 1, 1997, the Respondent was found to have committed or threatened an intrafamily offense within the meaning of D.C. Code Section 16-1001, et. seq. (1981) against the Petitioner. The order directed the Respondent to observe certain conditions which he/she has failed to do, in that:

The October 1, 1997 Civil Protection Order directed John Doe not to physically abuse me. On December 1, 1997, John Doe approached me at the corner of 17th and T streets, N.W., and punched me hard in my left eye. My eye was black and blue for three days.

WHEREFORE, the Petitioner asks the Court that a hearing be set on these charges and that a Notice of Hearing and Order Directing Appearance be issued requiring the Respondent to appear in Court to answer these charges and to give any testimony required by the Court. Also, that following the hearing, the Court find the Respondent in contempt of the prior Court order and make all further rulings as the Court finds appropriate.

Date:

Deputy Clerk/Corporation Counsel

VERIFICATION

District of Columbia, ss:

Jane Doe, being first duly sworn, states that he/she is the Petitioner, that he/she has read and understands the contents of this motion, and that it is true to his/her knowledge or belief.

Jane Doe, Petitioner

Subscribed and sworn to before me this 5th day of December, 1997.

Paul Roddy, Notary Public/Corporation Counsel/Deputy Clerk

THE CRIMINAL JUSTICE SYSTEM

As noted earlier, domestic violence cases are handled differently in the civil and criminal justice systems. The differences are summarized in Figure 1 (page 3) and Tables 1 and 2 (pages 4-7). In a criminal action, the abuser is arrested or investigated by the police when you make a complaint about the abuser. If the abuser has done something criminal, such as threatening you, destroying your property, or injuring you, s/he should be arrested and criminal charges should be filed. However, ***the decision about whether to file criminal charges in a domestic violence case rests not with the victim but with the U.S. Attorney's Office.***

Criminal prosecution may be an effective way to stop the abuser from hurting you again. Prosecuting your abuser criminally will take time, but it may be worth the effort. In a criminal case, ***there are several possible outcomes:***

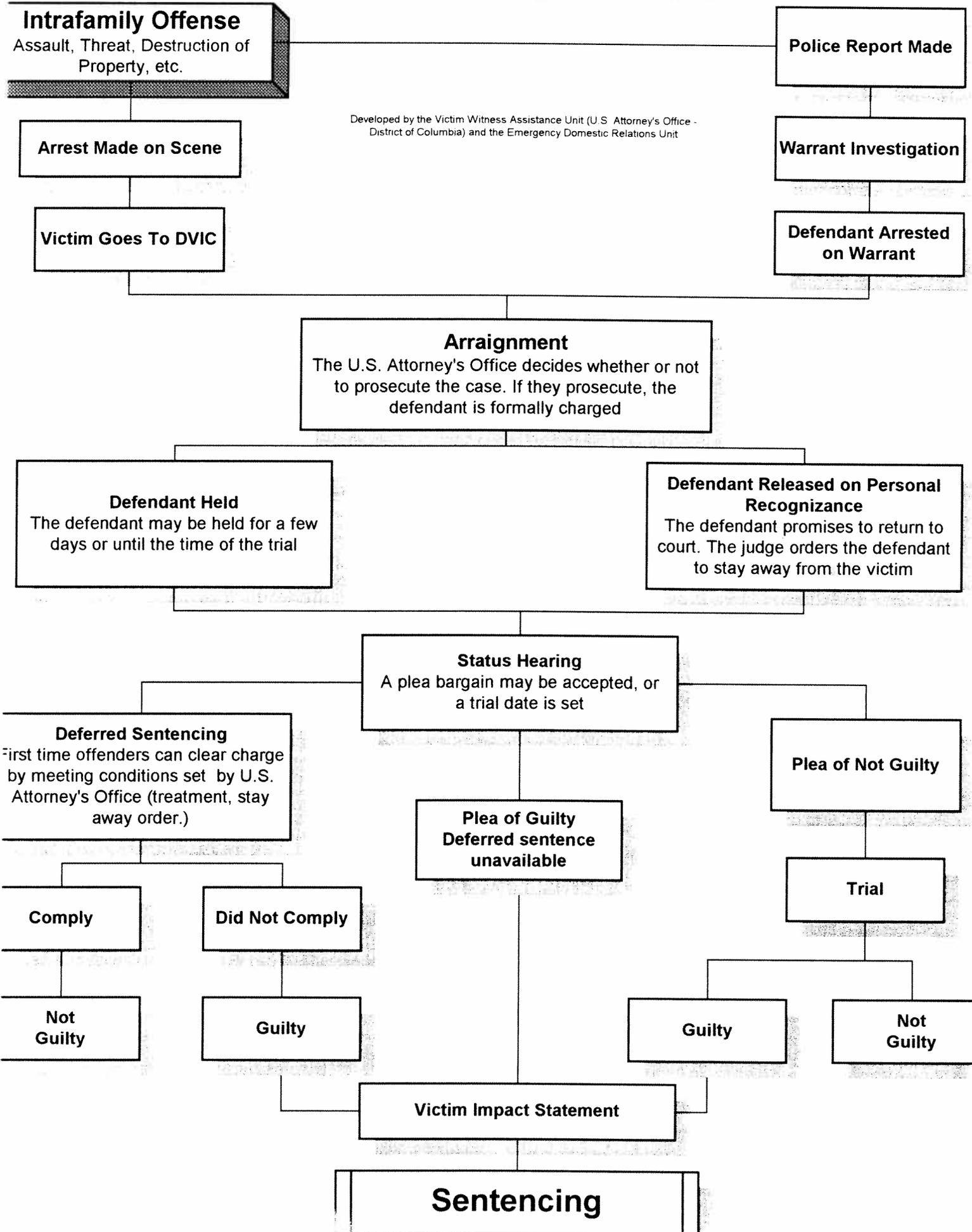
- ***The defendant is found guilty either by taking a plea bargain or by being found guilty by a judge or jury. When the defendant is found guilty, s/he will have a criminal record and may receive criminal penalties,*** such as being put in jail, being placed on probation, or being required to undergo court-monitored substance abuse or batterer treatment.

- ***In some cases, the Government allows the defendant to take a “deferred sentence.”*** A deferred sentence is when the defendant agrees that s/he committed the crime (pleads guilty) and agrees with all conditions set forth by U.S. Attorney's Office. For example, the U.S. Attorney's Office may require that the defendant go to batterer treatment, substance abuse treatment, or it may order the defendant to repay the victim for financial losses that resulted from the crime, or to stay away from the victim. ***In deferred sentences, the defendant MUST COMPLY with the orders set forth by the U.S. Attorney's Office in order to successfully complete the agreement.*** The defendant's compliance is monitored periodically, and ***at the end of 9 months, if the defendant has successfully completed all of the terms, the U.S. Attorney's Office will drop the charges and the defendant will not have a criminal record.*** However, if the defendant DOES NOT comply with the terms, the defendant is automatically sentenced for the crime s/he has already pled guilty to. ***When the defendant is found guilty, s/he will have a criminal record and may receive criminal penalties,*** such as being put in jail, being placed on probation, or being required to undergo court-monitored substance abuse or batterer treatment.

- ***The defendant is found NOT guilty.*** The defendant will not have a criminal record and will not receive jail time, probation or be ordered into treatment.

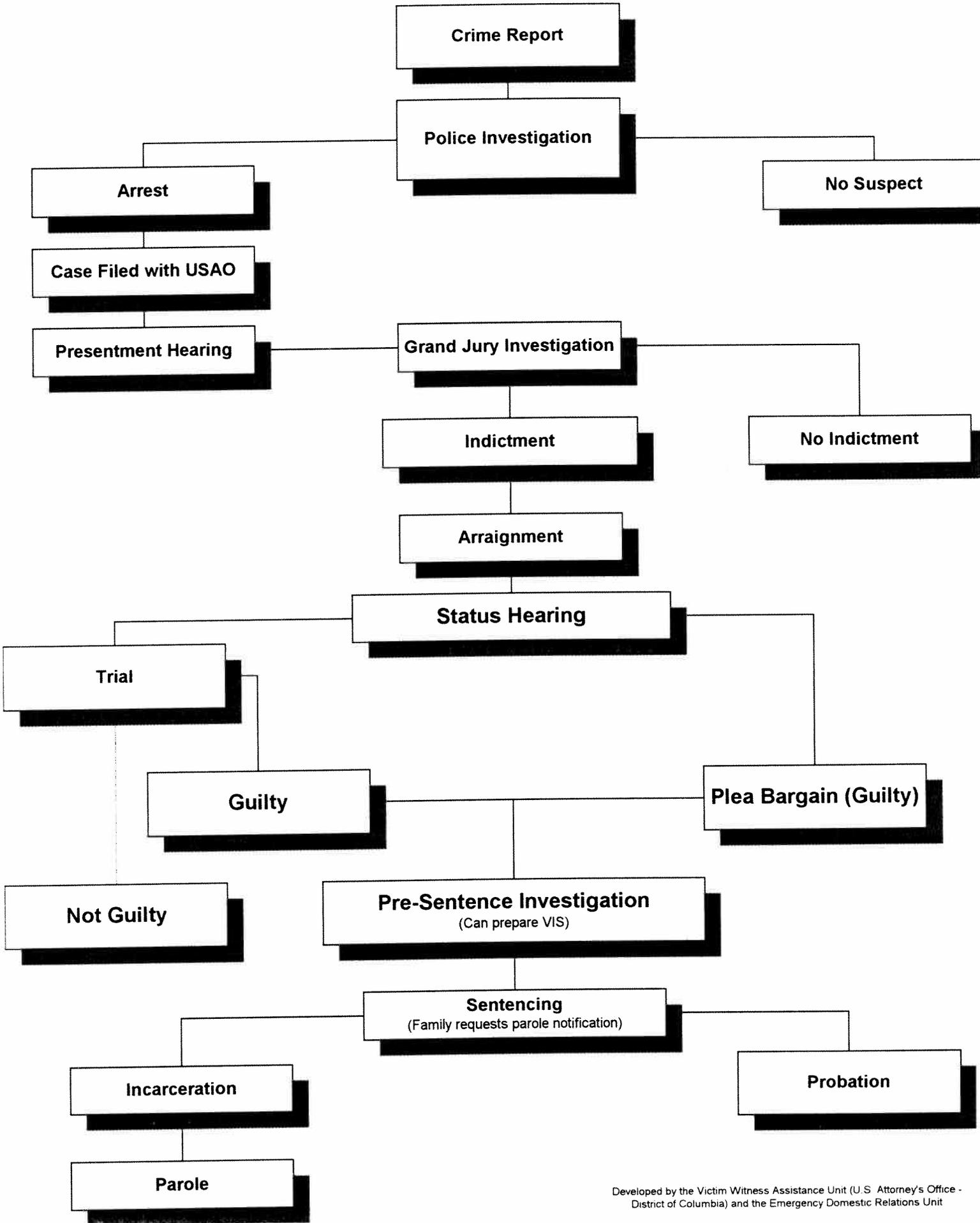
The flowchart below highlights the stages and hearings involved in the criminal justice process.

Figure 4. Criminal Charges (Misdemeanors)



Developed by the Victim Witness Assistance Unit (U.S. Attorney's Office - District of Columbia) and the Emergency Domestic Relations Unit

Figure 5: Criminal Charges (Felonies)



First on the Scene—The D.C. Metropolitan Police Department

The D.C. Metropolitan Police will come when called to the scene of an alleged crime of violence to investigate. ***If the police find that domestic violence probably occurred, they are legally required to make an arrest.*** When the police come to the scene where domestic violence has allegedly occurred, they should immediately separate you (“the complainant”) and the abuser (called “the suspect”). Police should also speak confidentially to any children at the crime scene. Once they have decided to make an arrest, they should collect evidence from the scene and from witnesses to give to the U.S. Attorney’s Office.

If you have any paperwork regarding any prior court-related matters, show them to the police. Inform police officers at the scene of the crime if the abuser has any prior arrests and about any CPOs or TPOs you may have against the abuser. As of June 1995, the police were given legal authority to arrest a suspect for violating a CPO or TPO.

What are some of the most common scenarios when police are called to intervene in domestic violence cases? The following IF, THEN scenarios are very common ones that occur in the District of Columbia. These scenarios are provided so that you can better understand and advocate for an appropriate police response.

- IF: ***The police come to the scene and, after investigating, find that they are 1) unable to determine whether an intrafamily offense occurred or they 2) find that the complaint the victim is making is not a crime;***
THEN: ***Police should file a police incident report*** and you should get the police report number, called the CCN #. You can obtain copies of those reports at the **Municipal Building, 300 Indiana Ave N.W., Washington D.C., 20001**. Sometimes it takes as long as 3 to 6 months before the reports can be obtained.

- IF: ***The police come to the scene and the abuser has fled the scene;***
THEN: ***They should file a police report which will be referred to a domestic violence investigator at the Police District where the crime occurred.*** The investigator will investigate the crime to determine whether or not a warrant for the arrest of the defendant should be issued. ***If the defendant returns to your residence, you can call the police to have him or her arrested on a “second sighting.”*** When the police return, you should have the police report number (CCN #). However, if the police fail to take a report at the scene of the crime simply because the defendant fled, the warrant will NOT be investigated. You should contact them every few days to find out the status of the pending warrant. Once an arrest warrant for the abuser is issued, be sure to get the arrest warrant number, so that if you see the abuser you can call the police and give them the warrant number. Giving the police a warrant number will make arrest more likely to occur.

- IF: ***The police come to the scene and find that there is probable cause (they***

think that the crime probably occurred);

THEN: *The police MUST by law arrest the abuser.* In the District of Columbia, there is a Mandatory Arrest Law in effect as of October, 1991.

■ IF: *You did not call the police immediately after the crime occurred;*

THEN: Go to the Domestic Violence Intake Center, Room #4235 of D.C. Superior Court. Say that you want to *talk to the U.S. Attorney's Office intake counselor about getting a warrant to arrest your abuser.* Before you get an arrest warrant, you will be asked to sign a statement giving details of what happened when you were abused. If you have visible injuries, you should ask that photographs be taken as evidence. Each Police District of the Metropolitan Police Department has been given cameras for the specific purpose of taking photographs of domestic violence victims.

There should never be a time when a police officer refuses to file a report if you have requested that s/he do so. You can insist that the police file a report and that they give you the police report number, called a CCN#, along with the responding officer's name and badge number. If a police officer does not take a report, make sure you note the time that you called 911 and try to get the responding police officer's name and badge number. Ask the police officer why s/he is not filing a report. If you do think the officer's reasons are valid, contact the police district office or the police dispatch (911) and ask to speak to a supervisor. Tell the supervisor what happened and request that a supervisor come to the scene to discuss the situation further.

Remember, you can still file for a CPO, even if no arrest is made and even if no police report is filed. For assistance, stop by the Domestic Violence Intake Center, Room #4235 of D.C. Superior Court, or call at (202) 879-0152.

What if the police arrest me?

On occasion, both parties involved in a domestic dispute are arrested. If you fought back against the suspect, the police are required to determine whether you acted in self-defense. If the police determine that you acted in self-defense, they should not arrest you. If you think you were arrested when you acted in self-defense, please have your lawyer contact the U.S. Attorney's Office (202) 305-3697. They will look into the matter.

After the Abuser is Arrested

If the abuser is arrested, s/he will be taken to the nearest precinct station. Persons arrested for domestic violence are NOT eligible for Citation Releases and must be presented to a judge or commissioner before being released. An arrest temporarily removes the abuser from your home or prevents him or her from coming near you. In the majority of cases, this means that the abuser will likely spend the night in jail and will appear in court the next morning; at that time, the U.S. Attorney's Office will decide whether or not to prosecute the case. If the U.S. Attorney's office is NOT prosecuting the abuser, s/he will be released without any conditions and told there are no

charges against him/her.

When the abuser is arrested, you must go to the court's Domestic Violence Intake Center to give the intake counselor from the U.S. Attorney's Office information regarding the offense and any history of violence. If the abuser is held over night, you should be there early the next morning, including Saturdays and holidays. You should go to the Domestic Violence Intake Center, Room 4235 of Superior Court. On Saturdays and Holidays when the Center is not open, you must report to Room #C-195 on the lowest level of Superior Court and ask to speak to the domestic violence intake counselor.

The domestic violence intake counselor will explain the criminal process. If charges are filed, you will also be speaking with a prosecuting attorney who will ask more detailed questions about the nature of the crime committed. ***Make sure to get the phone numbers of all of the people who help you while you are at D.C. Superior Court.*** The people you have spoken to can help you if you have any further problems with the abuser.

Will the Abuser Be Held in Jail While the Criminal Case Is Pending?

The law allows defendants in criminal cases to be released from jail before a trial is held if they promise or guarantee that they will come to court whenever they are told to do so. In most situations involving domestic violence offenses, the defendant will be released without bond. This is true especially if the charges are misdemeanor charges as opposed to more serious felony charges and if the defendant (abuser) has not been recently arrested for a similar offense.

Before making a decision about whether or not to release a defendant, a judge will look at how long the defendant has lived in the community, whether s/he family members who live in the community, previous arrests, whether s/he has come to court when told to do so in the past, and the strength of the evidence against him or her. The judge will also consider whether the defendant is a danger to the community. ***If you are afraid that the abuser will hurt you if s/he is released, tell the U.S. Attorney's Office why that you think it is important that the abuser be held.*** The U.S. Attorney's Office needs to know all of the reasons the abuser is a danger to you and the community, as well as reasons that you think the abuser would not show up for a court hearing. For example, if the abuser has avoided other court hearings in the past.

What Kind of Protection Can I Get from My Abuser in the Criminal Justice System?

If the abuser is released, you need to take steps to protect yourself, such as trying to stay somewhere s/he can't find you or having someone else stay with you. Remember, neither a CPO nor a criminal stay-away order will physically keep your abuser away.

Once ***the decision to file criminal charges at intake has been made, you can ask the prosecuting attorney and the domestic violence intake counselor to request "a criminal stay-away order" (see Sample Criminal Stay Away Order, page 45).*** You should also know that in most cases, even if you don't request a criminal stay away order, the U.S. Attorney's Office generally will request one. ***The only way to find out if a criminal stay away has actually been issued by the***

court is to contact the prosecuting attorney several days after the arrest.

A criminal stay away order is a general order telling the defendant to stay away from you. ***A criminal stay-away order is NOT the same thing as a CPO issued in a civil case.*** It is important that you understand the differences between these types of orders, so that you can protect yourself to the fullest extent possible. For a summary of the differences between a criminal stay-away order and a CPO, see the Figure 6 on page 44 and Table 3 on page 46. ***Remember, neither a criminal stay-away order nor a CPO will physically keep your abuser away if s/he decides to violate it.***

If the abuser violates the criminal stay-away order, you should immediately call the police for protection. Although you will not have a written copy of the criminal stay away order, you can tell the police that you have a pending criminal case with a criminal stay away order. Although the police cannot make an arrest simply because the abuser has violated a criminal stay-away order, they can escort him or her off your property and take an intrafamily incident report that can be used to document the violation for subsequent action by the U.S. Attorney's Office. Furthermore, if the abuser has committed a crime (like threatening you, hitting you, or destroying your property) or has violated a TPO or CPO, they can make an arrest.

After you have contacted the police and are safe, you should contact the prosecuting attorney or your victim advocate at the U.S. Attorney's Office when the abuser violates a criminal stay-away order. A criminal-stay away order (unlike a CPO or a TPO) must be enforced by the U.S. Attorney's Office. If the defendant violates the stay away order and you don't contact either the prosecutor or domestic violence victim intake counselor (also known as victim advocate) at the U.S. Attorney's Office, there is no way to enforce the criminal stay-away order. Make sure to tell them the details of what happened. Ask them what is likely to happen as a result of the violation. It may also be helpful to you and the prosecutor if you keep a journal of any problems you have had with the defendant. Depending on what the defendant did, it may be possible that the defendant will be incarcerated. If you don't remember who the attorney or victim advocate is, call (202) 879-7844 for help.

Will My Abuser Go to Jail If I Press Charges?

First, ***you are not pressing charges—the U.S. Attorney's Office is.*** The U.S. Attorney's Office recognizes the importance of providing abusers with opportunities to rehabilitate themselves without spending time in jail. It also recognizes that the person who abused you may be providing emotional and financial support to your family. The U.S. Attorney's Office has found, however, that victims of domestic violence sometimes ask for leniency and rehabilitation when in the judgment of the U.S. Attorney's Office, the abuser ("the defendant") is unwilling or unmotivated to change or has demonstrated that s/he is a serious danger to the victim and often to their children. Sadly, we have had the experience of being lenient on abusers who subsequently returned to kill the very victims who had asked the court to be lenient. The dynamics of domestic violence, the fear and isolation of being battered, often make it difficult for victims to really recognize the danger that they, their children, other family members, and even strangers caught in the crossfire are in.

Before the Criminal Trial

Arraignment

At arraignment, the abuser (called “the defendant”) is told if and what charges have been filed by the U.S. Attorney’s Office. Arraignment takes place in arraignment court (Room #C-10, D.C. Superior Court). Arraignment generally occurs the day following an arrest. The defendant is given an opportunity to plead guilty or not guilty to the charges at this time. At arraignment, the abuser is told about any conditions of release (including the criminal stay-away order) and the next court date; the defendant also has an opportunity to meet with a court-appointed attorney who will represent him or her at trial (defense attorney). In the majority of domestic violence cases, the next hearing date will be a status hearing in 2 weeks, which is scheduled to coincide with your CPO hearing date if you petitioned for one.

Status hearings

At the first status hearing, which usually occurs about 2 weeks after the arraignment, the prosecuting attorney and the attorney representing the abuser (defense attorney) will talk about legal issues involved in the case and attempt to set a criminal trial date.

It is not recommended that victims of domestic violence attend status hearings. The exception is when victims are specifically asked to attend by the prosecuting attorney. If you want to find out what happened at a status hearing, you can contact the prosecuting attorney at the U.S. Attorney’s Office who is handling your case.

What should I do if the defense attorney calls me to discuss the case?

Sometimes, defense attorneys or private investigators representing defendants facing criminal charges for domestic violence try to contact victims/complaining witnesses. Always find out the name of any person who tries to contact you and ask what organization they are from. If the person is *not* from the U.S. Attorney’s Office, the D.C. Coalition Against Domestic Violence, or the Domestic Violence Intake Center, and is not representing you personally on a CPO, s/he is likely to be representing the defendant. Ask the person who is calling you if they are representing the defendant (abuser) or if they are private investigators hired by the defendant’s attorneys. If you are not comfortable with the answers you are getting, you may contact your prosecuting attorney or your victim advocate and talk to them about the nature of the call.

If the person is an attorney or investigator working for the defense, think carefully about whether you want to talk to that person or not. ***You do not have to talk to defense attorneys or private investigators working for the defendant if you do not want to.*** If you do speak with individuals representing the defendant, bear in mind that their priority is the interests of the defendant, not yours. They may use what you say against you in the courtroom. For example, a common technique used by defense attorneys is to get victims to sign written statement about the details of an assault. Then at trial, if you testify about the details of the assault differently, they will confront

you in front of the judge and jury with the inconsistencies and attempt to make you appear to be dishonest or untrustworthy. You should also be aware that private investigators will sometimes come to your home unannounced. You do not have to answer their questions or make time to talk to them, even if you feel they are pressuring you to do so.

What do I have to do in advance to prepare for the criminal trial?

The detectives and Assistant U.S. Attorney who are handling the criminal case will do all the investigative and trial preparation work. However, there are many ways you can be helpful. For example, if you have any information which you think might help the case, give it to the prosecuting attorney as soon as possible. This information could include names, phone numbers and addresses of witnesses, background information you have about the defendant. *It is important that you contact the prosecutor immediately if you move or change jobs or phone number, so we can reach you* if we have an important question to ask you and so we can keep you updated on the progress of the case. The best person to contact is your prosecuting attorney or your victim advocate. If you have lost their names and/or numbers, you can contact 879-7844 (Domestic Violence Intake) or the receptionist for the Domestic Violence Prosecution Unit in the U.S. Attorney's Office at (202) 305-3693.

Before the trial, try to talk over the phone—or if possible meet with—the Assistant U.S. Attorney who is assigned to the case. You should bring with you any evidence that can prove that an assault occurred, including photographs of injuries, medical records, and a list of witnesses. To find out what information you need, call the prosecuting attorney, the victim advocate, the Domestic Violence Prosecution Unit of the U.S. Attorney's Office at (202) 305-3693.

My abuser told me to come down and “drop the criminal charges or else.” What should I do?

This is a threat. Report this to the prosecutor as soon as possible. Depending on the specific nature of the threat, additional charges may be filed against the defendant. You should also contact the police and report the threat.

What should I do if my abuser tells me to “call the prosecutor and drop the case”?

Tell the abuser that you do not have the power or authority to get the prosecutor to drop the charges in a criminal case. The criminal case is being brought by the U.S. Government through the U.S. Attorney's Office. You are not a party in the lawsuit that is being brought. Rather, as the victim of domestic violence, you are an important witness to a crime.

What should I do if my abuser tells me to “disappear on the date of the trial”?

Tell the abuser that you have a court subpoena requiring you to appear at the trial and that the court can demand that a U.S. Marshal take you into custody and bring you into court if you fail to appear on the day and the time stated on the subpoena. Remember, the decision to prosecute is not yours. If someone tells you that you do not need to appear, ask the person for identification and then call the prosecuting attorney to get additional information and to report the person making the

call.

Plea offer or agreement

Before a case comes to trial, the U.S. Attorney's Office has the option of offering the defendant a chance to plead guilty. To the public and to many victims, plea bargaining has a negative image. In reality, plea bargaining is often a very good tool for avoiding the uncertainty of a jury trial and for making sure that a conviction cannot be appealed.

Getting a jury verdict of guilty is never a sure thing, and a plea agreement ensures a conviction. A plea bargain does *not* mean the defendant will be sentenced to probation or that the charges will be reduced to a less serious ones. Although the charges in some cases are reduced through a plea agreement, the potential sentence that the defendant will receive remains an important factor in determining what offer will be made by the prosecuting attorney.

Also, in the case of a plea agreement, the defendant has no right to appeal his or her conviction. A plea agreement guarantees that the defendant will "stay guilty" and serve his or her sentence. In contrast, a jury trial can at times be a very technical process, and there is always the chance of some error that might entitle the defendant to a new trial, perhaps years later when all the evidence or witnesses have disappeared.

What is a motions hearing?

A hearing held to resolve any legal questions about the prosecution of the defendant before going to trial and which is normally held between the judge and the attorneys in the case and sometimes requires the testimony of a witness. Examples of motions include a request by the attorneys to continue or change the court date, admit or exclude evidence. In domestic violence cases, the Government frequently files a "Motion to Revoke Conditions of Release". When the defendant is released from the Court's custody at arraignment, s/he is told that a condition of being released is to stay away from the complaining witness (victim). When the defendant calls or comes to the victim's house, s/he is violating this condition of being released. Therefore, the Government files a motion in an attempt to get the defendant put in jail until trial because of a violation of the criminal stay away order. This is the only way that the criminal stay away order is enforceable - when the Government files this motion (see criminal stay away order page 33, Figure 6 on page 44, and Table 3, page 46)

Preventive detention hearing

A hearing to decide if there is "probable cause" to believe that the defendant committed the crime of which he has been accused. The prosecuting attorney does not have to prove the defendant is guilty beyond a reasonable doubt at this hearing. If there is enough evidence presented, the judge will decide whether the defendant poses a danger to the community or will flee from the area and not show up for the next court date. The judge will then determine whether to hold the defendant in jail without bond until the trial.

How are Misdemeanor and Felony Charges Different?

Most domestic violence cases are misdemeanors. In domestic violence cases, common misdemeanor charges brought against the abuser are: simple assault, threats, possessing a prohibitive weapon, destruction of property, unlawful entry, and violation of a civil protection order.

In some cases, the defendant is charged with a felony. In domestic violence, the most common felony charges brought against the accused are: assault with a dangerous weapon, aggravated assault, felony threats. If convicted of a felony, the defendant will likely face stiffer punishment. Felony cases involve additional hearings and meetings with the prosecuting attorney and these cases frequently take longer to reach a disposition than do misdemeanor charges. Most misdemeanor charges have a maximum jail sentence of 180 days and do not require the presence of a jury. In all felony cases, the defendant has a right to ask for a jury.

Usually the defendant's first hearing in a felony case is a **Presentment/Initial Appearance**. This is the first court proceeding a defendant has after his arrest, usually on the same day or the next day. The defendant learns his rights, the charges are read, a lawyer is appointed for the defendant, and the court decides if the defendant will be held in jail or released until the preventive detention hearing. Some cases reach disposition before a grand jury is presented with the evidence. If not, a **grand jury investigation** will begin to determine if there is enough evidence to prosecute the case. The grand jury prosecutor will schedule a **witness conference** in order to interview the victim about facts related to the case. Sometimes, victims testify in a secret hearing in front of a grand jury which is composed of District of Columbia citizens. If the grand jury finds that there is sufficient evidence, the suspect is "indicted" for the crime. If there is not enough evidence, the indictment is "ignored" and the defendant is released.

Once the case is indicted, the case proceeds in a similar manner as a misdemeanor case, except there are commonly more status hearings and motions hearings. Furthermore, felony cases where the defendant does not take a plea bargain, often take about a year to reach a disposition. If a guilty verdict is reached by a jury, the judge will request a pre-sentence report. A **pre-sentence report** is an investigation conducted by the Department of Probation. It is a written investigation of facts that the judge may wish to consider. The probation officer conducting the investigation is supposed to interview the victim and the defendant. Sometimes, the officer may talk to others who knew a great deal about the defendant or the victim. Further, the report includes a review of (1) the defendant's history of contact with the criminal justice system, and (2) the defendant's history of substance abuse and treatment for substance abuse. Other factors that are considered are the defendant's employment history.

Criminal Trial and Sentencing

What do I need to do on the day(s) of the criminal trial?

Because you are the complaining witness or complainant, *you must be present to testify at the criminal trial unless you have discussed your case with the prosecuting attorney and, in*

unusual circumstances, an exception has been made. Otherwise, you must appear in court on the date stated on the subpoena. It is a court order and the court can demand that a U.S. Marshal take you into custody and bring you into court if you fail to appear on the day and the time stated on the subpoena.

Before the criminal trial, as noted above, you may contact the victim advocate working at the U.S. Attorney's Office and/or the prosecuting attorney to discuss any questions, concerns, or to update them on any new information about your case. If you have received any additional medical treatment or you have new diagnostic information, please contact the Assistant U.S. Attorney as soon as possible. S/he will want to obtain all of your updated medical records.

Here are some suggestions for you on the day of the criminal trial:

- Have a plan for safety when going to and from court. You may want to ask your domestic violence intake counselor (victim advocate) if s/he is available to meet with you before your trial or to escort you to trial.
- Remember, you are not on trial. Wear comfortable clothing that is also appropriate for court.
- Do not discuss with anyone what you are going to say or what you said at trial.
- When you testify, take your time responding to questions. Try to picture exactly what happened, and tell the truth about what you remember. If you do not understand a question, ask that it be worded differently. It is okay to say that you do not know the answer to a question.
- Try to speak clearly, and direct your answers to the judge or jury. If your injuries make it difficult for you to speak or to hear, let the judge know this.
- Be polite, firm, and clear in your answers even if a question seems hostile.
- Do not speak to a judge or juror during the course of the trial unless you are in the courtroom testifying under oath. If you come in contact with the judge or jurors in the hall, elevator, or during a recess or break, do not speak to them. They must stay free of bias (prejudice or favoritism) as they listen to the testimony. Do not discuss the case in the halls, restrooms, or anywhere that a friend of the defendant or a juror may overhear. There is a special waiting room for victims and witnesses. Ask your victim advocate where it is. If these guidelines are followed, families and friends will help to prevent a mistrial from occurring.
- Do not interrupt when the judge, attorney or defendant is speaking. Stop talking if an objection is made by one of the attorneys, or if the judge interrupts. If the objection is sustained, do not continue answering the question. If the objection was overruled, then you must continue to answer the question. Sometimes, you will be told by the judge whether you can finish your answer. If you have forgotten the question you were answering, ask to have it repeated.

- If you have questions or concerns during the trial, write them down and give them to the prosecutor or victim advocate. Don't interrupt or whisper during the trial.

If convicted, what penalties will the abuser face?

Criminal penalties vary, depending on the specific charges and circumstances. Sentences may include probation, court supervision, mandated substance abuse or batterer treatment, community service, psychiatric treatment, or a jail or prison term.

Will I have a chance to tell the judge how I feel about what happened?

During a criminal trial, it may seem as if most of the attention is paid to the defendant (the abuser) and not to the effects the crime has had on the victim. If the defendant is found guilty or pleads guilty, you will have a chance to talk about these things in a victim impact statement. ***A victim impact statement is one of the most important rights provided victims of crime in the District of Columbia.*** This does not apply when the defendant has taken a “deferred sentence.”

The judge wants to know what you think about the amount of jail time the defendant should receive, the amount and type of treatment that should be ordered, and if you think the defendant will benefit from treatment. You can also request that the judge order the defendant to stay away from you as a condition of any probation that is ordered. ***The judge will read your victim impact statement before sentencing the defendant,*** so it will help him or her to know what you have experienced as a result of this crime. Also, a copy of your statement will go into the defendant's parole file when she or he is sentenced.

You may also be able to allocute (speak aloud) to the judge at the sentencing. A sample Victim Impact Statement form for victims can be found on page 65, and similarly one can be found for children exposed to domestic violence on page 70. You must first have the Assistant U.S. Attorney in your case ask the judge for permission for you to speak. Many people have found that making a victim impact statement, whether in writing or in person, is helpful in the healing process.

You should also know that more and more, experts believe that children who witness domestic violence are traumatized and many of them may experience the same symptoms that you do. ***Many children want the opportunity to tell the judge how they feel about the violence going on in their homes.*** If your child wants to write a letter to the judge, or come talk to a Victim Advocate who can assist them in writing a statement, please encourage them to do so.

Many victims find it difficult to write about the crime. ***You can call the Domestic Violence Coordinator who will give you the name of a victim advocate who can assist you with writing your Victim Impact Statement.*** You can also contact the Victim Witness Assistance Unit and ask that they send you a Victim Impact Statement booklet which gives information about other documentation that you can include like medical bills.

After the Criminal Trial

What should I do if I have bills directly related to the criminal offense that I can't pay?

If you have to pay any bills as a result of the crime, you should take the following steps:

- File for benefits with your health, automobile, or homeowners insurance company for reimbursement.
- If you have used all your benefits under your insurance and still have bills from the crime to pay or if you don't have any insurance to pay these bills, you may be eligible to receive money to help you pay for medical and counseling bills or lost wages resulting from the crime through the Crime Victims Compensation (CVC) Program of the Superior Court of the District of Columbia, 515 5th Street N.W., Suite 203; **(202) 879-4216**. Payments are most often made for the following:
 - Crime-related medical and mental-health counseling bills;
 - Wages, support, or services lost as a direct result of the crime
 - The cost of cleaning a crime scene
 - The replacement cost of clothing held as evidence
 - In some cases, the cost of emergency temporary housing
 - Funeral and burial costs

The Crime Victims Compensation Program may have limited funding, so contact your victim advocate at the U.S. Attorney's Office for information about compensation options. If you live in another State and the crime occurred in the District of Columbia, or if you live in the District of Columbia, and the crime occurred in another State, you may be eligible to apply for compensation in another jurisdiction. It is important to seek information about this quickly in order to avoid being denied benefits because of deadlines.

- You may also sue the abuser for money in a civil lawsuit or in a CPO case. The D.C. Bar Association (1250 H Street N.W., (202) 737-4700) can provide you with a list of civil attorneys.

If the abuser is harassing me from jail, what can I do?

If the abuser continues to harass you after s/he has been prosecuted, you should immediately contact the Domestic Violence Unit of the U.S. Attorney's Office at 305-3693. The case may be reopened for further criminal prosecution or the abuser may be taken off probation and put in jail. Always remember, a victim of domestic violence also can get a CPO. For more information about how to get a CPO, see "The Civil Justice System" (pages 7-27).

If the abuser is found guilty of criminal charges and sentenced to prison, how can I find out

when s/he is released?

If the trial was in D.C. Superior Court and the defendant was sentenced to a D.C. prison, you have the right to be present at parole hearings and/or to present a written statement of your opinion about whether defendant should be granted parole.

After sentencing, you must notify the D.C. Board of Parole that you want to be present or submit a written statement at parole hearings. You must also notify the board if your address or phone number changes. Requests should be sent to Victim Coordinator, D.C. Board of Parole, 300 Indiana Avenue, N.W., Washington, DC 20001. Request forms are also available from the Victim Witness Assistance Unit of the U.S. Attorney's Office by calling (202) 514-7130 or by picking them up in Room #1810 on the first floor of the Judiciary Center Building at 555 Fourth Street, N.W., Washington, DC. The victim advocate from the U.S. Attorney's Office will help you with the form if you need assistance.

If your trial was in Federal court and the defendant is sentenced to a Federal prison, you can learn of his or her placement, escape, or release from the Federal Bureau of Prisons' Victim Notification Program. You must complete a written request to the U.S. Attorney's Office. A victim advocate from the U.S. Attorney's Office will help you do this after the defendant has been sentenced. You must notify the Board of Parole and/or the U.S. Attorney's Office if your address changes.

What rights do victims of crimes have at parole hearings?

A "victim of a crime of violence" means any person who is killed or physically injured in the District of Columbia. Each victim of any crime of violence or one representative from the immediate family of the victim, if the victim has died, has the following rights at the offender's parole hearings:

- To be present.
- To offer a written statement of your opinion whether the offender should be granted parole.

If you or a member of your family have been a victim of a crime of violence and you want to exercise your rights about parole hearings, you can write the D.C. Board of Parole or call the Victim Witness Assistance Unit of the U.S. Attorney's Office at (202) 514-7130.

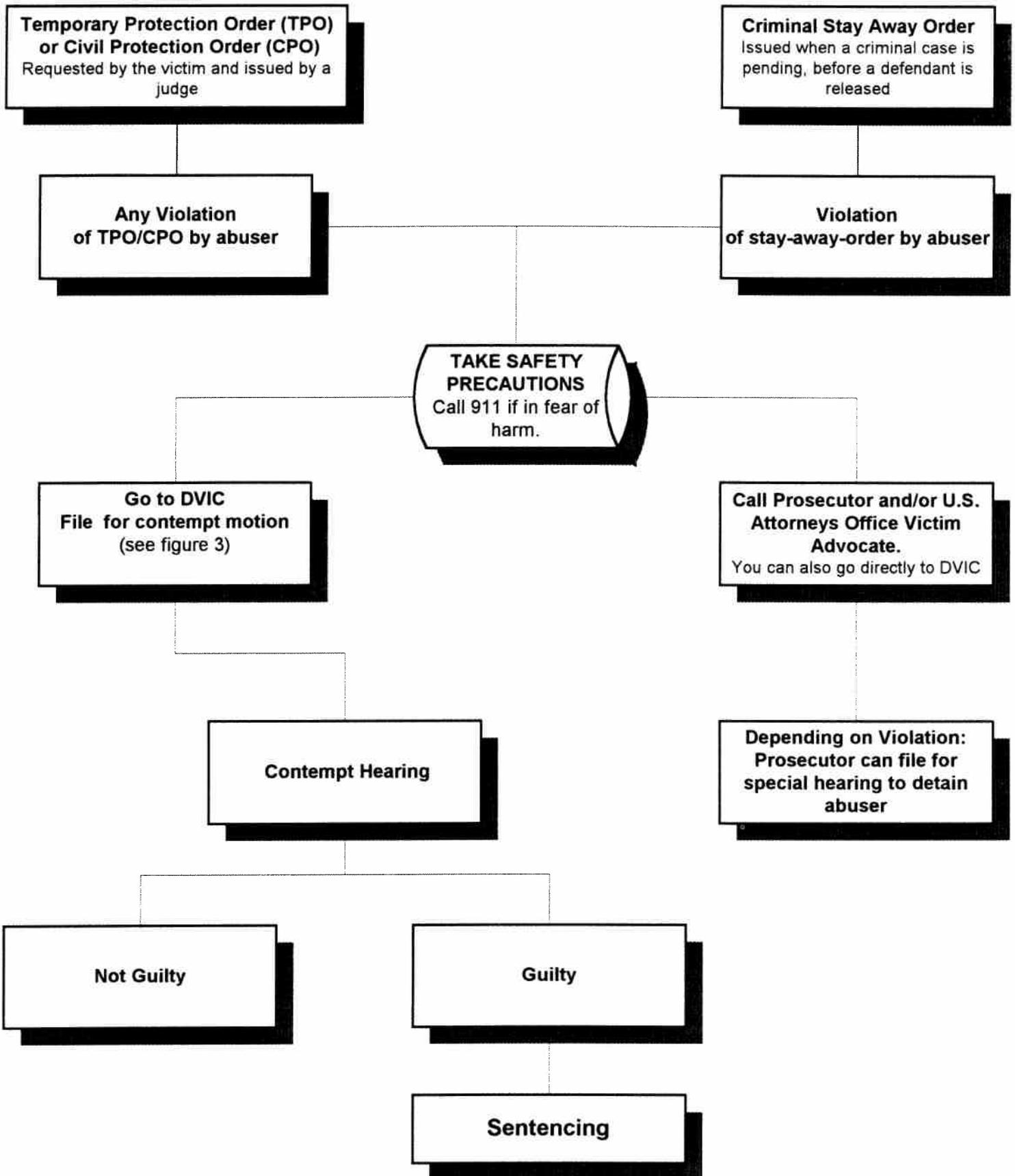
If you wish to write the D.C. Board of Parole, you should address the letter to the Victim Coordinator, D.C. Board of Parole, 300 Indiana Avenue, N.W., Washington, DC 20001. Include in your letter the following information: your name; your address; your telephone number with area code; your relationship to the victim; the name of the offender; the offense; the criminal case number; your signature; the date and other relevant information you have available. You are responsible for notifying the D.C. Board of Parole of any change of address or phone number if you expect to be notified of the offender's parole hearing.

DIFFERENCES BETWEEN A CRIMINAL STAY-AWAY ORDER AND A CIVIL PROTECTION ORDER

In the civil justice system, you may petition the court for a TPO or a CPO that tells an abuser to stop assaulting, threatening, or harassing you. In a criminal case, once the U.S. Attorney's Office has filed criminal charges, you may get some protection from an abuser (called "the defendant") through a "*criminal stay-away order*." A criminal stay-away order specifies in general terms that the abuser ("the defendant") should "stay away from, and have no contact with" you ("the complainant"). If you want one, you should ask the attorney prosecuting the criminal case to ask the court to issue one.

It is important to understand the difference between a CPO and a criminal stay-away order, so you know what steps can be taken to ensure that violations of the orders are handled appropriately. The following table explains some of the most common questions that arise regarding the differences and the advantages and disadvantages of CPOs and criminal stay-away orders.

Figure 6: Criminal Stay Away Order vs. TPO or CPO



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America

Case No. M-99999-4

John Doe

300 Anywhere Lane (202) 727-7777

Defendant's name

Defendant's address

Defendant's phone no.

YOU ARE HEREBY RELEASED ON THE CONDITIONS INDICATED BELOW: THESE CONDITIONS WILL BE IN EFFECT UNTIL YOUR CASE IS DISPOSED OF OR UNTIL THEY ARE CHANGED OR AMENDED BY A JUDGE

Form with sections: PERSONAL PROMISE, UNSECURED APPEARANCE BOND, SUPERVISORY CUSTODY, YOU ARE TO STAY, YOU ARE TO LIVE, DRUGS, YOU ARE TO REPORT TO, REVIEW, YOU ARE TO, OTHER, MONEY BOND OF.

Section: NEXT DUE BACK, YOUR ATTORNEY, THE D.C. PRETRIAL SERVICES AGENCY AT 727-2800.

Section: DEFENDANT'S SIGNATURE, WITNESSED BY, I understand the penalties which may be imposed on me for willful failure to appear or for violation of any condition of release and agree to comply with the conditions of my release and to appear as required.

IMPORTANT: YOU ARE TO NOTIFY IMMEDIATELY THE D.C. PRETRIAL SERVICES AGENCY, 500 INDIANA AVE., N.W., FIRST FLOOR, TELEPHONE NUMBER 727-2800, OF ANY CHANGE OF ADDRESS, EMPLOYMENT, OR CHANGE IN STATUS OF ANY RELEASE CONDITIONS.

Section: Date 4/24/97, SO ORDERED, Signature of Judge

WHITE - COURT JACKET
GREEN - D.C. PRETRIAL SERVICES AGENCY
BLUE - DEFENDANT

YELLOW - DEFENSE ATTORNEY
GOLD - CUSTODIAN
PINK - U.S. ATTORNEY

Table 3: Differences Between a Criminal Stay-Away Order and a Civil Protection Order

QUESTION	CIVIL PROTECTION ORDER (CPO)	CRIMINAL STAY AWAY ORDER
<p>What kind of protection will an order offer me?</p>	<p>A CPO is usually very specific, not only ordering the abuser to stop threatening and harming you but also including orders that you request at the CPO hearing. Thus, a CPO may specify stay-away conditions, award temporary custody, order child support payments, and order treatment for the abuser and/or for your children.</p>	<p>A criminal stay-away order specifies in general terms that the abuser (“the defendant”) should “stay away from, and have no contact with” you (“the complainant”).</p>
<p>How do I get an order to protect me?</p>	<p>To get the court to issue a CPO, you (the victim) need to take three steps:</p> <ul style="list-style-type: none"> ■ File a petition for a CPO. Go to the Domestic Violence Intake Center (DVIC) in Room #4235, D.C. Superior Court, 500 Indiana Ave., N.W., Washington, DC. Tell a DVIC intake counselor that you want to file a petition for a CPO. The intake counselor will help you. ■ Make sure that the necessary court papers are properly “served” on the abuser (the respondent), so that s/he is informed of the CPO hearing time and date. ■ Attend a court hearing on your CPO and prove to a judge that you were threatened or physically harmed. <p>You must follow through with all these steps, or your petition for a CPO will be dismissed.</p>	<p>The court will ONLY issue a criminal stay-away order WHEN CRIMINAL CHARGES HAVE BEEN FILED <i>against</i> the abuser by the U.S. Attorney's Office. Although in most cases, the prosecuting attorney will automatically request such an order for you, you should ask the prosecutor to issue one if you want one. It is the D.C. Superior Court who issues the stay away order. In most cases, the court will issue one if it is requested by the U.S. Attorney's Office. You can find out whether the Court issued one by contacting your prosecuting attorney after the defendant has been arraigned.</p>

QUESTION	CIVIL PROTECTION ORDER (CPO)	CRIMINAL STAY AWAY ORDER
<p>Are there occasions when judges do not issue an order to a victim?</p>	<p>Sometimes. A CPO may be denied only if there is not enough proof that the abuser threatened, hit, slapped, or injured the victim, or that the abuser committed some other criminal act against the victim.</p>	<p>Infrequently. If the abuser is on the same lease as you are, the criminal stay-away order may not include order him or her to stay away from the residence.</p>
<p>Will the police arrest the abuser for violating the order?</p>	<p>The police are required by law to arrest the abuser if they believe s/he violated a CPO.</p>	<p>The police can only arrest the abuser if the violation of the stay-away order is a criminal offense—for example, if the abuser threatens you, hits you, or destroys property. However, <i>even if the abuser does not commit a criminal offense, the police can escort him/her off your property.</i> Having a record of calling the police is helpful to the U.S. Attorney's Office when they try to enforce stay-away order with the court.</p>

QUESTION	CIVIL PROTECTION ORDER (CPO)	CRIMINAL STAY AWAY ORDER
<p>What should I do if the abuser violates the order?</p>	<p>A CPO can be enforced by the petitioner, in a contempt motion, OR by the U.S. Attorney's Office in a criminal prosecution.</p> <p>If the abuser is causing you to be afraid, putting you in danger, or physically harming you, call the police (911) immediately. The police have the authority to make an arrest for a violation of the CPO.</p> <p><u>Contempt</u></p> <ul style="list-style-type: none"> ■ File a contempt motion. Return to the DVIC (Room #4235) and report what happened. Someone at the DVIC will help you file a contempt motion. ■ Have the necessary court papers "served" on the abuser. ■ Attend a court hearing (about 2–4 weeks after you file the contempt motion) where both sides tell their stories. You must attend this hearing. <p><u>Criminal Prosecution</u></p> <ul style="list-style-type: none"> ■ Contact the prosecuting attorney or your victim advocate at the U.S. Attorney's Office to tell them what happened 	<p>A criminal-stay away order must be enforced by the U.S. Attorney's Office. If you don't contact either the prosecutor or victim advocate at the U.S. Attorney's Office, no action will be taken and the order will not be enforced. Take these steps:</p> <ul style="list-style-type: none"> ■ Call 911 when the violation of the criminal stay-away order occurs to get protection and documentation for the U.S. Attorney's Office . ■ Contact the prosecuting attorney or your victim advocate at the U.S. Attorney's Office to tell them what happened and find out what they can do about it. If you don't remember who the attorney or victim advocate is, call (202) 879-7844 for help.

QUESTION	CIVIL PROTECTION ORDER (CPO)	CRIMINAL STAY AWAY ORDER
<p>If the abuser violates this order, what will the consequences be?</p>	<p><u>Contempt</u> After a court hearing at which both parties give present their sides of the story, the judge will decide whether the abuser violated the CPO. If the abuser is found guilty, s/he could be jailed for up to 6 months, fined \$300, or both.</p> <p><u>Criminal Prosecution</u> It depends on what the abuser does. The U.S. Attorney's Office will determine a course of action depending the nature of the crime. A violation such as an assault could result in a rearrest and increase the chances that the U.S. Attorney's Office could get the defendant detained until trial.</p>	<p>It depends on what the abuser does. The U.S. Attorney's Office will determine a course of action, depending on the history of violence and the nature of the violation. A violation such as repeated harassment, further stalking or an assault could result in an emergency hearing to get the abuser put in jail.</p>
<p>How long does the order remain in effect?</p>	<p>A CPO lasts for 1 year.</p>	<p>A criminal stay-away order remains in effect until the criminal case reaches final resolution (this period may be brief if the abuser pleads guilty but is usually about 3 months).</p>
<p>Can I get the order extended?</p>	<p>YES. You can seek a 1-year extension of your CPO by going to the Domestic Violence Intake Center to file a motion for an extension BEFORE your CPO expires. Again you will have to have court papers served on the abuser ("the respondent") and attend a court hearing.</p>	<p>YES. The court may extend the order as a condition of probation if the abuser is found guilty and given probation as part of his/her sentence.</p>

Corporation Counsel: (879-0152) will assist you with civil protection orders, child support and paternity issues. Can screen victim to determine eligibility for free legal assistance through Corporation Counsel or Emergency Domestic Relations Project.

Emergency Domestic Relations Project : (393-6290) will assist you with civil protection orders and will screen you for eligibility for free legal assistance in your civil case.

U.S. Attorney's Office: (879-7844) the victim advocate will ask you questions about the history of violence in this relationship and will answer any questions you might have about the criminal legal process and domestic violence. The government will assign you an attorney who will prosecute your case. You will have a chance to meet your attorney in room C-195, which is in the basement of this building.

Metropolitan Police Department: (879-7849) Will take a police report and possibly request an arrest warrant if you were unable to call the police or if they did not file a report/make an arrest at the time of the incident.

D.C. Coalition Against Domestic Violence: (879-7851) Will provide you with a volunteer advocate who can accompany you to your hearings, the US Attorney's office, and who will remind you of upcoming civil hearings through follow-up phone calls.

Clerk's Office: (879-0154) Will assign you a court date for your civil protection order in about two weeks from today. The clerk's office can also assist you with the service or notice of your petition for a civil protection order to the batterer.

What will happen while I'm there?

The different agencies will ask you questions about the violent incident(s), your relationship with the batterer, your fears, and your needs. Also they will help you fill out paperwork to get a civil protection order (like a restraining order), to press criminal charges, to request child support, and/or to get a warrant issued.

How long will this take?

It depends on what you need, staffing patterns, and the time of the week. Monday mornings are the busiest days with the longest waits. Plan to spend between 1 and 4 hours there, and assume it may even take longer. If you can plan ahead, bring something to eat, to read, and something for your children to do. Free day care is provided on the first floor of Superior Court.

Free Legal Assistance in Filing Civil Protection Orders

(Victim will be screened for eligibility of free legal assistance)

American University Washington College of Law

Women in the Law Clinic

4801 Massachusetts Avenue, N.W.

Washington D.C. 20016

(202) 274-4140

Ayuda (for Spanish-speaking clients)
1736 Columbia Road, N.W.
Washington D.C. 20009
(202) 387-0434

Columbus Community Legal Services
Families and the Law Clinic
Catholic University of America
3602 John McCormack Road, N.E.
Washington D.C. 20064
(202) 319-6788

Georgetown University Law Center
Sex Discrimination Clinic
111 F Street, N.W.
Washington D.C. 20001
(202) 662-9640

The George Washington University National Law Center
Community Legal Clinics
Domestic Violence Clinic
2000 G Street, N.W. - 3rd Floor
Washington D.C. 20052
(202) 994-7463

Resources for Victims Available from the U.S. Attorney's Office

Domestic Violence Victim Witness Assistance Unit
U.S. Attorney's Office
Domestic Violence Unit - 3rd Floor
555 Fourth Street, N.W.
Washington, DC 20001
Phone: (202) 514-7375

The Victim Witness Assistance Unit of the U.S. Attorney's Office includes a unit chief, a domestic violence coordinator, and at least three domestic violence specialists who serve as victim advocates and provide supportive services to victims and witnesses of domestic violence and sexual assault. The domestic violence advocates understand that victims need information, services and support. For Federal court cases, help in completing victim notification requests from the Federal Bureau of Prisons' Victim Notification Program.

■ Domestic Violence Prosecution Unit

**U.S. Attorney's Office
Judiciary Center
555 Fourth Street, N.W.
Washington, DC 20001**

Phone: (202) 305-3693

The U.S. Attorney's Office has a Domestic Violence Prosecution Unit which handles most criminal prosecutions in domestic violence cases. The prosecutors and victim advocates working in this unit have specialized training and background in domestic violence. If you have questions about your criminal case and need to speak to someone about the legal aspects of your case, you should contact the Domestic Violence Unit at 305-3693, and ask the administrative assistant to help you find the name and phone number of the prosecutor assigned to your case. The attorneys who work with victims of domestic violence at the unit know how difficult it can be to follow through on criminal cases.

LEGAL TERMS AND LAWS

Glossary of Legal Terms

Abuser: A person who harms or threatens to harm another by physical, emotional, sexual or mental abuse.

Acquittal: See not guilty.

Advocate: A person who assists crime victims by providing emotional support, counseling, referrals and/or an explanation of the services available to them.

Appeal: A formal written request made by the defendant and his attorney to a higher Court to change the findings, decisions or actions of the trial court or jury.

Arraignment: When the defendant is notified that a Grand Jury has indicted him or her with one or more criminal charges.

Assault: An attempt by one person, using unlawful force, to inflict bodily injury upon another.

Assistant U.S. Attorney: A prosecutor who represents the U.S. Government and the citizens of the United States and the District of Columbia.

Bail/Bond: A promise the defendant makes to the Court, sometimes backed by a money deposit, that he will come back to Court when told if he is released from jail before the trial.

Bailiff: A deputy assigned to the courtroom to keep order and provide security and safety.

Bench Warrant: An order from the court giving police the power to arrest a person, usually to force his appearance in court.

Charge: An accusation that a person broke a law.

Civil Action: A court action in which one party asks the court to order another party to do or not to do something, or to pay money damages. Does not involve criminal prosecution or a criminal record.

Civil Protection Order (CPO): A court mandate restraining the respondent from certain conduct.

Court Clerk: A court official who keeps records and office files, and who swears in jurors and witnesses.

Complaint: A formal, written accusation to the Court that a certain person violated a law.

Contempt of Court: Disobeying a judge's order or in other ways showing disrespect to the court. Contempt is punishable by a fine or time in jail.

Continuance: A delay or postponement of a court hearing to another day or time.

Conviction: A decision made by a judge or jury that the defendant is guilty beyond a reasonable doubt of breaking the law for which he was tried.

Corporation Counsel: Attorneys employed by the District of Columbia who are authorized to represent petitioners without charge in Civil Protection Order hearings.

Crime: When a criminal law has been violated.

Criminal Action: A criminal court action in which the U.S. Attorney's Office prosecutes a party for committing a crime. Results in criminal penalties such as jail time or fines and a criminal record for the abuser, if convicted.

Defendant: The person formally accused of violating a law. Also called the Accused.

Defense Attorney: An attorney who legally represents a defendant in a criminal case.

Dismissal: The equivalent of a cancellation; ends a court case.

Domestic Violence: A pattern of behavior in which one person uses violence to control others in

the context of an intimate relationship. The pattern of violence may include physical violence, sexual violence and/or emotional violence such as threats, intimidation or isolation. Threats and/or the use of physical force to injure, frighten, or restrict the actions of a family or household member.

Disposition: The final outcome of a case.

Evidence: Testimony and physical objects shown in court by the prosecutor and defense attorney.

Felony: A serious crime for which the punishment is more than one year in prison and/or a fine. Felonies include crimes such as murder, rape, burglary, or robbery.

Guilty: When the judge or jury finds the evidence presented at the trial shows beyond a reasonable doubt that the defendant is the person who violated a law.

Guilty Plea: A statement by the defendant admitting that s/he committed the crime.

Hearing: A proceeding in which evidence is taken by the court for the purpose of determining the facts of a case and reaching a decision on the basis of that evidence.

Indictment: When the Grand Jury finds there is enough "probable cause" to show that the defendant is the person who committed the crime, they issue an indictment listing the charges against the defendant.

Grand Jury: Citizens of the District of Columbia who listen to evidence to determine whether to issue an indictment or not. Grand Jury proceedings are conducted in secrecy and all communications are confidential.

Jury: Citizens of the District of Columbia who sit throughout a trial to decide the facts of the case to determine if the defendant broke a law.

Misdemeanor: A crime that is less serious than a felony and is punishable by one year or less in jail and/or a fine.

Notary Public: A person who is authorized by law to certify (with his/her signature and official seal) that a statement is true. Listed in the yellow pages under "Notaries Public."

Not Guilty: When the Petit Jury finds that the evidence presented at trial does not show beyond a reasonable doubt that the defendant is the person who violated the law. It does not mean the defendant is innocent. Another word for not guilty is acquittal.

Papering: The initial decision made by the prosecutor to charge someone with a crime.

Parties: In a court proceeding, the person bringing the action and the person who must respond to

the action.

Petition: A formal request to the court asking for a particular action to be taken (for example, to issue a CPO).

Petitioner: In a civil case the person who brings forth the suit.

Plea Agreement: An agreement reached between the prosecutor, the defense attorney and the defendant where a defendant agrees to admit s/he was guilty of committing the crime for which he was charged in exchange for some consideration. (Plea agreements may be more complicated than this.)

Police Order: Guidelines for the police to follow in responding to domestic violence calls.

Pre-Sentence Report: A report prepared for the judge by the probation officer about the defendant and his life to help the judge decide what kind of punishment or sentence the defendant should be given for breaking a law.

Probable Cause: Reasonable grounds for belief that an accused person is guilty as charged.

Probation: A form of punishment that allows the defendant to live in his community under the supervision of the court and a probation officer after s/he is found guilty or pleads guilty to breaking the law.

Probation Officer: A person who works for the court to make sure defendants do not break any other laws while on probation and that the defendant pays any court ordered restitution and follows any other rules imposed by the court.

Process Server: The person who serves the respondent with (or delivers) a notice of an upcoming court date.

Prosecute: To bring criminal actions against a defendant.

Respondent: In a civil case, the person who the case is brought against.

Restitution: The payment of money by the defendant to victim or to the court for damages caused by his actions.

Sentence: The punishment the defendant is given by the judge when the defendant is found to be guilty or pleads guilty to breaking a law.

Service: Delivery of necessary papers or information in a court case to the opposing party (respondent).

Subpoena: A written order of the court commanding a witness to come to court on a certain date and time. Another word for subpoena is summons. Failure to respond may result in the arrest of the person who receives the subpoena.

Temporary Protection Order (TPO): A court mandate restraining the respondent from certain conduct until such time as a civil protection order may be granted by the court. A TPO is effective for 14 days.

Testify: When a witness goes to court and answers questions under oath about what he saw, heard, or knows.

Testimony: The statements a witness gives under oath.

Verdict: The decision of the jury about whether or not the defendant is guilty or is not guilty.

Victim Advocate: A person who helps victims and witnesses before and after they go to court.

Victim Impact Statement: A written or spoken statement made by a victim and/or his family to the court about the physical, emotional and/or financial impact of a crime.

Victim: The person who was injured or suffered from the commission of the crime.

Withdrawal: Occurs when the petitioner voluntarily drops a request for a TPO or CPO or a contempt motion.

Witness: A person who saw or knows something about the crime.

Witness Conference: A meeting between the victim or witness and the prosecutor to prepare for trial.

Statutes Relevant to D.C. Victims of Domestic Violence

As noted below, provisions in both the D.C. Criminal Code and Federal statutes are relevant to victims of violence in the District of Columbia

D.C. Criminal Code

§16-1031. Arrests

- (A) A law enforcement officer shall arrest a person if the law enforcement officer has probable cause to believe that the person:
 - (1) Committed an intrafamily offense that resulted in physical injury, including

- physical pain or illness, regardless of whether or not the intrafamily offense was committed in the presence of the law enforcement officer; or
- (2) Committed an intrafamily offense that caused or was intended to cause reasonable fear of imminent serious physical injury or death.
- (B) The law enforcement officer shall present the person arrested under subsection (a) of this section to the United States Attorney for charging under section 16-1002.

§16-1005. Hearing evidence; protection order.

- (A) Members of the family receiving notice shall appear at the hearing. In addition to the parties, the Corporation Counsel and the Director of Social Services may present evidence at the hearing in cases where the petition was filed by the Corporation Counsel.
- (B) Notwithstanding section 14-306, in a hearing under this section, one spouse shall be a competent and compellable witness against the other and may testify as to confidential communications, but testimony compelled over a claim of privilege conferred by such section shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.
- (C) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, it may issue a protective order
 - (1) Directing the respondent to refrain from the conduct committed or threatened and to keep the peace toward the family member;
 - (2) Requiring the respondent, alone or in conjunction with any other member of the family before the court, to participate in psychiatric or medical treatment or appropriate counseling programs;
 - (3) Directing, where appropriate, that the respondent avoid the presence of the family member endangered;
 - (4) Directing a respondent to refrain from entering or to vacate the dwelling unit of the complainant when the dwelling is:
 - (a) marital property of the parties; or
 - (b) jointly owned, leased, or rented and occupied by both parties: Provided that joint occupancy shall not be required if a party is forced by the respondent to relinquish occupancy; or
 - (c) owned, leased, or rented by the complainant and a person other than the respondent;
 - (5) Directing the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the complainant individually;
 - (6) Awarding temporary custody of a minor child of the parties;
 - (7) Providing for visitation rights with appropriate restrictions to protect the safety of the complainant individually;
 - (8) Awarding costs and attorney's fees;
 - (9) Ordering the Metropolitan Police Department to take such action as the Family Division deems necessary to enforce its orders;

- (10) Directing the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or
- (11) Combining two or more of the directions or requirements prescribed by the preceding paragraphs.

§16-1022 Prohibited Acts. (Parental Kidnaping)

- (A) No parent, or any person acting pursuant to directions from the parent, any intentionally conceal a child from the child's other parent.
- (B) No relative, or any person acting pursuant to directions from the relative, who knows that another person is the lawful custodian of a child may:
 - (1) Abduct, take or carry away a child with the intent to prevent a lawful custodian from exercising rights to custody of the child;
 - (2) Abduct, take or carry away a child from a person with whom the relative has joint custody pursuant to an order, judgment, or decree of any court, with the intent to prevent a lawful custodian from exercising rights to custody to the child;
 - (3) Having obtained actual physical control of a child for a limited period of time in the exercise of the right to visit with or to be visited by the child or the right of limited custody of the child, pursuant to an order, judgment, or decree of any court, which grants custody of the child to another or jointly with the relative, with the intent to harbor, secrete, detain, or conceal the child or to deprive a lawful custodian of the physical custody of the child, keep the child for more than 48 hours after a lawful custodian demands that the child be returned or makes all reasonable efforts to communicate a demand for the child's return;
 - (4) Having custody of a child pursuant to an order, judgment or decree of any court, which grants another person limited rights to custody of the child or the right to visit with or to be visited by the child, conceal, harbor, secrete, or detain the child with intent to deprive the other person of the right of limited custody or visitation;
 - (5) Conceal, harbor, secrete, or detain the child knowing that physical custody of the child was obtained or retained by another in violation of this subsection with the intent to prevent a lawful custodian from exercising rights to custody to the child;
 - (6) Act as an aider and abettor, conspirator, or accessory to any of the actions forbidden by this section;
 - (7) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining custody rights to a child, take or entice the child outside of the district for the purposes of depriving a lawful custodian of physical custody of the child; or
 - (8) After issuance of a temporary or final order specifying joint custody rights, take or entice a child from the other joint custodian in violation of the custody order.

§16-1023 Defenses to prosecution

- (A) No person violates this subchapter if the action:
 - (1) Is taken to protect the child from imminent physical harm;
 - (2) Is taken by a parent fleeing from imminent physical harm to the parent;
 - (3) Is consented to by the other parent, or
 - (4) Is otherwise authorized by the law.
- (B) If a person violates §16-1022 of this subchapter, the person may file a petition in the Superior Court of the District of Columbia.

§16-1002 Complaint of criminal conduct; referrals to Family Division

- (A) If the United States Attorney believes an intrafamily offense has occurred, upon a complaint of criminal conduct or an arrest of a person charges with criminal conduct has been made, the Attorney will notify the Director of Social Services.
- (B) The United States Attorney may also:
 - (1) File a criminal charge based upon their conduct
 - (2) Refer the matter to the Corporation Counsel for filing a Civil Protection Order
- (C) The institution of criminal charges by the United States Attorney shall be in addition to and not affect the rights of the complainant to seek relief. Testimony of the respondent in any civil proceeding shall be inadmissible as evidence in a criminal trial except in prosecution for false statements or perjury.

§16-1003 Petition for civil protection.

- (A) Corporation Counsel may file a petition for civil protection in the Family Division, if such a request has been made by the United States Attorney. The complainant may also file a civil protection order on his/her own initiative.
- (B) Corporation Counsel must notify the United States Attorney, if they did not file a petition that was referred to them.
- (C) The complainant shall promptly notify the Corporation Counsel if they filed upon their own initiative.
- (D) An action for an intrafamily offense under section 16-1001 (5)(B) shall not be brought more than two years from the date the right to maintain action accrues

§16-1031 Arrests

- (A) A law enforcement officer shall arrest a person if probable cause exists that the person:
 - (1) Committed an intrafamily offense resulting in physical injury, whether or not committed in the presence of a law enforcement officer; or
 - (2) Committed an intrafamily offense that caused or was intended to cause

reasonable fear of imminent serious physical injury or death

- (B) The person arrested shall be arrested and charged under section 16-1002.

§16-1032 Records

Any law enforcement officer who investigates an intrafamily offense shall file a written report of the incident with the District of Columbia Metropolitan Police Department including the law enforcement officers disposition of the case. The Police force shall maintain the written report.

§16-1033 Civil Liability

A law enforcement officer shall not be civilly liable solely because he/she makes an arrest in good faith without malice.

§16-1034 Training Program

- (A) New law enforcement officer training shall include:
- (1) The nature, dimension, and causes of intrafamily offenses:
 - (2) The legal rights, remedies, services, and facilities available to a victim or perpetrator of an intrafamily offense
 - (3) The legal duties imposed on a police officer to enforce these provisions and to offer protection and assistance to the victim
 - (4) Techniques for handling an intrafamily offense that minimize the likelihood of injury to the officer and promote the victim's safety.
- (B) Training will stress importance of enforcing law against intrafamily offense. The Police Force may:
- (1) Utilize resources of law enforcement agencies or community organizations and
 - (2) Invite community organizations which provide assistance and counseling for victims to help in the planning and presenting of the training program
- (C) At least 20 hours of basic training in response to intrafamily offenses is required of any new law enforcement officer
- (D) All currently employed law enforcement officers are required to take a 8 hour course in intrafamily offenses.

§16-1004 Petition; Notice; Temporary Order

- (A) Upon filing a petition for civil protection, the Family Division shall set the matter for hearing
- (B) With respect to a petition for civil protection filed by the Corporation Counsel, the Family Division shall serve the respondent, complainant, any other parties endangered, the Director of Social Services, and the Corporation Counsel. The respondent shall be served with a copy of the petition together with the notice and shall be directed to

- appear at the hearing. The Family Division may also cause notice to be served on other members of the family whose presence at the hearing is essential.
- (C) With respect to a petition for civil protection filed by a complainant themselves, pursuant to the Rules of the Superior Court of the District of Columbia, shall cause notice of the hearing and a copy of the petition to be served is necessary to the proper disposition of the matter. The complainant shall also cause a subpoena to issue directing the respondent to appear at the hearing.
- (D) If, upon filing a petition under oath, the Family Division feels that the family is in immediate danger, they may issue a temporary protection order of not more than 14 days duration and direct that the order be served along with the notice required by this section: Provided, that a petition for civil protection be filed with the petition for temporary protection and a hearing be commenced on the petition for civil protection prior to the expiration of the temporary protection order.

Federal Statutes

Below are listed the six most relevant Federal criminal domestic violence violations.

1. Interstate Domestic Violence—Crossing a State Line

18 U.S.C. § 2261(a)(1)

A person who travels across a State line or enters or leave Indian Country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner.

2. Interstate Domestic Violence—Causing Someone to Cross a State Line

18 U.S.C. § 2261(a)(2)

A person who causes a spouse or intimate partner to cross a State line or enter or leave Indian Country by force, coercion, duress, or fraud, and in the course of or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner.

3. Interstate Violation of a Protection Order—Crossing a State Line in Violation of a Protection Order

18 U.S.C. § 2262(a)(1)

A person who travels across the State line or enters or leaves Indian country with the intent to engage in conduct that:

— violates the portion of a protection order that involves protection

against credible threats, repeated harassment, or bodily injury to the person or persons to whom the protection order was issued; or — would violate the above if the conduct occurred in the jurisdiction in which the order was issued; and subsequently engages in such conduct.

4. Interstate Violation of a Protection Order—Causing Someone to Cross a State Line in Violation of a Protection Order

18 U.S.C. § 2262(a)(2)

A person who causes a spouse or intimate partner to cross a State line or enter or leave Indian Country by force, coercion, duress, or fraud, and in the course of or as a result of that conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State.

5. Firearm Disability Provision

18 U.S.C. § 922(g)(8)

It shall be unlawful for any person - who is subject to a court order that

(1) was issued after a hearing of which the person received actual notice, and at which such person had an opportunity to participate;

(2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) (a) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(b) by its term explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

6. Firearm Disability Provision

18 U.S.C. § 922(g)(9)

It shall be unlawful for any person who has been convicted of a misdemeanor crime of domestic violence to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

7. Interstate Stalking

18 U.S.C. § 2261A

Whoever travels across a State line with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person or a member of that person's immediate family.

§ 2263—Pretrial release of the Defendant

This section of the Act provides victims the right to express themselves to the court regarding the defendant's dangerousness in determining whether the defendant should be released pending trial.

§ 2264—Mandatory Restitution

Federal §2264 requires the court to order the offender to pay restitution to the victim for the full amount of the victim's losses, including: all medical expenses, all costs of psychiatric care and counseling; physical therapy and rehabilitation; necessary transportation, temporary housing and child care; and lost income for all federal crimes.

Figure 9: Sample Victim Impact Statement for Adults

***VICTIM IMPACT STATEMENT:
(DOMESTIC VIOLENCE VICTIMS)***

Your name: _____

Name of Defendant: _____

Criminal Case Number (if known): _____

What is your relationship to the defendant?

- ___ partners until the arrest
- ___ partners now
- ___ separated long before arrest
- ___ relative specify: grand/parent child brother/sister
- ___ other

Sentencing date _____

Judge and Courtroom _____

Prosecuting attorney _____

If anyone assisted you in filling out this form, please list their names and affiliations

Name and affiliation _____

PHYSICAL IMPACT:

Please check all physical injuries that resulted directly from the crime

Red marks, bruises, black eyes, knots,
 Scratches, cuts, scrapes, bite marks
 Welts, knots, lost hair,
 Broken blood vessels, bleeding
 Stitches
 Unconsciousness

Concussion
 Burns
 Complications with pregnancy
 Sprains, broken bones
 Internal injuries

(Describe the injuries)

Please list any long-term health problems resulting directly or indirectly from injury (e.g., headaches, chronic health problems, contracted a disease, hearing problems, blindness or loss of vision, scars, aches and pains).

Do you have any pre-existing physical conditions that the defendant purposely took advantage of to harm or control you?

Were you hospitalized as a result of your injury? (If yes, for how long and for what reasons? While in the hospital, did you receive any surgery or testing? Was there a period of rehabilitation after the hospitalization? Did you receive rehabilitation treatment?)

Did you miss out on doing an important obligation as a result of the physical injury (e.g., employment, school)? Were there any consequences of missing time from this obligation?

Please provide a Dr.'s statement about the nature of injuries, treatment, information about short/long-term health implications. Attach copies of medical bills.

EMOTIONAL IMPACT

I. Please describe your immediate reactions, especially those that were intense, to being assaulted or victimized. The following checklist can be used as a guideline if you think it is helpful.

- | | |
|---|--|
| <input type="checkbox"/> shock | <input type="checkbox"/> helplessness |
| <input type="checkbox"/> sadness | <input type="checkbox"/> numbness |
| <input type="checkbox"/> confusion | <input type="checkbox"/> fear of being mutilated |
| <input type="checkbox"/> feeling betrayed | <input type="checkbox"/> fear of being murdered |
| <input type="checkbox"/> thoughts about dying | <input type="checkbox"/> wishing you were dead |

Please describe what you checked off

How long has it been since the crime was committed?

Since you were assaulted, how have you felt about the violence you endured? The following checklist is to help you to remember the impact. Please describe in your own words how the crime has changed your life.

- don't trust people
- "flashbacks" or nightmares about the crime
- sleep problems
- anxiety, shaking, feeling panicky or jumpy
- absent-mindedness, trouble concentrating
- avoiding places/people that remind you of incident
- changed feelings of personal safety or well-being
- more withdrawn and isolated
- more anger outbursts and irritability
- crying or feeling depressed
- suicidal thoughts more of the time
- trouble getting along with friends/family
- if you are religious - less faith in God
- less confidence in abilities and judgement

Please describe:

FINANCIAL IMPACT

Type of Cost	Cost	Reimbursement
Hospital Emergency		
Other medical		
Mental Health		
Destroyed Property		
Lost wages from rehabilitation		
Lost wages from court attendance		
Lost wages resulting from job loss		
Moving expenses		
Installed new locks		
Other		

Please describe any financial loss and give a total amount of loss to you (total cost less the reimbursement)

CONCLUSION

What would you like to see happen to the defendant in terms of the following:

- 1) jail term - Please say what you think is fair and why***

- 2) Do you want the defendant to give you back any of the money that you lost as a result of the offense? If not, why not.***

- 3) Do you want the defendant to be required to get treatment while either incarcerated or on probation? If you knew the defendant, would you recommend any particular type of treatment?***

***___ substance abuse
treatment***

***___ abuser treatment
(violence against partners
or family members)***

___ psychiatric treatment

___ parenting classes

- 4) Do you have fears about the defendant contacting you in the future? Would you like the defendant to be ordered to stay away from you as a condition of probation/parole?***

- 5) Would you like to attend a parole hearing if/when the defendant is being considered for parole?***

Date

Signature

Figure 10: Victim Impact Statement for Children Exposed to Domestic Violence

***Children Exposed to Domestic Violence:
Victim Impact Statement***

What is your name?

How old are you?

What is your favorite thing to do for fun?

What grade are you in school?

What's your favorite subject in school?

(Explain the purpose of the VIS to the child)

What is the most important thing you would like to tell the judge about what happened to your parent?

**Can you describe what your family is like?
(who is in your family?; who lives with you?; who takes care of
you?)**

Can you draw your family? Don't forget to include yourself!

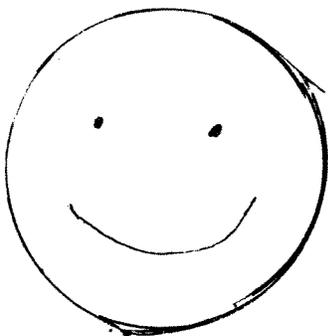
**Although families love one another, they may often have problems.
Check the problems that may happen in your family:**

- Mom or dad does not live at home**
- Parents are fighting**
- Children are afraid**
- One of my brothers/sisters is upset**
- Mom or dad getting hurt (which one?)**
- Children getting hurt (who?)**
- Police coming to the house**
- Any other problems?**

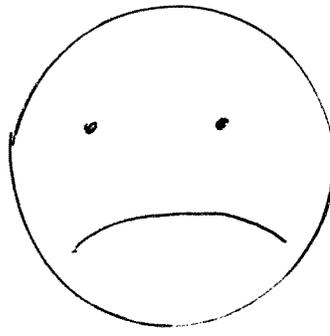
What do you see when your parents are fighting?

**When you see or hear your parents fighting how do you feel?
Circle the face that describes your feelings**

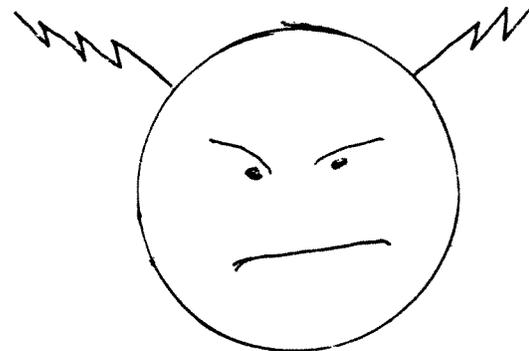
HAPPY



SAD



ANGRY



Any other problems:

Think of the worst time you can remember when your parents were fighting. Draw a picture of the situation and tell us or draw what you did...

Who is in the picture?

(Questions pertaining to the last drawing)

What can you remember about the fight?

Which of these did you hear or see:

Fists

Things breaking

Police

Blood

Hitting

Ambulance

Bad words

Screaming

Crying

Can you remember who caused the fight? Is that person the one who usually starts the fights?

Do you know what causes most of the fights?

How do you feel when you see/hear these fights?

When you see a fight, what are you scared of?

Do you ever feel that the fighting is your fault or that you should be able to stop it?

Is there anything else you want to tell the Judge about what happened?

What would you like the judge to do about the person who hurt your parent? Is there anything you want the judge to tell the abuser?

Is there anything you want the abuser to know about how you feel about the violence?

Is there anything the judge can do to make you feel safer?

Date

Signature

Resources for Victims of Domestic Violence

HOTLINES AND GENERAL INFORMATION

If your victim advocate is not available or wish to receive additional information or support you can contact one or more of the following organizations.

National Domestic Violence Hotline (800) 799-SAFE
D.C. Coalition Against Domestic Violence (202) 783-5332

D.C. Hotlines and Shelters

My Sister's Place (24-hour hotline and shelter) (202) 529-5991
House of Ruth (24-hour hotline and shelter) (202) 347-2777
House of Imogene (answering machine) (202) 797-7460
Family Intake (25th & M Streets, S.W.-intake in person 4pm)
Rape Crisis Center (Hotline) (202) 333-7273
Suicide Hotline (202) 223-2255
Safe Place (*Sasha Bruce: 24-hour teen hotline and counseling service*) (202) 547-7777
Battered Lesbian Hotline (800) 224-0211
Among Friends (202) 722-7004
Non-emergency shelter for gays and lesbians - intake takes 2-3 weeks

D.C. Support and Counseling Services

House of Ruth (202) 347-2777
My Sister's Place (202) 529-5991
Family Violence Intervention Program (**children and families**) (202) 608-8424
Center for Mental Health (Anacostia) (202) 889-5255
Center for Mental Health (Van Ness) (202) 244-7711
Family and Child Services (N.W.)(victim and abuser treatment) (202) 289-1510
St. Francis Center (grief counseling for victims and children) (202) 333-4880
Rape Crisis Center (counseling and self-defense classes) (202) 333-7273
D.C. Commission on Women (202) 939-8083
Hermanas Unidas (Spanish speaking) (202) 387-4848
Clinica de Pueblo (202) 462-5788
Asian/Pacific Islander Domestic Violence Resource Project (202) 364-4630
The Korean Community Service Center (202) 882-8270
Whitman Walker Clinic, Support and Anger Management Groups (202) 797-4406

Reporting Abuse: Protective Services

Protective Services for Children (202) 727-0995
*Handles reports of **child neglect**.*

Metropolitan Police Department Youth Division (202) 576-6762
*Handles reports of child **physical abuse**.*

D.C. Adult Protective Services (202) 727-2345
Handles reports of physically/mentally impaired adults especially those who have been abused, neglected, or exploited (e.g., the elderly).

Special Services for the Seniors

D.C. Office on Aging (202) 724-5626
Iona Senior Services (202) 895-0234
Washington Urban League (202) 529-8701
Columbia Senior Center (202) 328-3270
Greater SE Center for the Aging (202) 582-6202

RESOURCES FOR DOMESTIC VIOLENCE VICTIMS IN THE JUSTICE SYSTEMS

Domestic Violence Intake Center (D.C. Superior Court) (202) 879-0152
Corporation Counsel (202) 879-0152
Emergency Domestic Relations Project (202) 393-6290
U.S. Attorney's Office (202) 879-7844
Metropolitan Police Department (202) 879-7849
D.C. Coalition Against Domestic Violence (202) 879-7851
Clerk's Office (202) 879-0157

Free or Inexpensive Legal Assistance in Obtaining a Civil Protection Order (CPO)

AYUDA (Spanish-speaking victims only) (202) 387-0434
American University - Women and the Law Clinic (202) 274-4140
Columbus Community Legal Services - Families and the Law Clinic (202) 319-6788
Georgetown University Law Center - Sex Discrimination Clinic (202) 662-9640
George Washington University Law Center - Domestic Violence Clinic (202) 994-7463
Emergency Domestic Relations Project (202) 393-6290
Screens individuals for eligibility for free legal assistance. Also can refer you to "process servers." Conducts civil intake.

- D.C. Corporation Counsel (202) 879-7859
Screens individuals for eligibility to be represented for free by own attorneys. Conducts civil intake.
- D.C. Superior Courts Clerk's Office - Domestic Violence Unit (202) 879-0154
Can give you information about your civil protection order or take information from you about why you are unable to come to hearing

Assistance with Criminal Cases

U.S. Attorney's Office

- Domestic Violence Victim Assistance (202) 514-7375
 Victim Witness Assistance Unit (202) 514-7130
(Assistance for victims other than domestic violence victims)
 Domestic Violence Prosecution Unit (202) 305-3693

Other Useful Resources in the Justice System

Crime Victim's Compensation Program (202) 879-4216

D.C. Superior Court, (500 Indiana Ave N.W., WDC 20001)

- General information (202) 879-1010
 Finance Office (202) 879-1585
 Finance Office (202) 879-1646
 Support and Paternity (202) 879-1669
 Criminal Records (202) 879-1373

Child Support/Custody Office (202) 645-5301

After applying for emergency relief through a CPO, you may also apply for permanent support, visitation and/or custody of your child through this office.

D.C. Department of Probation (202) 508-1900

Probation supervision services. Contact this number to get the name of the probation officer supervising an individual on probation.

Domestic Violence Probation Supervision (202) 508-1851

D.C. Department of Parole (202) 727-1646

Parole supervision services. When the defendant is on parole and you want to find out who the parole officer is.

D.C. Jail (202) 673-8000

Pretrial Services (202) 727-2944

GENERAL LEGAL SERVICES

(e.g., landlord/tenant, child custody and visits, immigration)

AYUDA	(202) 387-0434
Bread for the City and Zacchaeus Free Clinic	(202) 265-2400
D.C. Bar Association of the District of Columbia (lawyer referral)	(202) 737-4700
D.C. Law Students in Court	(202) 638-4798
Legal Aid Society of the District of Columbia	(202) 628-1161
Legal Counsel for the Elderly	(202) 434-2120
Neighborhood Legal Services Program	(202) 682-2700
Washington Legal Clinic for the Homeless	(202) 872-1494
Immigration/Naturalization Services	(800) 375-5283

HOTLINES, COUNSELING, & SHELTER SERVICES: MARYLAND & VIRGINIA

Maryland

Maryland Alliance Against Family Violence	(410) 545-4545
Maryland Network Against Domestic Violence	(800) 634-3577

Hotlines, Counseling Programs, and Legal Assistance:

Montgomery County:

Hotline (24 hour crisis line)	(301) 654-1881
Victim Assistance and Sexual Assault Program	(301) 217-1355
Abused Person's Program	(301) 986-5885
Bar Association of Montgomery County (Lawyer Referral)	(301) 279-9100
Legal Aid Bureau (Silver Spring)	(301) 942-8100

Prince George's County:

Family Crisis Center (hotline, shelter and counseling services)	(301) 864-9101
County Hotline (24 hour)	(301) 577-4866
Sexual Assault Center	(301) 618-3154
Commission on Women	(301) 925-5370
Legal Aid	(301) 927-6800

Anne Arundel County:

House of Ruth (Baltimore City)	(410) 889-7884
YWCA Women's Center Battered Spouse Program	(410) 222-6800
Sexual Assault Crisis Center	(410) 222-7273
Domestic Violence Legal Clinic	(410) 554-8463

Surrounding Counties:

Baltimore City Hotline	(410) 889-0840
Domestic Violence Helpline (Howard County)	(410) 997-2272

Virginia

Virginians Against Domestic Violence	(757) 221-0990
Virginia Hotline	(800) 838-8238
Northern Virginia Hotline	(703) 527-4077
Northern Virginia Family Services	(703) 533-9727
Virginia Lawyer Referral Services	(800) 552-7977
Legal Services of Northern Virginia	(703) 532-3733

Fairfax:

Hotline (24 hour)	(703) 360-7273
Women's Shelter	(703) 435-4940
The Women's Center (counseling service)	(703) 281-2657
Mental Health Center	(703) 360-6910
Fairfax Bar Association (lawyer referral)	(703) 246-3780

Alexandria:

Shelter and Hotline	(703) 838-4911
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Arlington:

Arlington County Hotline and shelter services	(703) 358-4848
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Loudon County:

Loudon Domestic Violence Program	(703) 777-6552
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NATIONAL INFORMATION RESOURCES

Asian Women's Shelter (training materials on cultural issues)	(415) 751-7110
Battered Women's Justice Project	(800) 903-0111
Center for Prevention of Sexual and Domestic Violence	(206) 634-1903
Domestic Abuse Intervention Project (videos and workbook-/Duluth)	(218) 722-2781
Family Violence Prevention Fund	(415) 252-8900
Family Violence & Sexual Assault Institute	(903) 534-5100
Health Resource Center on Domestic Violence	(888) 792-2873
National Coalition Against Domestic Violence	(303) 839-1892
National College of District Attorney's (conferences)	(713) 743-1840
National Council of Juvenile and Family Court Judges	(800) 527-3223
National Network to End Domestic Violence	(202) 434-7405
National Resource Center on Domestic Violence	(800) 537-2238
Resource Center on Child Protection/Custody	(800) 527-3223
Texas Council on Family Violence	(512) 794-1133

D.C. METROPOLITAN POLICE

Emergency: Dial 911.

Nonemergency: Dial 727-4326

D.C. Police Stations

Station	Telephone number (area code 202)	
	Main	Detectives/ Domestic Violence Unit
First District Station 415 4th Street, S.W.	727-4655	727-4596
Second District Station 3320 Idaho Avenue, N.W.	282-0070	282-0043
Third District Station 1620 V Street, N.W.	673-6815	673-6914
Fourth District Station Georgia Avenue, N.W.	576-6745	576-6726
Fifth District Station 1805 Bladensburg Road, N.E .	727-4510	727-4504
Sixth District Station 100 42nd Street, N.E.	727-4520	727-4515
Seventh District Station Alabama Avenue, S.E.	645-0011	645-0038

BOOKS FOR VICTIMS OF DOMESTIC VIOLENCE

- Asher, Alexis. *Don't Let Him Hurt Me Anymore: A Self-Help Guide for Women in Abusive Relationships*. Tarzana: Burning Gate Press, 1994.
- Evans, Patricia. *The Verbally Abusive Relationship: How to Recognize It and How to Respond*. Holbrook: Bob Adams, 1992.
- Fortune, Marie. *Keeping the Faith: Questions and Answers for Abused Women*. San Francisco: Harper & Row, 1987.
- Hennekens, Candace A. *Healing Your Life: Recovering from Domestic Violence*. Chippewa Falls, WI: Prowriting Services and Press, 1991.
- NiCarthy, Ginny. *Getting Free: You Can End Abuse and Take Back Your Life*. 2nd ed. Seattle: Seal Press, 1986.
- Gondolf, Edward. *Men Against Women: What Every Woman Should Know about Violent Men*. Brandenton, New Hampshire: Human Services Institute, 1989.
- Jones, Ann and Susan Schechter. *When Love Goes Wrong: What to Do When You Can't Do Anything Right*. New York: Harper Collins, 1992.
- White, Evelyn C. *Chain, Chain, Change: For Black Women Dealing with Physical and Emotional Abuse*. Seal Press: Seattle, WA, 1985.
- Zambrano, Myrna. *Mejor Sola Que Mal Acompañada: Para La Mujer Golpeada/ For the Latina An Abusive Relationship*. Seal Press: Seattle, WA, 1985.

BOOKS FOR CHILDREN EXPOSED TO DOMESTIC VIOLENCE

- Davis, Diane. *Something Is Wrong at My House: A Book about Parents Fighting*. Parenting Press, Inc., Seattle, WA, 1984.
- Hall, Lynn. *The Boy in the Off White Hat*. New York: Charles Scribner's Sons, 1984.
- Irwin, Hadley. *Abby, My Love*. A Margaret K. McEldery Book. New York: Atheneum, 1985.
- Magorian, Michelle. *Good Night, Mr. Tom*. New York: Harper & Row, 1982.
- Norris, Gunilla B. *Take My Walking Slow*. New York: Atheneum, 1970.

- Paris, Susan. *Mommy and Daddy are Fighting*. Seal Press, Seattle, WA, 1986.
- Roberts, W. Davis. *Don't Hurt Laurie!* New York: Atheneum, 1970.
- Wohl, Agnes and Bobbie Kaufman. *Silent Screams and Hidden Cries: An Interpretation of Artwork by Children from Violent Homes*. Brunner/Mazel Publishers, New York, 1985.
- Wright, Leslie. *I Love My Dad, But...* Is Five Press, Toronto, Ontario 1989.

Important Phone Numbers in the Justice System

People who can help me understand and get help from the CIVIL system:

- *Civil Victim Advocate* - Helped me fill out CPO papers and can answer questions about the protection order.

Name	Phone
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- *Attorney representing me on CPO* (call with information about the CPO)

Name	Phone
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People who can help me understand and get help from the CRIMINAL system:

- *U.S. Attorney's Office Victim Advocate* - Advocacy in the criminal system. Provide court information and escort, safety planning, filling out victim impact statements. Call if there is a violation of the criminal stay away order.

Name	Phone
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- *Prosecuting Attorney for the Government pressing criminal charges* Call with additional information or evidence about the charges or if there is a violation in the stay away order.

Name	Phone
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- *Police officer or detective (e.g., Metropolitan Police Department) who made the arrest.*

Name	Phone
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Domestic Violence Intake Center (D.C. Superior Court)	(202) 879-0152
Emergency Domestic Relations Project	(202) 393-6290
U.S. Attorney's Office	(202) 879-7844
D.C. Coalition Against Domestic Violence	(202) 879-7851
Clerk's Office	(202) 879-0157

Important information about my case

Use this form to keep track of important information about the case.

Police

Police case number _____ Date of arrest _____
Detective/police officer _____ Phone # _____

Civil

Date TPO granted _____ Date CPO granted _____
TPO/CPO # _____ IF- _____ CPO hearing date _____
Date of violation of CPO _____ Date of Contempt hearing _____

Criminal

Criminal case number _____ Judge/Courtroom _____
Hearing dates: Status Hearing Date _____ Other Hearings _____
Trial date _____ Sentencing date _____

Questions to ask about the justice system:

CIVIL	CRIMINAL

****Risk Factors for Homicide and for Re-Assault**

1. **Has the physical violence increased in frequency during the past year?**
2. **Has the physical violence increased in severity during the past year?**
3. **Does he ever try to choke you?**
4. **Are there weapons in the home, especially a gun?**
5. **Has he ever forced you into sex when you did not wish to have sex?**
6. **Does he ever use drugs (“uppers” or amphetamines, speed, PCP, angel dust, cocaine, crack, street drugs, heroin, or mixtures) Has the frequency increased over the past year?**
7. **Does he threaten to kill you? Do you believe he is capable of killing you?**
8. **Is he drunk every day or almost every day?**
9. **Does he control most or all of your daily activities?**
10. **Have you ever been beaten by him when you are pregnant?**
11. **Is he violently and constantly jealous of you? (For instance, does he say, “If I can’t have you no one can.”)**
12. **Have you ever threatened or tried to commit suicide?**
13. **Has he ever threatened or tried to commit suicide?**
14. **Is he violent towards your children?**
15. **Is he violent outside of the home?**

**** Although each person’s circumstance is unique, research done in the District of Columbia and elsewhere shows that the more questions you answer yes to, the greater the chance that you are at risk for being re-assaulted or murdered.**

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