

Study Guide Sample

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SAFETY FIRST

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INTRODUCTION

“Safety First” for domestic violence survivors provides an overview of steps survivors can take to keep themselves and their children safe. Protection Orders, safety planning, confiding in a trusted friend or relative, and documenting evidence and proof of abuse are all effective ways to leave an abuser safely. Included in this Study Guide is additional information on Protection Orders, a complete Safety Plan and a Documentation Page for recording evidence.

Domestic Violence Protection Orders

It is important to know that because laws concerning Domestic Violence Protection Orders vary from state to state you should determine the particular laws for your state and/or your community. In general terms, a Protection Order is a civil order from the court telling a family or household member who threatened or assaulted you not to harm you again. Family or household members are generally defined as persons who are married, have been married, or have a child in common, adult persons who are related or who have resided together, and persons 16 years and older who have been/are dating.

Protection Order forms can be obtained from the Court Clerk at your local court. Again, check with your local jurisdiction to determine the best place to go. After you have filed out the order you will speak to a judge about your case. If there is an emergency, a temporary order that is good for a number of days will be issued. A hearing will be set within that time period and the batterer will be notified of the date and time. At the hearing the court will decide if the order should be made effective for one year or longer.

It is very important that you appear in court on the day set for the hearing. If you do not appear the judge may dismiss the case and you will have to start all over again. If you can not make the court date call the clerk, explain and ask for a continuance, and ask for the hearing to be set for another date.

At the hearing be prepared to explain why you need the relief you seek. Have evidence that shows the violence took place. This includes reports from neighbors or friends who may have seen the violence and your injuries, medical records from a doctor or hospital that treated your injuries, police reports, and most important, photos of yourself showing bruises or injuries. Be sure to get photos taken several days after the assault, as bruises can appear and worsen a few days later. If possible, get film that has a date on it. Bring any bills, receipts or other proof to show why the abuser should pay them. Go over what you plan to say ahead of time and write it down. Make a list of things you would like the judge to include in the Protection Order.

A Protection Order can:

- Order the abuser not to threaten or hurt you
- Order the abuser to have no contact with you, including no phone calls, letters or messages through other people
- Order the abuser to stay away from your job, family and friends
- Order the abuser not to enter your residence
- Order the abuser to stay away from children, baby-sitters, day care or schools
- Give one parent temporary custody of children
- Set a schedule for visitation with minor children
- Order the Respondent to leave a shared residence
- Grant you possession of essential personal effects, and require the police to accompany you into your home to retrieve personal belongings
- Grant you use of vehicle
- Order the abuser to pay for expenses related to the abuse, such as medical care, property damage, etc.
- Order the Respondent to attend counseling.

A Protection Order can not:

- Order child support
- Order maintenance or alimony
- Assign most property to either party
- Establish permanent child custody or use of the shared residence.

Other Orders**Restraining Order**

This order is broader than a domestic violence protection order, since it can deal with property, child support, spousal support, and temporary custody issues. It is often filed as part of a divorce case, a paternity case or other family law cases, and can prevent the other party from disposing of joint assets during your separation.

No-Contact Order

This order is part of a criminal action and its issuance is decided by the court. It can be issued when the Respondent is to be released on bail or personal recognizance, or when the Respondent is formally charged or is sentenced. It is meant as protection while a criminal case is in progress, and does not deal with custody, visitation or counseling.

Civil Anti-harassment Order

This order deals with situations when persons are not married or do not have a relationship with each other, as disputes with neighbors, stranger stalking, etc. This order is helpful when a person is being harassed, but has not been assaulted or threatened with physical harm.

After Receiving the Protection Order

After the Order is issued you will be given a Certified Copy of it, and is your official record. It is best to make several copies and keep one in a safe place, one at your job, and one at your children's school or day care if the abuser is to stay away from these places, and most important, one with you at all times. Orders may be statewide and enforced whether or not you have it with you, but it is best if you have a one available at all times. It is also important to make sure that the Respondent has received a notice of the existing order, by service or appearance in court.

If the Order Is Violated

If you believe the terms of the order have been violated you should call 911 or your local police department to request an officer for any needed emergency assistance and to take a report of the violation. The respondent may be subject to mandatory arrest and may be considered a felony, and may constitute contempt of court. It is important to check the laws of your state and the practices of your community's law enforcement.

PERSONALIZED SAFETY PLAN

(Reproduced with permission from the Pennsylvania Coalition Against Domestic Violence)

The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him and how to best get myself and my children to safety.

STEP 1: SAFETY DURING A VIOLENT INCIDENT - Women cannot always avoid violent incidents. In order to increase safety, battered women employ a variety of strategies.

I can use some or all of the following strategies:

- A. If I decide to leave, I will _____

(Practice how to get out safely. What doors, windows, elevators, stairwells, or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them in/at _____ so that I can leave quickly. I can also make sure the car always has gas and is in good repair.
- C. I can tell _____ about the violence and request they call the police if they hear suspicious noises coming from my house. I can also tell _____ about the violence and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department. I can also teach them to use 911.
- E. I will use _____ as my code word with my children or my friends so they can call for help. I can have a signal - a porch light on or something hanging out of a window that will alert my neighbors or friends or children who can check on me and call the police.
- F. If I have to leave my home, I will go to _____ (decide this even if you don't think there will be a next time.) If I cannot go to the location above, then I can go to _____. I will call first, and let _____ know I am coming so that he/she can watch for me.
- G. I can also teach some of these strategies to some/all of my children. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as _____.
- H. (Try to avoid arguments in the bathroom, garage, kitchens, near weapons or in rooms without access to an outside door.)
- I. I will use my judgment and intuition. If the situation is very serious, I can give my partner what he wants to calm him down. I have to protect myself until I/we are out of danger.