



KNOW YOUR RIGHTS

Domestic Violence

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La violencia doméstica

For immediate help call
National Domestic
Violence Hotline
1-800-799-SAFE or
1-800-787-3224 TTD

You CAN do something about domestic violence

Domestic violence is a pattern of many behaviors directed at achieving and maintaining power and control over an intimate partner, such as physical violence, emotional abuse, isolation of the victim, economic abuse, intimidation, and coercion and threats.

If someone is abusing you or someone in your household, you do not have to accept it—even if your spouse is the abuser. The police and courts can help you stop the abuse.

Where can you get help in an emergency?

In a crisis situation, call 911 or the police.

Many hospitals and social service agencies help victims of domestic violence. Look in the Yellow Pages under “domestic violence help,” “domestic violence shelters,” “human services organizations,” or “crisis intervention” or search these terms and your locality on an Internet search engine. In addition, every state has a coalition against domestic violence. These coalitions can be valuable resources for victims of domestic violence seeking services and referrals. You can also call the National Domestic Violence Hotline at 1-800-799-SAFE or 1-800-787-3224 TTD for immediate help.

It is important that you develop a safety plan to protect yourself and your children in the case of an emergency. Agencies, advocates, and shelters that assist victims of domestic violence can help you develop your safety plan. It is also important to update your safety plan as needed to address changing circumstances or new concerns.

Domestic violence is against the law

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

Abuse can include:

- physical attacks, including forced sexual relations
- verbal abuse or harassment, including disrespectful or demeaning comments

- threats against you or another family member
- creating disturbances at your place of work
- harassing telephone calls
- spying on you
- child abuse

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

- criminal court, where the state will prosecute the abuser (possible crimes include abuse of intimate partner, violation of a protection order, elder abuse, murder, rape, assault, kidnapping, false imprisonment, property destruction, vandalism, trespassing, stalking, unlawful possession or concealment of a weapon, intimidating a witness, and many others)
- civil court, where you might address violation of a protection order or sue for money damages (possible civil lawsuits include sexual harassment, personal injury)
- divorce, or family, court (family violence directly affects divorce proceedings and can be a factor in limiting or prohibiting the abuser's rights to child custody or visitation privileges)

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

A Court Order of Protection

Your fastest form of legal help is to get a Court Order of Protection. A Court Order of Protection is an official legal notice, enforceable in court, that requires the abuser to stop the violence and abuse.

Relief available under a Court Order of Protection can be tailored to your specific needs and can address your concerns. It can order the abuser to stay away from you and can prevent him from contacting you by phone, mail, e-mail, fax, or through third parties. It can force the abuser to move out of your home and give you exclusive use of the car. The court may award temporary custody of children to you, along with child support, spousal support,

and the continuation of insurance coverage. The police can arrest and jail the abuser for violating the order.

To get a Court Order of Protection: Call the local state's or district attorney or tell the police you want to get one. They will tell you who to contact. You will have to go to court.

In court, the judge needs to be convinced that you have been threatened with violence or that you have suffered abuse. Witnesses, including police officers, can help your case. Depending on your state law and how the court applies it, physical evidence is also helpful, but not essential. Physical evidence could include signs of physical abuse such as bruises, photos of physical damage to property (the table he smashed, the hole he punched in the wall), or objects used in an assault (the ashtray he threw, the knife he brandished).

For Court Orders of Protection to work

The order should focus on your specific safety needs. If you have children and are concerned for their safety, you must specifically request custody and visitation restrictions or "no contact" orders.

You must call the police every time the order is violated.

You should make lots of copies and carry a copy everywhere, especially if it has custody or visitation provisions.

A protection order is one tool that can help you gain your independence and stop your abuser from hurting you and your children. You should contact a domestic violence advocate and a qualified attorney in your area to discuss ways of ensuring the safety of you and your children, which can include getting a protection order.

Where can I get more information?

A national information and referral center is the National Coalition Against Domestic Violence, <http://www.ncadv.org/> or 303-839-1852. The

National Coalition maintains a listing of state coalitions against domestic violence that can be accessed from their Web site. You can also call the National Domestic Violence Hotline at 1-800-799-SAFE or 1-800-787-3224 TTD for immediate help. There may also be a local hotline number in your area, which you can get by calling 1-800-799-SAFE.

Many communities offer shelters for battered women and their children. Details on these shelters are available from the police, crisis intervention services, hospitals, churches, family or conciliation courts, departments of health and human services, or women's organizations such as the local or state chapter of the National Organization for Women (NOW).

Where can I find a lawyer?

Many state, county, and city bar associations operate lawyer referral and information services. These programs can provide you with information on the legal system and refer you to a private attorney with expertise in family law. Check in the phone book under the name of the bar association or in the Yellow Pages under "lawyer referral services," or access www.abanet.org/legalservices/public.html. Depending on your income, you may qualify for free or reduced-cost legal services. Check with your local bar association, look in the Yellow Pages under "legal aid," "legal assistance," or "legal services," or access the Internet site above.

This pamphlet focuses on broad legal principles and the information provided should not be acted on without professional advice. Contact a lawyer for the specific law in your state. This pamphlet does not necessarily represent the official policies of the American Bar Association.



American Bar Association

Division for Public Education
541 North Fairbanks Court
Chicago, IL 60611-3314

Publication of this brochure is supported by

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