

DOMESTIC VIOLENCE

Finding Safety & Support



*Support Groups • Children's Services • The Facts
Legal Assistance • Shelter • Know Your Rights
Safety Planning • Police & The Courts • Orders of Protection
Stalking • How You Can Help*

Like
A
Butterfly...

The cover art for this booklet was created by Cathy S., a survivor of domestic violence. Cathy, a member of the Rockland Family Shelter Resource Council, describes it as follows: “‘Like a Butterfly’ is an image of a butterfly that has just broken from its cocoon and is beginning to take flight. I hope it will inspire many people to be able to take the path I have chosen.”

OPDV would like to thank Cathy for giving us permission to reproduce her artwork.

*This booklet was produced by the
New York State Office for the Prevention of Domestic Violence.*

The New York State Office for the Prevention of Domestic Violence (OPDV) is an executive level state agency that was set up to help improve New York State’s response to domestic violence. OPDV trains people who handle domestic violence cases, like police officers and health care professionals. We raise awareness about domestic violence by creating public education campaigns, including radio and television advertisements, billboards and posters. We work with the Governor and other state agencies to make sure that the needs of people affected by domestic violence are considered and addressed.

OPDV is not a domestic violence program and is not the best resource for emergency help. OPDV staff are available, however, to speak with abused women who are having problems with “the system” – such as the police, courts, or departments of social services. If you are having problems and would like to talk to us, please call our toll free number: 1-866-704-2503. For emergency help, dial 911 or call the NYS Domestic and Sexual Violence Hotline. Hotline staff can assist callers in most languages.

1-800-942-6906

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

TTY: 1-800-818-0656

SPANISH LANGUAGE: 1-800-942-6908 TTY: 1-800-780-7660

IN NYC: 1-800-621-HOPE (4673) OR DIAL 311

TTY: 1-866-604-5350

**24 HOURS A DAY,
SEVEN DAYS A WEEK**

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Domestic violence is one of the most serious public health issues and criminal justice issues facing women today. Because the vast majority of victims of domestic violence are women who are abused by their male partners, this booklet will refer to victims as female and abusers as male. But most of the information contained in this guide will apply to all victims regardless of their gender or the gender of their partner, including people who are lesbian, gay, transgender or bisexual and men who are physically abused by their female partners.

For the purposes of this booklet, the term “domestic violence” is defined as abuse by one adult intimate partner against another. While the information included in this booklet is primarily meant for adults, it may also apply to adolescents experiencing dating violence. There is also information specific to teens in the Specific Populations section of this booklet.

UNDERSTANDING THE PROBLEM

IS THIS BOOKLET FOR ME?

This booklet was created mostly to help people who have been abused by their intimate partner. But it is not always easy to recognize abuse, even for victims themselves. This booklet will try to help you figure out if there is abuse in your relationship and will give you information on how to be safe and get help if there is abuse. If you are not sure, this booklet might be for you if:

- Your partner does things that make you afraid.
- Your partner does things to control you.
- Your partner threatens to hurt you.
- Your partner physically abuses you.

If you think this booklet might be for you, please keep reading. As you do, remember:

- You are not alone.
- You are not to blame.
- You do not deserve to be abused.
- There is help available.

This booklet is also for you if you know someone who is being abused or someone you think might be being abused by their partner. You will find information on how you can help a friend, family member, co-worker, neighbor, or acquaintance, including:

- How to talk to them about the abuse.
- How you can be prepared to help.
- How to help them get support and services.

If you are a professional helping victims of domestic violence, you will find helpful information in this booklet as well.

If you have picked up this booklet and find that it is not for you, please pass it on to someone who might find it helpful if it is safe for them to have it.



SOME FACTS ABOUT DOMESTIC VIOLENCE

- **1 in 4 women will experience domestic violence in their lifetime.**
(Tjaden, Patricia and Thoennes, Nancy. National Institute of Justice and the Centers of Disease Control and Prevention, “Extent, Nature, and Consequences of Intimate Partner Violence.” 2000). www.ncjrs.gov/pdffiles1/nij/181867.pdf
- **Almost 1/3 of all female homicides victims in the United States were killed by their intimate partner.**
(Bureau of Justice Statistics, “Intimate Partner Violence in the United States.” December 2007).
- **Approximately 450,000 domestic incidents are reported annually to police departments in NYS.**
(DCJS Domestic Incident Report Data, 2001-2002).
- **Only about 48% of all violent victimizations, in 2003, were reported to police.**
(Bureau of Justice Statistics, National Crime Victimization Survey, “Criminal Victimization, 2003.” September 2004).
- **84% of adults believe that domestic violence is a problem in the United States.**
(Harris International. “Majority of U.S. Adults Think Domestic Violence is a Serious Problem in the United States Today.” June 2006). www.harrisinteractive.com

A community agency that offers services to victims of domestic violence, called a domestic violence program, can be your first step to safety and support. There is a domestic violence program in every county of the state. All programs offer services such as support groups, legal advice and children’s services. Some programs also offer a safe place to stay. To find the domestic violence program in your area, call the NYS Domestic and Sexual Violence Hotline.

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WHAT IS DOMESTIC VIOLENCE?

Domestic violence is when one person does a variety of things to control another person in an intimate relationship. The shift in power can happen very slowly, over a period of time, so that the other person cannot even remember when it happened. Or it can happen very quickly after there is some sort of commitment or some change in the level of intimacy.

Many people wonder if what is happening to them is domestic violence because their partner has never hit them. Physical abuse is probably what most people think of when they think about domestic violence, but it is just one of the many ways that your partner might try to gain power and control in your relationship.

Ways a person might try to gain power and control over their partner include:

- **Isolation** – making it hard for you to see your friends and family; telling you that your friends and family cause problems in the relationship or are trying to “come between you.”
- **Economic abuse** – having complete control over the money; making you account for every penny you spend; taking your money from you.
- **Verbal, emotional, psychological abuse** – calling you names; putting you down or embarrassing you in front of other people; criticizing your abilities as a partner or parent.
- **Intimidation** – making you afraid with a look, action, or gesture; getting you to do something by reminding you about “what happened last time.”
- **Coercion and threats** – showing you a weapon and threatening to use it on you; threatening to “out” you to family, friends, or employers if you are gay or lesbian; threatening to harm your family, friends, or anyone you might go to for help.
- **Physical abuse** – pushing, grabbing, hitting, slapping, punching, or kicking you.
- **Sexual abuse** – forcing you to have sex when you don’t want to; making you engage in sexual acts that make you uncomfortable; forcing you to engage in prostitution.
- **Using children** – undermining your authority with your children; threatening to take the children away from you by kidnapping or getting custody of them; “pumping” your children for information about you.
- **Minimizing, denying, blaming** – making you think the abuse is your fault; saying the abuse was caused by stress, alcohol, or problems at work; denying that the abuse happened at all.



UNDERSTANDING THE PROBLEM

These are some of the most common ways that abusers try to control their partners, but certainly not the only ones. If your partner does things that restrict your personal freedom or that make you afraid, you may be a victim of domestic violence.

**Abuse
is not always
physical.**

You are not alone. Millions of people are abused by their partners every year. But it is important to know that more resources are available now than ever before to help women and their children be safe.

WHY DO ABUSED WOMEN FEEL TRAPPED?

Many people who are abused by their intimate partner just want the violence and abuse to stop, but they don't want the relationship to end. But even when they do want to get out of the relationship with the abuser, it's hard.

Under the best of circumstances, it is not easy to end a relationship with an intimate partner. Love, family, shared memories, and commitment are bonds that are hard to break. Cultural or religious beliefs may be barriers to ending a marriage. Immigration status may be another obstacle. While ending a relationship is hard for everyone, women who are abused face the added risks of physical, emotional and psychological harm. There are risks that come with every decision an abused woman makes.

Remember: there are many good reasons why it may be difficult to be safe or to end a relationship with an abusive partner. The choices abused women are faced with are not risk-free. Leaving is not always the safest or best option.

RISKS OF GETTING HELP OR DECIDING TO LEAVE

Risks of physical violence and psychological harm

- Threats and violence will get worse, resulting in harm to victim, children, friends, family, or pets.
- Abuser will follow through on suicide threats and harm himself.
- Continued harassment, stalking, and verbal and emotional attacks, especially if the abuser has ongoing contact (such as during court ordered visitation).
- Serious physical harm and/or death.
- Rape or sexual abuse.

Risks to Children

- Emotional, physical, or sexual abuse; possibility of increased risks to children if the abuser has unsupervised or poorly supervised visitation.
- Losing children if the abuser kidnaps them or gets custody of them.
- Negative impact on children as a result of “breaking up the family.”

Risks to Finances

- Concern about being able to pay legal fees.
- Reduced standard of living - possible loss of home, possessions, neighborhood.
- Losing income or job - possible loss of partner’s income, may have to quit a job to relocate or to take care of the children alone, may be prevented from working because of threats and harassment.

Risks to Relationship

- Losing partner, losing the relationship.
- Losing help with children, transportation, household.
- Losing caretaker (for older women or women with disabilities).

Risks to Relationships with Family, Friends, and Community

- Negative responses from friends, family members, and helping professionals.
- Not being believed or taken seriously, being blamed, being pressured to take actions that don’t feel right.
- Being judged as a bad wife, partner, or mother.
- Making people feel uncomfortable about “taking sides” or not wanting to get involved.
- Worrying about being a burden to friends and family by asking them for help.
- Being pressured to stay in the relationship because of religious and/or cultural beliefs or because the children “need a father.”
- Worry that actions of people trying to help may actually make the situation more dangerous.



GETTING SAFE

SAFETY PLANNING & RISK ASSESSMENT

No abused woman has control over her partner's violence, but women can and do find ways to reduce their risk of harm. Safety planning is a tool to help you to identify options, evaluate those options, and come up with a plan to reduce your risk when faced with the threat of harm or with actual harm.

There's no right or wrong way to develop a safety plan. Use what applies. Change it or add to it to reflect your particular situation. Make it your own, then review it regularly and make changes as needed.

You may want to write down your safety plan, or you may not. If you think it would be safe for you to have a written safety plan and it would be helpful to you, then by all means do it. But if you think there is a chance your abuser might find it, maybe it is better to just think it all through and not write it down. Do what you think is the safest thing for you.

USE WHAT YOU ALREADY KNOW

If you have been abused by an intimate partner, you probably know more about safety planning and risk assessment than you might think. Being in a relationship with an abusive partner – and surviving – takes a lot of skill and resourcefulness. Any time you do or say something as a way to protect yourself and/or your children, you are “safety planning.” “Risk assessment” is when you decide if taking a specific action will make things better or worse. You do it all the time, without even thinking about it.

THINK IT THROUGH

Now that you know more about what safety planning is, it can be really helpful to assess risks and make safety plans by thinking through all the

Seeking help, getting an order of protection, or deciding to leave only makes sense to a woman when it reduces the risks to her and her children.



issues. There are certain things that are helpful to consider when planning for your future safety:

- Staying with your partner.
- Ending your relationship.
- Using services.
- Involving the police.

SAFETY PLANNING FOR EVERY SITUATION

Safety plans can be made for a variety of different situations:

- For dealing with an emergency, such as when you are threatened with physical violence or abuse has occurred.
- For continuing to live with or to date a partner who has been abusive.
- For protecting yourself after you have ended a relationship with an abusive partner.

If you are planning to leave your partner or have already left, be aware that *abusers are often more violent during times of separation*. This could increase your risk for harm, including stalking and serious or life-threatening injury. Making a separation safety plan can help reduce the risks to you and your children during and after a separation.

IDENTIFY YOUR OPTIONS

The value of any safety plan depends on coming up with options that make sense to you and that you can use. This booklet will provide information on the help available from local domestic violence programs and the criminal justice system. But just as important is the help and information you may get from other places, including your own family and social supports. Some of the people and places where you might find support include:

- counselor, social worker, therapist;
- doctor, dentist, nurse;
- friend, family, neighbor;
- a spiritual leader or member of your faith community;
- employee assistance program (EAP), supervisor, union, co-worker;
- staff member at women's centers or senior centers;
- teacher, school counselor, parent teacher association member; and/or
- department of social services caseworker.

Whether you are currently with your partner or not, a safety plan may reduce your risk of being harmed.



The important thing is for you to identify all the possible people who might be willing and able to help you. You don't have to wait for an emergency to ask for help. It's a good idea to talk to people and find out what they're willing and able to do for you. That way, you'll know in advance if you have a place to stay, where to go for help with money, or a safe person who can keep copies of important papers for you. If it is safe for you to do so, you may want to make a list with their phone numbers so that you'll have it in case of an emergency. If you don't know where to go in your community, you can call the NYS Domestic and Sexual Violence Hotline for information about a program in your community.

**“Don't doubt yourself!!!
If it makes sense to you,
it could make you safe.”**

— Domestic Violence Survivor

Most people really do want to help. The more specific you can be, the more likely it is that you'll get the help you need. Sometimes the people you trust may mean well and offer you suggestions that don't seem right to you. *You* will have to decide if this information is best for you. It's your call.

PLANNING FOR YOUR SAFETY

These are some ideas to get you started in planning for your safety. But every situation is different. *Only you can decide what's best for you.*

BEING READY FOR A CRISIS

You may be living with, dating, or have a child with the abuser. If it is safe for you, you might think about:

- **Moving to a safer space during an argument.** Try to avoid arguments in the bathroom, garage, kitchen, near weapons, or in rooms without an exit to the outside.
- **Leaving the house for a short time.** Think about how you would get out safely and where you would go. Have your purse and car keys ready.
- **Asking a neighbor or a friend for help.** A neighbor can call police if they hear violent noises coming from your home. A friend can take necessary action if you use a code word that you have arranged in advance.
- **Calling for help.** Think about who you could call: police, domestic violence hotline, friends, family. Know those numbers or program them into your phone, if you can do so safely. Your local domestic violence program may be able to give you a free cell phone for calling 911.



- **Including your children.** Make sure they know their address and phone number and how to get help. Tell children not to get in between fighting adults. Plan a code word to let them know to get help or leave the house.

PLANNING TO LEAVE OR SEPARATE FROM YOUR PARTNER

You may decide that leaving your partner is the best choice for your safety at this time. Leaving can be a temporary or permanent option. Think about:

- **Where you could stay and for how long.** Choices could include homes of friends or family, a hotel, or a domestic violence shelter. Have phone numbers ready.
- **How you can get to a safe place.** You may be able to use your car, public transportation, or arrange for a ride.
- **Things you might need to take with you:**
 - Cash, credit cards, ATM card, and/or checkbook. You may need money for gas, food, lodging, public transportation, medication, phone calls, and other expenses. Make sure you know your passwords and account numbers. Note: check, credit, and ATM card transactions could be used to track you if you share an account with your partner.
 - Identification and documentation for you and your children. This could include your driver's license, birth certificates, social security cards, recent photos, passports, immigration papers, public assistance ID, employee or school ID.
 - Keys to your house, car, office, and safe deposit box.
 - Medications, health insurance cards, Medicaid/Medicare cards, vaccination records, glasses, hearing aids, and other medical needs.
 - Important papers such as orders of protection, divorce or separation agreement, custody/visitation order, child support order, car registration, insurance papers, lease or house deed, and past tax returns.
 - Electronic equipment such as laptops and cell phones.

The list above suggests important items that you may need. You might also think about taking a few things to increase the comfort for you and your children, such as favorite toys, security blanket, electronic devices such as hand-held video games or MP3 players (like iPods), photos, and sentimental items.



- **Where you could safely leave extra clothes**, important documents, keys, or money.
- **What to do about your pets.** There is a strong connection between domestic violence and animal cruelty. Sometimes abusers threaten or harm pets to scare and control the victim. For many women, concern about pets is an important part of their decision to leave. Consider these options:
 - Your pets may be safe staying at home.
 - The local domestic violence program may be able to help you find a safe place for your pets.
 - You may be able to take your pets with you. Check first to find out.
 - You may be able to board your pets.
 - Talk to your vet for possible care or recommendations for boarding.

Be sure to take any items that could be used as evidence of the abuse. This could include photographs of your injuries, threatening notes or messages, copies of police reports, medical records such as hospital discharge papers or x-rays, or a journal of the abuse.

AFTER LEAVING OR SEPARATING FROM YOUR PARTNER

Leaving your partner may not end the danger you faced while in the relationship. In fact, abusers can become more dangerous after their partners leave. It is important for you to plan carefully for your safety during this time. Think about:

- **Home Safety**
 - Changing the locks on your doors and windows.
 - Replacing wooden doors with steel/metal doors.
 - Installing a security system including additional locks, window bars, poles to wedge against doors, an electronic system, etc. Ask the domestic violence program if your community has a program that gives security devices to abused women.
 - Buying fire ladders to be used for escape from second floor windows.
 - Installing smoke detectors and putting fire extinguishers on each floor of your home.
- **Safety with Children**
 - Teaching your child how to use the phone to make a collect call



to you if they are concerned about their safety. Or, consider getting your child their own cell phone to be used for emergencies.

- Telling the people who take care of your children, including their school, which people have permission to pick them up and make sure they know how to recognize those people.
- Giving the people who take care of your children copies of orders of protection, custody and other court orders, and emergency numbers.
- If your children use social networking websites like MySpace.com or Facebook.com, talk to them about being very careful with what information they post there. They might give out information that could be used to track your family without meaning to. This could happen if they talk about things like where they work or go to school, or if they say they have moved recently.

AT WORK AND IN PUBLIC

Your partner knows your routine, including where you work, the times you travel to and from work, places you shop, what time you drop your children off at school, etc. Many people who are abused are harassed by their partners when they are at work. While it is hard to change everything you do, there may be ways you can plan for your safety at your job and while going about your daily routine.

Think about:

- **At Work**

- Telling your boss, security staff, and/or Employee Assistance Program about your situation.
- Seeing if your employer offers flexible work hours or if a transfer to another location is possible.
- Asking the human resources department to help you work out the best use of your attendance and leave benefits, such as sick time, vacation, personal time, etc.
- Giving workplace security a picture of the abuser and copies of orders of protection.
- If possible, asking security staff to walk you to and from your car.
- Knowing your workplace security phone number in case of emergency.
- Asking a co-worker to screen your calls at work. Also, think about asking for a phone with caller ID and recording capabilities.



• In Public

- Changing the route you take to and from work.
- Changing what time you attend religious services, or attending a different place of worship.
- Changing your patterns – avoid stores, banks, laundromats, and other places your partner may go to look for you. When possible, ask someone to go places with you.
- Telling someone where you're going if your plans include something that's not part of your normal routine.

Note – All New York State governmental agencies (as well as many private employers) have domestic violence workplace policies. For more information, check your employee manual or ask your human resources department.

WITH AN ORDER OF PROTECTION

If you get an order of protection, think about:

- Where you will keep your order of protection. Always keep it on you or nearby.
- Giving copies of your order of protection to police departments in the communities in which you live, work, where your children go to school, etc.
- Giving copies of your order of protection to your employer, religious advisor, close friends, children's school(s), children's day care provider(s), etc.
- If you lose your order of protection or your partner destroys it, you can get another copy from the court that issued it.
- If your partner violates the order of protection, you can call the police and report the violation, contact your attorney, call your advocate, and/or tell the court about the violation.
- Calling a domestic violence program if you have questions about the order or if you have problems getting it enforced.



TAKING CARE OF YOURSELF

It is important to plan for your physical safety, but it is also important to plan for your emotional health and safety. This time can be stressful, confusing, frightening, and sad. Think about:

- Who you can call if you are feeling down, lonely, or confused.
- Taking care of your physical health needs by getting a check up with your doctor, gynecologist, and dentist. If you do not have a doctor, consider contacting a local clinic.
- Who to contact if you are worried about your children's health and well-being.
- Who you can call for support if you are thinking about going back to your partner and want to talk it out with someone.
- Attending support groups, workshops, or classes at the local domestic violence program or another community agency.
- Looking at how and when you use drugs and alcohol, and what to do if you need help.

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WHAT CAN A DOMESTIC VIOLENCE PROGRAM DO FOR ME?

Local domestic violence programs are a valuable resource. They provide *confidential* help including 24-hour hotlines, counseling, and emergency shelter. While shelter may be what most people think a domestic violence program is, they also provide a lot of other useful services, and you don't have to stay in a shelter to get help from a domestic violence program. Another important thing to know is that you can use a domestic violence program whether you plan to stay in the relationship with your partner or not.

The person at a domestic violence program who will help you is an "advocate." Advocates understand the criminal justice, Family Court, and social services systems, and they are familiar with other community resources that might be useful to you.

In addition to giving you good information, advocates can often go with you to court, to the police station, or to social services, and provide you with practical and emotional support. Getting help from someone who has experience working with victims of domestic violence and who knows how to work with the different systems can make things a lot easier for you.

AVAILABLE SERVICES

There are domestic violence services available in every county in the state. Specific services may vary from one community to another, but most programs offer the following services.

Shelters

Shelters offer a short-term safe place to stay for you and your children, if you have children. Domestic violence shelters are only for women who are abused and their children – they are different from homeless shelters. Every effort is made to keep the location of the shelter secret to protect the families who stay there. Some programs may even provide safety for your pets. Domestic violence shelters do have rules that people who stay there have to follow, in order to make sure that everyone stays safe. Usually you can stay there only for a short time. Shelter staff will start working with you right away to find longer-term housing.

You don't have to stay in a shelter to get help from a domestic violence program.



24-Hour Hotline

Advocates are available 24 hours a day to provide emergency help and emotional support, information, admission into shelter, and referrals.

Counseling

One-on-one counseling provides information and emotional support. Counseling can also help you think about the choices and options that work best for you.

Support Groups

Support groups are like counseling, but are done with a group of people together. They are a good place to learn about domestic violence, listen to other women who have been abused, and share your story, if you choose. Many women find that support groups help them feel less alone.

Services for Children

Many programs offer a chance for children to talk about what is happening in their lives, participate in activities, go on outings, and get help with schoolwork.

Many domestic violence programs offer some or all of the following additional services for women who have been abused, whether they are in a shelter or not. These include:

- help getting medical care;
- help getting legal services for Family Court or for immigration issues;
- help with housing, furniture, and clothing;
- training and educational services;
- help finding employment;
- assistance getting social services, like health insurance, food stamps, and temporary cash assistance;
- emergency transportation; and
- interpretation services.

You can use a domestic violence program whether you plan to stay in the relationship with your partner or not.

For additional information about domestic violence programs, or to find the one closest to you, call the NYS Domestic and Sexual Violence Hotline at 1-800-942-6906.



WHAT OTHER SERVICES ARE AVAILABLE?

You may need help and services that the domestic violence program doesn't provide. Communities across the state offer a lot of other services that can help meet some of your other needs. Domestic violence programs can give you information and referrals for these services. Referrals are often available to:

- educational opportunities including General Education Development (GED) or college degree programs, English as a second language classes, certificate programs, and scholarship, grant, and stipend programs;
- employment programs like One-Stop Centers that assist with job training and placement, professional development, resumé-writing, interviewing skills, and job searches;
- culturally-specific services and groups, including information about immigrants' rights and help for non-English speakers;
- health-related services including primary care, family planning, pre-natal care, breast exams, pediatric care, reconstructive cosmetic surgery, and testing for sexually transmitted diseases, including AIDS and HIV;
- low-income and/or affordable housing programs and relocation assistance;
- alcohol/other substance recovery programs, mental health services, children's counseling services, parenting programs, and support groups;
- child protective and preventive services;
- unemployment insurance;
- food stamps, food pantries; and
- child health insurance.

For more information about where you can get some of these services, look in the Resources section of this booklet.

New York State Crime Victims Board (CVB): Victim Compensation

The New York State Crime Victims Board (CVB) gives financial relief to victims of crime and their families. Payments are available for crime-related expenses. Crime-related expenses include, but are not limited to: medical and burial expenses, loss of earnings or support, counseling costs, the cost to repair or replace personal property, some court and/or medical transportation expenses, the cost of staying at or using any for-fee services of a domestic violence shelter, and limited attorney fees.



Some of the people who might be able to get CVB compensation include, but are not limited to:

- innocent victims of a crime;
- victims of crime who were physically injured as a result of the crime;
- victims of crime who are under age 18, age 60 and over, or disabled, who were not physically injured as a result of the crime;
- relatives and/or dependents, including surviving spouses, children, parents, siblings, stepsiblings, stepparents, or people primarily dependent on a victim for support;
- child victims, children who witness a crime, and the children's parent, stepparent, grandparent, guardian, siblings, or stepsiblings;
- victims of unlawful imprisonment or kidnapping;
- victims of trafficking;
- stalking victims; and
- victims of frivolous lawsuits brought by a person who committed a crime against a victim.

If you think you qualify for victim compensation, you can file a New York State CVB Claim Application. You can get an application by calling CVB at 1-800-247-8035 or you can download an application from their website: www.cvb.state.ny.us. You can also get an application from places like local victim assistance programs, police stations, hospital emergency rooms, or domestic violence programs. Ask an advocate if you need help filling out the application.

**CVB gives
financial relief to
victims of crime.**

Counseling

If counseling is a service you want, call your workplace employee assistance program (EAP) or domestic violence program for suggestions. They may provide the service you are looking for. If not, they probably know of counselors who have been helpful to others. If you are worried about the cost, ask for referrals to counselors who use a sliding fee scale. Of course, there is no guarantee that you will feel comfortable or satisfied with a particular counselor. You may need to try more than one before you find one you want to work with. In deciding on the right counselor for you, look for a counselor who:

- Makes your safety, not your relationship, the priority.
- Is willing to help you develop a safety plan that meets your needs, and supports your right to make your own decisions.



- Believes what you say, takes you seriously, takes the abuse seriously, and doesn't judge you or make you feel ashamed about past physical or sexual abuse.
- Doesn't hold you responsible for your partner's violence, and doesn't encourage you to change as a way to get your partner to change.
- Doesn't ask you to bring your partner into the counseling session.
- Is willing to involve a domestic violence advocate, if you wish.
- Understands that domestic violence is really about control, not about anger, stress, or alcohol/other substance use.
- Looks at the effects of all of your partner's controlling behavior on you – physical, sexual, economic, emotional, and psychological abuse.
- Is sensitive to your cultural or religious beliefs.
- Doesn't assume that *you* are abusive if you “hit your partner, too,” but understands that many abused women use violence as a way to fight back or defend themselves.

WHAT ABOUT MY CHILDREN?

People who abuse their intimate partners may also abuse their children. Even if they are not a target of the violence, however, children often know about the abuse happening in their home even when parents think they don't. Abused women try very hard to shield their children from the violence, but this is not always possible.

Children often know about the abuse even when parents think they don't.

While each child is different, children can be affected by seeing one parent abuse the other. Some ways children may be affected include:

- health-related problems, such as headaches and stomach problems;
- developmental problems, such as bed-wetting;
- using aggressive behavior against others, including the non-violent parent;
- problems learning and concentrating in school; and
- school attendance problems.

An important factor in helping children deal with domestic violence is their relationship with you. There are things you can do to help them with what is happening now, and these things may also help them as they become adults.



- **Listen to your children** – You may think it is better not to talk about the violence with your children, but it is often helpful for children to feel free to talk about what is happening.
- **Help your children express their feelings** – Children may have many different emotions and feelings as a result of the violence. Help them identify their feelings and let them know that whatever they are feeling is OK.
- **Don't “bad-mouth” the other parent** – It is important to be honest with your children, but remember that they probably still love and care about their other parent. Letting them know that this is OK can help them feel less guilty or anxious.
- **Establish a sense of security and safety** – It is important that children feel safe and protected. Spend extra time with your children and show them love and physical closeness. Even 10 minutes a day of playtime with a toddler can go a long way to help them feel loved and secure. Be consistent with your children, including discipline and routines like homework and mealtime.

There is help available for children who have lived with domestic violence. Many domestic violence programs have services specifically for children, including counseling and support groups. Talk to your local program about how they can help your children, and/or if they have referrals for other children's services.

WHAT ABOUT HELP FOR MY PARTNER?

Abusers often do not take responsibility for their behavior. They blame their partners, stress, alcohol or drugs, anger, loss of control, an unhappy childhood, or someone or something else. The fact is, lots of people are under stress, drink, use drugs, get angry, or were abused as children. Yet most of these people do not choose to use violence and control in their intimate relationships.

Domestic abuse is about one person's decision to manipulate and control their partner. Abuse is not a loss of control. In fact, it's usually just the opposite. Abusers control their partners in many different ways. Think about it: they are able to control their own behavior when necessary. They usually don't hit their co-workers or the store clerk who makes a mistake, but they often use those things as excuses for abusing their partners later.

Unless someone takes full responsibility for their abusive behavior, they are unlikely to change.



Abusers can change, but it's not easy. If enough is at stake, they may decide that they need to change. Regardless of what your partner does, it is important to continue to plan for your own safety.

What if he attends a batterer program?

Most abusers go to batterer programs because a court ordered them to go. Ordering abusers to attend a batterer program is sometimes used by the courts or probation as a tool for holding them accountable. Or, they may hope that the abusers' behavior will change. All batterer programs are different. They use different tools and have different goals. None of them can guarantee that a person's behavior will change after the program. Since not all batterer programs operate in ways that put your safety first, ask your local domestic violence program for information about the programs in your area.

While it may seem like a positive step for your partner to attend a batterer program, it doesn't mean that he will choose to stop his violent behavior or that you will be safe. Many abusers who attend a program continue to be violent and controlling. You should plan for your safety based on who he is right now, not who you want him to become.

What if he stops drinking or using drugs?

Even when abusers stop drinking or using drugs, their abuse often continues. Alcohol and other drug use do not cause domestic violence, although abusers often use it as an excuse. Abusers who drink or use drugs have two separate problems – abuse and alcohol/drug use – that need to be dealt with separately. Many abusers get more violent – and more dangerous – when they stop drinking or using drugs.

Many drug and alcohol treatment programs offer groups for family members or family counseling sessions, but these are not always safe for people being abused by their intimate partner. You may be abused for what you say or the counselor may say or do things that put you in danger. Also, your partner may blame you – and you may blame yourself – for both his drinking and his abuse toward you.

Alcohol and drug use do not cause domestic violence.

If you decide to tell the substance abuse counselor that you are being abused, don't do it in front of your partner. No counselor should ever insist that you participate in services if your partner is abusing you. You are the only one who can decide whether it's safe to participate or whether it's safer to refuse.



What about couple counseling?

According to abused women who have gone for couple or family counseling, it doesn't work, and often makes things worse. Counselors who don't know about the abuse or who don't understand domestic violence may do or say things that put you in danger.

Couple counseling assumes that both people in the couple are free to share their thoughts and feelings. That cannot be true if one person is abusing the other. It is often dangerous for abused women to express their feelings and talk openly about the abuse in front of their partners. Some women are threatened or assaulted for things they said – or didn't say – during a couple counseling session. If that happens, tell your counselor about it in private. Ask them to find a way to end the couple sessions without letting your partner know what you said.

Regardless of what your partner does, it is important to continue to plan for your own safety.

Going to counseling together suggests that you share some responsibility for your partner's behavior – a belief that he may already have. An abuser's behavior is his responsibility, no one else's, and he is not likely to change unless he takes full responsibility for his actions.

What about mediation and parent education?

Sometimes courts require abused women to participate in services with their partners. Such services may include mediation or parent education.

Mediation is used to help people work out their differences and come to agreement. Many judges order mediation in divorce and custody cases. However, mediation can be dangerous for the same reason couple counseling can be dangerous. It can be dangerous for abused women to express their feelings in front of their partners. This option only works if both parties have equal power in the relationship.

Some abused women choose mediation, thinking that it will lead to better results for them and their children. If you use mediation, it is important to discuss with your attorney or advocate your goals and expectations ahead of time. Be clear about what you are willing to negotiate about and what you're not. Again, consult your local domestic violence program about the mediation program and the individual mediator.

Women who are abused do not have to attend parent education. If the court orders you to attend, tell the clerk who handles the paperwork that you have been abused and ask for a waiver. You can also tell the person



you speak to at the parent education program about the abuse and request a waiver. Requesting or getting a waiver should not affect the outcome of your case. If you do decide to participate, you should definitely attend a separate class from your partner.

STALKING

A serious potential safety risk to abused women is stalking. Stalking is one person's unwanted pursuit of another person. While some stalking happens between strangers or acquaintances, stalking also happens in intimate relationships. Stalking can happen after the relationship has ended or while you are still with your partner. Many women who are stalked by their partners are also physically or sexually assaulted by them.

Stalking is a crime in New York State.

Stalking is a crime in New York State. There are four counts of stalking under the law depending on the stalker's behavior. Common stalking behavior includes:

- following you or showing up wherever you are;
- driving by or hanging out near your home, school, or workplace;
- repeatedly calling you, including hang-ups;
- sending you unwanted letters, cards, e-mails, or gifts;
- monitoring your phone calls or computer use;
- damaging your home, car, or other property; and
- taking other actions that control, track, or frighten you.

While some stalkers' behavior may not seem dangerous or threatening to an outsider, stalking is serious and should be treated that way. If you are being stalked, it is important to keep a record of what is happening. This can become useful evidence if you decide to get help from the police or court. Every time something happens, you should record:

- the date;
- the time;
- a description of the incident;
- the location of the incident; and
- any witnesses, including their names, addresses, and phone numbers.

“People may minimize your story. Don't let people tell you you're overreacting.”

— Domestic Violence Survivor



TECHNOLOGY SAFETY

The use of modern technology has increased abusers' abilities to monitor and track their partners' activities. If you are not sure if someone is monitoring you, trust your instincts, especially if your abuser seems to know too much about your activities or things you have only told to a few people. Abusers can be very determined and creative. A person does not have to be "tech savvy" to buy or use monitoring or surveillance technology. It is cheap and easy to use.

Phones

These days, most people have a cell phone. It can be a link to safety. On the other hand, an abuser can use it as a tool to listen to your calls and track your whereabouts. Most phones come with services or options to do this, such as: Caller ID, call logs, Call Return Service (*69), last number dialed, Global Positioning System (GPS), "silent mode," or "auto answer." Landlines (regular telephones) may also carry some of these risks. Traditional "corded" phones are usually safer than other kinds of phones. Think of these things as you plan for your safety. Consider options such as leaving your cell phone behind if you leave or getting another phone on a new account.

Computers

If the abuser has access to your computer, he can see what websites you have gone to and read your e-mail. Abusers can also monitor computer activities without being there by using keystroke logging technology or spying software. These send a report to the abuser's computer of all the activity (e-mails, websites visited, instant messages, etc.) that has taken place on your computer. Be aware that changing passwords or erasing history could make the abuser suspicious. To be safe, use a computer at a library, community center, Internet café, workplace, or a trusted friend's house when you need to look for help or plan to escape.

Recording Devices

Hidden cameras, such as "Nanny Cams," are cheap and easy to get. Abusers can easily hide a camera to monitor your actions. These cameras can be very small and will often appear as everyday objects. Even a baby monitor can be used for listening to conversations. As tempting as it might be, shutting them off or removing them could make your partner suspicious. Be careful.

Tracking Devices

Global Positioning System (GPS) devices are affordable, small, and can be easily hidden. An abuser can hide a GPS device in your car, jewelry, purse,



shoes, and other objects that you carry with you. If you find an object you think may be a GPS device, do not remove it. Call the police. If it's safe to do so, take photos.

Save proof of contact by the abuser, including e-mails, instant messages, or phone messages. Saving everything can help show patterns, plan for safety, and provide evidence for police. For evidence, it is important that e-mail messages stay on your computer, even if you print them out.

Technology is constantly changing and evolving. For the most up-to-date information on technology safety, visit The Safety Net Project at www.nnedv.org/SafetyNet.

SEXUAL ASSAULT

There is an overlap between domestic violence and sexual assault. Sexual assault is often one of the last things that abused women talk about

Most sexual assault happens between people who know each other.

because it is so deeply personal. It is very common, however, that someone who is abused by their intimate partner has also been sexually assaulted by them. In fact, most sexual assault happens between people who know each other.

Many domestic violence programs also have sexual assault services available. If you feel you would get more help from a sexual assault program than a domestic violence program, call the **NYS Domestic and Sexual Violence Hotline** and ask for a referral to the sexual assault program (sometimes called a rape crisis center) in your community.

1-800-942-6906

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

TTY: 1-800-818-0656

SPANISH LANGUAGE: 1-800-942-6908 TTY: 1-800-780-7660

IN NYC: 1-800-621-HOPE (4673) OR DIAL 311

TTY: 1-866-604-5350

**24 HOURS A DAY,
SEVEN DAYS A WEEK**



THE POLICE AND COURTS

DECIDING TO USE THE POLICE OR COURTS

In 1994, New York State passed the Family Protection and Domestic Violence Intervention Act, which requires police departments to respond to domestic violence as the serious crime that it is. But, as with every decision about your safety, you are the best judge of whether involving the police is the best thing to do in your situation.

Deciding whether to involve the police or to get protection from the courts can be difficult. An advocate can help you understand the police, courts, and other systems in your community. Feel free to contact your domestic violence program and talk to an advocate about any concerns or questions you may have.

Getting help from an advocate

The following sections of this booklet provide basic information about what the police and the courts in New York State can do for you. But exactly how the system works varies from one community to another, and there is no other case *just like yours*. For these reasons, if you are thinking about or are already using the police or the courts, it's a good idea to contact your local domestic violence program and talk to an advocate.

Among other things, domestic violence advocates can tell you how things work in *your* community. They can help you weigh the pros and cons of using the system and “walk you through” the entire process of making a police report, obtaining an order of protection, filing a violation, or petitioning for custody.

WHAT CAN THE POLICE DO FOR ME?

If you are the victim of domestic violence the police can:

- Assist you with finding a safe place, a place away from the violence.
- Inform you about how the court can help you get an order of protection, child support, custody, or visitation.



- Help you and your children get medical care for any injuries you received.
- Assist you in getting necessary belongings from your home.
- Provide you with copies of police reports about the violence.
- Help you file a complaint in criminal court, and tell you where your local criminal and family courts are located.

If you call the police

If you call the police in an emergency, they must come to investigate. For the police to make an arrest, they must have enough evidence to believe that someone committed a crime by harming or threatening you. This is called “probable cause.”

When the police arrive, tell them:

- what happened, in your own words;
- where the abuser is, if you know;
- if weapons were involved and if so, where they are;
- if you have children and where they are;
- if you have any injuries; and
- if any pets were harmed.

“If you’re feeling scared or overwhelmed when the cops show up, you can say, ‘Give me a minute to gather myself.’”

— *Domestic Violence Survivor*

The following list includes things that could be used as evidence. If you can do so *safely*, keep copies of anything you think could help your case, including:

- pictures of visible harm or injury to you or your children or pets (for example, cuts, bruises, swelling, or torn clothes);
- pictures of damage to personal property such as phones, furniture, walls, windows, car, or signs of a break-in;
- copies of messages threatening you or apologizing for having hurt or scared you, including:
 - o written letters, notes, or cards,
 - o computer e-mails,
 - o voicemail or text messages; and
- statements from you, your neighbors, children, family members, or anyone else who saw or heard what happened.



UNDER WHAT CONDITIONS WILL THE POLICE MAKE AN ARREST?

New York State has “mandatory arrest” laws, which means that under certain conditions, the police must make an arrest. For mandatory arrest to apply, you and your abuser must be considered “members of the same family or household.” This means that you are married to, were married to, have a child with, are related by blood to, are in an intimate relationship, or have been in an intimate relationship with your abuser. (See box on page 28.) If you meet this definition, mandatory arrest will apply if:

The Family Protection and Domestic Violence Intervention Act of 1994 requires police to treat domestic violence as a serious crime.

- A **felony** has been committed by one “member of the same family or household” against another.
- There has been a violation of a stay-away provision of an order of protection.
- A “family offense” has been committed in violation of an order of protection. (There are certain crimes that are called family offenses if the people involved are considered “members of the same family or household.”)
- A **misdemeanor** family offense has been committed. (The police do not have to make an arrest in this situation if you say that you do not want an arrest made, but they are not supposed to ask you if you want an arrest made. Be aware that they can go against your wishes and make the arrest anyway in this situation.)

FELONY: A felony is the most serious level of a crime punishable by more than one year in jail. An example of a felony is Assault in the Second Degree, which is an assault that results in serious physical injury like a broken bone, or injury from a weapon causing “substantial pain or impairment of physical condition” that lasts over a period of time.

MISDEMEANOR: A misdemeanor is punishable by up to one year in jail. An example of a misdemeanor is Assault in the Third Degree, which results in physical injury by “substantial pain or impairment of physical condition.”

VIOLATION: A violation is sometimes called a “petty offense.” A violation is not technically considered a crime. It is punishable by up to 15 days in jail. An example of a violation is Harassment in the Second Degree, which could be a verbal threat, slap, or push that does not result in physical injury.



There is an exception to the mandatory arrest law. If both people have committed misdemeanor-level crimes, the police must determine who the “primary aggressor” was. This means figuring out which person was more responsible for what happened. The law gives police factors to look at to help them decide who the primary aggressor was. The police are allowed to arrest only the primary aggressor in these situations. Primary aggressor analysis does not apply in felony cases.

Sometimes people are arrested for “violations.” The police can arrest someone if they witness them committing a violation. Even if the police did not witness it, you still have the right to make a complaint if a violation has been committed against you. The police may help you with this or give you information on how to use the courts. Ask a domestic violence advocate for help with this process if you need it.

If your partner has harassed or threatened you more than once, or if you are afraid of future harm, tell the police because it may give them the evidence they need to charge the abuser with a misdemeanor instead of a violation.

In 2008, an important change was made to how New York State family and criminal law defines “family or household member.” It now includes people who are (or have been) in an intimate relationship. One of the effects of this law is that mandatory arrest now applies to this group of people.

THE DOMESTIC INCIDENT REPORT (DIR) AND YOUR STATEMENT

The Domestic Incident Report (DIR) is a New York State form. Every time the police respond to a domestic violence call, they are required to fill out and give you a copy of the DIR, even if an arrest is not made. The report should include the following information:

- a Victim Rights Notice, which explains your legal rights and includes information on how to find local domestic violence services;
- the officers’ names and badge numbers, so that you can contact them again if you have questions or need to add information to the police report; and
- an explanation if they are not making an arrest.

Part of the DIR is your statement. Your statement is a written description of what happened. The statement on the DIR could be shown to the court. Write your statement carefully. If English is not your first language and you don’t understand what is written, ask for an interpreter or don’t sign it. Giving a false statement is illegal.



The DIR is an official record of what happened when the police responded. It can be used by your attorney in Family Court, or by the District Attorney or judge in a criminal case. It is important that you keep a copy of the DIR for your records.

WHAT HAPPENS WHEN AN ARREST IS MADE?

When the police come, they may arrest your partner or issue an appearance ticket, depending on the crime. If an arrest is made, they will bring your partner to the police station/precinct for booking, to prepare for arraignment. An arraignment is held in a court. It is when a judge reads information about the arrest to the alleged abuser, now called the “defendant.” It includes the charges (for example Assault 3rd) and other details about the incident. The arraignment should happen within 24 hours. At the arraignment, the judge can make the decision to release the defendant, hold him with bail, or hold him without bail. This decision is made on the likelihood that he will return for his next court appearance. It is important to plan for your safety because your partner may try to contact you if he is released. You should assume that he could be released any time after an arrest.

You should assume that the abuser could be released any time after an arrest.

During the arraignment, several things may happen:

- The defendant may have an attorney assigned to him.
- An order of protection may be issued.
- The defendant will be given a date to return to court.
- The case may be assigned to an Assistant District Attorney (ADA).
- If the defendant is non-English speaking or hearing-impaired, an interpreter should be provided.

Every county in New York State has a District Attorney (DA) who is an elected official. The District Attorney’s office is made up of the DA and Assistant District Attorneys (ADAs). Sometimes they are called the “prosecutor.” The DA’s office represents the people of the State of New York. The DA/ADA does not represent you personally. However, you should call the DA’s office for information on your case. It is your right to do so. Your local domestic violence program can help you work with the DA’s office. Be aware that the ADA at the arraignment may not be the ADA who is assigned to handle the case.

If you have questions about what happened at the arraignment, contact the court and/or the DA’s office. The court will be able to tell you if an order of protection was issued. If one was not issued, and you wish to have one, you



can discuss this with the DA's office. You may not be able to get one until your partner returns to court. Call the police if you feel you are in danger.

After the arraignment, you may be contacted by the DA's office or an advocate. You may be asked to meet with someone from the DA's office. This person will ask you about what happened to you and may be able to answer any questions that you have. It is a good idea to write this person's name and phone number down in case you have any concerns or questions in the future. A criminal case can take awhile, and it is important to know who to call if you want information.

Appearance Ticket: If an appearance ticket is issued, it will require your partner to appear in court and be arraigned on charges at a later date. This date may be set several days away, or more. Therefore, it is important to plan for your safety. If another incident happens before your partner goes to court, you should call the police again.

What if the police response isn't what you expected?

There may be times when the police do not respond in the way you think they are supposed to. If this happens, you may want to talk to an advocate at a domestic violence program. They can talk to you about possible options.

What if you get arrested?

Sometimes abused women get arrested. This can happen if the abuser lies about what happened and the police believe that he is really the victim, or if the police do not correctly identify the primary aggressor. It can also happen if you commit a felony, even if it was in self defense.

If you are arrested, get an attorney. The court must provide an attorney for you free of charge if you can not afford one on your own. This attorney is called a Public Defender. Every county in New York has a Public Defender's office, and you will be given information on how to get a Public Defender at arraignment.

Ask your attorney to contact the Assistant District Attorney handling your case and explain the situation. If there have been times when the police have responded before, and you have been identified as a victim, make sure to tell your attorney that. Do not contact the District Attorney's office on your own. If you are being prosecuted for a crime, you are called a "defendant," and they are not allowed to talk to you without an attorney.

An advocate from the domestic violence program can also be helpful to you if you get arrested. They can help you sort out your options, understand the court process, and may be able to talk to your attorney with you.



WHAT IS AN ORDER OF PROTECTION?

An order of protection is a document issued by a court that may help protect you from harassment or abuse. In an order of protection, a judge can set limits on your partner's behavior. Among other things, judges in all courts (Criminal, Family and Supreme courts) can:

- order your partner to leave and stay away from your home, your workplace, and your family (this is called a “stay-away” provision);
- order your partner to stop abusing you, your children, and pets; and
- order your partner to have no contact with you – including no phone calls, letters, e-mails, or messages through other people.

Once an order of protection is issued, *only a judge can change it*. If the order includes a stay away provision and your partner comes to your house, he is violating the order and should be arrested. You may feel there is a good reason for him to be at your house, such as a child's birthday, but him being there would put him in violation of the order. If you want changes to an order, you must request them from the court.

Orders of protection are valid in any state or territory in the country, no matter where they were issued. This is sometimes called “Full Faith and Credit.” If the order has not expired and has the correct names of the people involved, the police should consider it valid and enforce it.

HOW DO I GET AN ORDER OF PROTECTION?

To get an order of protection, your case must come before a judge. Two types of courts are available to provide protection to victims of domestic violence – criminal and civil.

Family Court is a civil court with the goal of protecting you and your family. You can go to Family Court if:

- you are legally married to the abuser;
- you are divorced from the abuser;
- you are related to the abuser by blood;
- you have a child in common with the abuser; or
- you are (or have been) in an intimate relationship with the abuser.

Another effect of the 2008 law that changed the definition of “family or household member” is that people who are (or have been) in an intimate relationship can now get a civil order of protection from Family Court. Examples of an intimate relationship include people who are (or were) dating, living together, or in same-sex relationships.



Family Court judges can issue an order of protection and make decisions about custody, visitation, and child support. A judge may order the abuser to pay for expenses related to the abuse, such as medical care and property damage.

To get an order of protection, the following will happen:

- You must ask for and file a Family Offense Petition with the Court Clerk. Let the court know if you want to keep your address a secret.
- The judge will most likely want to talk to you. You are now called the “petitioner.”
- The judge will decide whether or not to issue a temporary order of protection. It extends to your next court date, which will be given to you by the court. Your partner, now called the “respondent,” must come to court on that day, too. If your partner does not agree, or “consent,” to the order of protection, or disputes what you said in your petition, the court will set a date for a “Fact Finding Hearing.” At this Hearing, the court will decide whether to make the order of protection permanent. Family Court orders of protection can be issued for up to five years, depending on the circumstances. You and your partner are both entitled to legal representation when you return to court on the second court date.
- Your partner must be served with the temporary order of protection for it to be enforced by police.

It sometimes takes several hours for your case to come before a judge in Family Court. Be prepared to spend as much time as necessary waiting, possibly the whole day. Some courts have centers to watch your children while you are there. In courts without centers, you might want to bring another adult with you to wait with your child while you are in the courtroom. Some courts also have two separate waiting rooms, so you can sit in a different room from your partner. A domestic violence advocate can often go to court and wait with you.

Many people say that getting a Family Court order of protection improved how they felt, including increasing their self-esteem and feelings of security.

Criminal Court: Regardless of the relationship between you and the abuser, a criminal court can issue an order of protection after the abuser has been charged with a crime. In some locations the criminal court may be your Town or Village Court. The police or District Attorney may request an order of protection from the court or you may make the request yourself. Like in Family Court, this will be a temporary order until the case is over. This temporary order often extends from one court date to the next. A



permanent criminal order of protection can be issued when the case is over for between 2 to 8 years, depending on the crime the abuser is convicted of. For more detail on this process, see “What happens when an arrest is made?”

Supreme Court is also a civil court. If you are getting a divorce, separation, or annulment, you can request an order of protection through your attorney at any time before the trial or settlement is final. When an order of protection is part of a divorce order from Supreme Court, it is permanent and will not expire. But getting changes in a Supreme Court order can be difficult and expensive. So you should request that the order include a provision that any future changes can be made in Family Court.

You can have orders of protection from more than one court at the same time. For example, you might have an order of protection from criminal court, but you need decisions made about custody, visitation, or child support. In that case, you may want to get another order of protection in Family Court to deal with those issues. If you have more than one order of protection and are confused, or if you don't know if you should get another one, talk to an advocate.

HOW DO I DECIDE WHICH COURT TO GO TO?

To decide which court to use, you may want to think about the following:

- To use Family Court, you are eligible if: you are married to, you are divorced from, you are related by blood to, you have a child with, you are in an intimate relationship, or you were in an intimate relationship with your abuser.
- It can be easier to get a temporary (or emergency) order of protection from Family Court. Using Family Court will not prevent you from being able to file criminal charges.
- For a Family Court case to proceed, your participation is required.
- To get a criminal court order of protection, criminal charges must have been filed.
- Criminal cases require a higher level of proof of what happened than Family Court cases. They often take a longer time to be decided.
- In criminal court, the District Attorney can decide to follow a case through with or without your participation.
- Family Court records are private but the courtrooms are open to the public.
- Criminal court records and courtrooms are open to the public.



Be aware that sometimes the decision to use criminal court will be made without you. This can happen if the police respond to an incident and arrest the abuser.

Going to court can be frustrating and confusing. A domestic violence advocate can be very helpful in guiding you through the process.

OTHER COURTS AND RESOURCES

In recent years, other kinds of courts and resources have been created specifically to help people who are abused by their intimate partner. These are: Domestic Violence Courts, Integrated Domestic Violence Courts, and Family Justice Centers.

Domestic Violence Courts have one judge, a fixed prosecution team, and special staff positions (such as a resource coordinator and a victim advocate). These courts may handle misdemeanor and felony-level criminal cases depending on the particular court. Domestic Violence Courts may provide closer monitoring of domestic violence offenders, since these are the only kinds of cases they handle.

Integrated Domestic Violence Courts have one judge that handles criminal domestic violence cases as well as related family issues, like custody and visitation. Some of these courts also handle divorce proceedings. These courts reduce the need for abused women to go to different courts and judges to get the help they need. You must be eligible to go to Family Court to have your case handled in an Integrated Domestic Violence Court. The court will let you know if your case has been moved to the Integrated Domestic Violence Court.

Family Justice Centers are places that put many different services abused women may need under one roof. These services might include prosecutors, police officers, victim advocates, medical assistance, and children services. Like Integrated Domestic Violence Courts, Family Justice Centers help to cut down on the amount of places abused women need to go to get the services their children and they may need.

Not all communities have these courts and centers. Integrated Domestic Violence Courts are the most common. Most New Yorkers live in a county that has an Integrated Domestic Violence Court. There are fewer Domestic Violence Courts, and even fewer Family Justice Centers. If your community has one of them, your case may be sent there automatically. To find out if your community has one, call your local domestic violence program.



SPECIFIC POPULATIONS

OLDER VICTIMS OF DOMESTIC VIOLENCE

Older people can be victims of different types of “elder abuse,” including domestic violence. Some women have been with the same abusive partner for many years. The abuse may have started while they were dating, first married, living together, or during pregnancy. Some have been in relationships with non-violent partners for many years, with abuse starting in later life. Others are starting new relationships following a death or divorce.

As with victims of domestic violence of all ages, separating from the abuser is not always the safest or best option. There are many factors to consider when deciding what to do. Older victims of domestic violence have these additional barriers:

- **They may not identify themselves as “abused.”** Images on TV and movies often show abused women as younger women with children. This may imply that domestic violence doesn’t occur in mid or later life. Also, older women may just accept the abuse since gender roles, expectations, and acceptable behavior were different many years ago.
- **They may feel shame and be afraid of what will happen to them if they report abuse.** They may fear that they’ll have to leave their homes or be placed in a nursing home. Some women fear having their decision-making rights taken from them by service providers.
- **Financial worries can be huge.** Some older abused women have no formal education or money of their own. Many with health problems are afraid of losing insurance if they are on their abusers’ policies and have uninsurable pre-existing conditions. They may be afraid of not being able to get a job or be unable to work at all. They may feel trapped.
- **Family members and adult children may be a factor.** Some adult children will support their mother and help her in any way they can

As with victims of all ages, separating from the abuser is not always the safest or best option.



if she is being abused. Others create barriers by encouraging their mother to stay because they think that if she leaves, they will become responsible for their abusive father. Some side with the abuser, believing a mother's role is to keep the family together.

- **Life stresses can feel overwhelming.** Some women may have never lived on their own away from partners or the family they were born into. They may know no other life. They may have strong cultural or religious beliefs that keep them from getting help. Changes such as the death of family or friends, birth of grandchild, retirement, and moving may all also play a part in a woman's decisions.

Some older people are abused by other family members – often their children or grandchildren. In these cases, many of the same issues exist as with partner violence. These factors can be even worse if the older person is becoming less able to take care of themselves.

Be aware that the law has changed so that older people can now get an order of protection from Family Court if they are (or have been) in an intimate relationship with the abuser. See The Police and Courts section of this booklet for more information on this and all legal options.

Resources are available for older victims of all crimes, including domestic violence. The New York State Office for the Aging Senior Citizens Hotline number is: 1-800-342-9871. You may also visit the National Center on Elder Abuse (NCEA) website: www.ncea.aoa.gov.

LESBIAN, GAY, TRANSGENDER, AND BISEXUAL VICTIMS

Domestic violence happens to women and men in same sex relationships as well. Women abused by female partners or men abused by male partners may face additional barriers in getting help. Getting an order of protection or calling the police may mean “coming out” each time help is sought. Police, court personnel, and others who an abused lesbian or gay man may go to for help may not have had specific training in same-sex domestic violence.

No matter what your relationship, if your partner has used emotional, sexual, economic abuse, or physical violence to control you, you are being abused. Your partner may try to blame you or give reasons other than her/his own behavior for the abuse. In addition to using any or all of the things heterosexual abusers do, some things lesbian or gay abusers do may include:

- threatening to tell your family, co-workers, or government agencies about your sexual preference or orientation;



- making you feel bad about your sexual history;
- writing threatening notes or letters that might expose your sexual orientation;
- threatening to alienate you from the gay community; and
- “outing” you to your children.

A domestic violence advocate can tell you about support groups and other services in your community for battered lesbians or gay men.

Be aware that the law has changed so that you can now get an order of protection from Family Court if you are (or have been) in an intimate relationship with the abuser. See The Police and Courts section of this booklet for more information on this and all of your legal options.

For more information and a statewide listing of services specifically for lesbian, gay, transgender, and bisexual victims of domestic violence, visit the NYC Gay and Lesbian Anti-Violence Project: www.avp.org/dvnetwork/main.htm.

TEENS

Teen dating violence is basically the same as adult domestic violence: it’s a pattern of behavior that one partner uses over the other to establish and maintain power and control. This abusive behavior can be emotional, physical or sexual. The abuser will often isolate the victim from friends and family, making her more dependent on him.

Many teens, both boys and girls, use violence. Not all of this violence is teen dating violence. As stated above, when we talk about dating violence, we are not only talking about physical violence. We are also talking about the use of power and control in a dating relationship.

Teens have a unique set of factors affecting their choices regarding dating relationships, including peer pressure, the desire to be popular, lack of dating experience, and mistaking jealous and controlling behavior as “love.” Movies, music and video games support the belief that a girl belongs to a guy and that he is the one in charge.

Teens might mistake jealous and controlling behavior as “love.”

Parents and concerned others can keep an eye out for teens showing these warning signs:

- Spending less time with friends than before.
- Changes in appearance, grades, or behavior.



- Being told how to dress or not to wear make-up.
- Getting calls, IMs, and/or text messages from partner constantly.
- Partner gets angry if she talks to other guys.
- Being insulted, called names, or humiliated by partner.
- Making excuses for partner's behavior.
- Partner makes her think that she'll be nothing without him.
- Partner threatens to hurt himself if she breaks up with him.

Be aware that the law has changed so that teens can now get an order of protection from Family Court if they are (or have been) in an intimate relationship with the abuser. See The Police and Courts section of this booklet for more information on this and all legal options.

For advice and more information about teen dating violence, visit the National Teen Dating Abuse Helpline at: www.loveisrespect.org.

PEOPLE WITH DISABILITIES

The nature of abuse does not change much for an abused woman with a disability. What is different is that the abuser may use the disability as a way to control her. Also, some women with disabilities who are abused may depend upon the abuser or others to help meet their basic needs. Help may be needed with food preparation, medication, finances, personal care, or with adaptive equipment.

An abuser may use his partner's disability as a way to cause harm, such as:

- placing something in the way of a woman who is blind, causing her to fall;
- taking a wheelchair away from a woman who needs it to get around;
- disabling assistive devices (like hearing aids) for someone who is hearing impaired; and
- threatening to have her placed in an institution or nursing home.

The abuser may also use the disability to mislead police and others. Examples include:

- communicating or interpreting for her by sign language or TTY;
- providing false information about medication; and
- implying that she is "stupid," "crazy," or "drunk."

When women with disabilities try to escape abuse, there are a number of risks. Some of the major risks may include:

- not being able to contact or get to service providers;



- lack of accessible transportation;
- lack of affordable and accessible housing;
- difficulties with communication; and
- a general lack of understanding about disabilities among the general public that might make it hard to get help.

Some women may be threatened with losing their caregiver if they get help or end the relationship. These women may fear that this loss could result in them being placed in an institution or nursing home.

In some cases, women who are abused become disabled as a result of the domestic violence they experience. In these cases, the victim will face several traumatic things – the domestic violence incidents and the onset of a disability. There will be many challenges and changes that she will have to deal with. Disabilities resulting from abuse can range from actual physical disabilities to more hidden problems, like head injuries, spinal cord injuries, and Post Traumatic Stress Disorder (PTSD).

For more information, visit the Barrier Free Living website: www.bflnyc.org.

IMMIGRANT WOMEN

An immigrant is someone who has moved to the United States from another country. The terms “documented” and “undocumented” refer to documents (papers) saying whether someone has the legal right to be in this country or not. Undocumented immigrants are sometimes called “illegal aliens.”

Some immigrant women are brought to this country by people who lie to them and promise a good job or an arranged marriage once they get to the United States. When they arrive, however, their money and documents are taken from them and they are forced to work as prostitutes or in other jobs that demean them sexually and put them in danger. This is sometimes called “trafficking.”

You have the right to live free from violence in the home whether you are documented or undocumented.

Your abuser may have told you that getting help would get you in trouble but really, there is a possibility that the abuser could be deported if he is arrested and is undocumented. Also, it may be possible for you to get legal status in the United States without the help of the abuser.

If you have a legal status in this country, but do not speak English well, you should know that people are there to help you. For example, the NYS Domestic and Sexual Violence Hotline can help people in up to



120 languages. Some organizations and services may be able to provide interpretation for non-English-speaking people.

The agency that handles immigration is United States Citizenship and Immigration Services (USCIS). They used to be called Immigration and Naturalization Services (INS). *As an immigrant woman, you should never call USCIS directly.* You should get an attorney who specializes in immigration to help you figure things out. Your attorney can help you contact USCIS if necessary. Try to get an attorney through your domestic violence program.

You have the right to live free from violence in the home whether you are documented or undocumented. If you have been the victim of domestic violence or sexual assault, help is available. Please do not let threats to have you removed from this country stop you from getting help.

Even if you are currently undocumented, here are some things you can do to get safe:

- Call the police.
- Use domestic violence programs.
- Call rape crisis centers.
- Apply for some victim assistance funds.
- Get emergency Medicaid.
- Get treatment in emergency rooms.
- Get an order of protection.
- Apply for legal residency status in some cases.

For more information, visit the Legal Momentum website: www.legalmomentum.org. More resources are located in the back of this booklet.



FRIENDS, FAMILIES AND CO-WORKERS

I THINK THAT SOMEONE I KNOW IS BEING ABUSED. HOW CAN I HELP?

Many people who are abused by their intimate partner either don't know who to turn to or have had bad experiences when they've reached out for help. Your willingness to help can be important to a victim in her safety planning efforts. But while being willing and well-meaning is good, being ready to offer the kind of help that's needed is even better.

POSSIBLE SIGNS OF DOMESTIC VIOLENCE

The effects of domestic violence can show up in many different ways. Being aware of these effects will not only help you better understand the experience, but will help you better identify someone who is being abused.

Visible signs of physical injury include:

- bruises, cuts, burns, human bite marks, and broken bones;
- injuries during pregnancy, miscarriage, or premature births;
- delay in getting medical help for injuries; and
- many injuries in different stages of healing.

Someone who is being abused might try to hide injuries that can be seen from others. One sign of this might be someone who suddenly starts wearing long-sleeve shirts or turtlenecks in the summer or sunglasses indoors when they never did before.

Illnesses that may be related to being abused include:

- stress-related illnesses like headaches, backaches, constant pain, gastrointestinal disorders, trouble sleeping, eating disorders, and being tired all the time;
- anxiety-related conditions like heart palpitations, difficulty breathing, and “panic attacks;” and
- depression, thinking about or attempting suicide, and alcohol or other drug problems.



In the workplace, the effects of domestic violence can be seen as:

- not being able to concentrate or focus at work, missing work or getting to work late a lot, or asking for a lot of time off;
- on-the-job harassment by the abuser, either in person or over the phone; and
- poor employment history, or losing jobs.

Behavior changes you may notice that could be a sign of abuse include:

- someone getting nervous, quiet, or “jumpy” when they are around their partner;
- someone you used to spend a lot of time with is now never able to do things with you; and
- someone suddenly “checking in” with their partner a lot, or constantly getting calls, e-mails, or text messages from their partner when they are not together.

HOW CAN I KNOW FOR SURE?

The only way to know for sure if someone you know is being abused is to ASK. You should always have this conversation *in private*. A common myth about people who are abused is that they don't want to talk about what is happening to them. It is true that some people do try to hide the abuse, but they often do so because they are afraid of being embarrassed, their partner finding out, being blamed, not being believed, or being pressured to do something they're not ready or able to do.

Keep it simple. If there are specific things you have noticed that you are worried about, you might say something like, “I noticed ‘x, y and z’ and I'm worried about you. Is there anything I can do to help?” Or, “It seems like you're stressed out and unhappy. If you want to talk about it now or some other time, I'll keep it between us.”

People are sometimes afraid to approach a woman about their concern for her safety because they feel that it is “none of their business,” or that their offer of help will be unwelcome. But the idea that “what happens behind closed doors” is off limits is something that has contributed to the problem of domestic violence. Even if the person is not ready to talk about it when you first approach them, they might come to you later now that they know you care.

Let them know that you're concerned about their safety and that you're willing to help.



If you ask, be prepared to respond supportively

There are many things you can do to prepare yourself to offer supportive and empowering assistance.

- **Learn about domestic violence** – Read this guide, talk to a domestic violence advocate, read books, or visit websites to learn more about domestic violence. Know what services are available.
- **Initiate a conversation in private** and when you have enough time to talk at length, if she wants to.
- **Let go of any expectations you have** that there is a “quick fix” to domestic violence or to the obstacles an abused woman faces. Understand that not doing anything may very well be the safest thing she can do at any given time.
- **Challenge and change any false attitudes and beliefs that you may have about women who are abused.** Women who are abused aren’t abused because there is something wrong with them. Rather, they are women who get trapped in relationships by their partners’ use of violence and control. The better able you are to recognize and build on the courage, resourcefulness and decision-making abilities of women who are abused, the better able you will be to help them.

WHAT YOU CAN DO

- **Believe her** – and let her know that you do. If you know her partner, remember that abusers most often act different in public than they do in private.
- **Listen to what she tells you.** *Really* listen to her and ask questions to make sure you understand what she is saying. Avoid making judgments and giving advice. You will most likely learn directly from her what it is she needs.
- **Build on her strengths.** Based on what she tells you and on what you have seen, point out the ways in which she has developed ways to cope, solved problems, and showed courage and determination. Even if the things she has tried have not been completely successful, help her to build on these strengths.
- **Validate her feelings.** It is common for women to have conflicting feelings – love and fear, guilt and anger, hope and sadness. Let her know that her feelings are normal.
- **Avoid victim-blaming.** Tell her that the abuse is not her fault. Tell her that the abuse is her partner’s problem and his responsibility, but don’t “bad-mouth” him.



- **Take it seriously.** If you are concerned about her safety, tell her you are concerned without judgment by simply saying, “Your situation sounds dangerous and I’m concerned about your safety.”
- **Offer help.** Offer specific forms of help and information. If she asks you to do something you’re willing and able to do, do it. If you can’t or don’t want to, say so and help her find other ways to have that need met. Then look for other ways that you *can* help.
- **Be a partner in her safety planning efforts.** The key to safety planning is taking a problem, looking at all of the available options, evaluating the risks and benefits of different options, and figuring out ways to reduce the risks. Offer ideas, resources and information.
- **Support and respect her decisions.** Remember that there are risks with every decision an abused woman makes. If you really want to be helpful, be patient and respect a woman’s decisions, *even if you don’t agree with them.*

DOs AND DON'Ts

DO:

Ask.

Express concern.

Listen and validate.

Offer help.

Support her decisions.

DON'T:

Wait for her to come to you.

Judge or blame.

Pressure her.

Give advice.

Place conditions on your support.



RESOURCES

DOMESTIC VIOLENCE HOTLINES

Your local hotline can provide you with information on domestic violence resources in your community. For the hotline number of your local domestic violence program, call the NYS Domestic and Sexual Violence Hotline.

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-942-6906

TTY: 1-800-818-0656

Spanish language 1-800-942-6908

Spanish language TTY: 1-800-780-7660

In NYC: 1-800-621-HOPE (4673) or dial 311

TTY: 1-866-604-5350

For a listing of domestic violence hotlines by county, go to: www.opdv.state.ny.us/about_dv/fss/resource.html

ADDITIONAL NEW YORK STATE RESOURCES

OTHER HOTLINES IN NEW YORK STATE

New York State Child Abuse Hotline

1-800-342-3720

New York State Adult Abuse Hotline

1-800-342-3009, press option 6

New York State Office for the Aging – Senior Citizens Hotline

1-800-342-9871

New York State Department of Health – Growing Up Healthy Hotline

1-800-522-5006

TTY: 1-800-655-1789

- Provides information about health care, nutrition and other health and human services.

Continued



OTHER RESOURCES IN NEW YORK STATE

GENERAL

New York State Office for the Prevention of Domestic Violence
www.opdv.state.ny.us

New York City Mayor's Office to Combat Domestic Violence
www.nyc.gov/html/ocdv/html/home/home.shtml

New York State Coalition Against Domestic Violence
www.nyscadv.org

New York State Coalition Against Sexual Assault
www.nyscasa.org

CHILDREN

New York State Office for Children and Family Services
www.ocfs.state.ny.us

For information on:

- Child abuse;
- Child Protective Services;
- Finding child care;
- Protective Services for Adults; and
- A list of local Departments of Social Services by county.

Prevention Information Resource Center/Parent Helpline
1-800-342-7472
www.preventchildabuseny.org

CRIMINAL JUSTICE

Victim Information and Notification Everyday (VINE)
1-888-VINE-4NY (846-3469)
www.docs.state.ny.us/vine.html
www.vinelink.com

FINANCIAL ASSISTANCE

New York State Crime Victims Board
www.cvb.state.ny.us

- Provides financial compensation to crime victims for certain expenses related to their victimization.

Main Office, Albany: (518) 457-8727
New York City Office: (718) 923-4325
Buffalo Office: (716) 847-7992
Hotline: 1-800-247-8035

**New York State Department of Labor**

www.labor.state.ny.us

For information on:

- Unemployment insurance.

New York State Office of Temporary and Disability Assistance (OTDA)

1-800-342-3009

www.otda.state.ny.us

For information on:

- Temporary assistance; and
- Food Stamps.

One-Stop Centers

www.workforcenewyork.org/onestops.htm

- Employment assistance.

HEALTH**New York State Department of Health**

www.health.state.ny.us

For information on:

- Medicare and Medicaid;
- Family Health Plus (health insurance for adults);
- Child Health Plus (health insurance for children);
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC);
- Prenatal Care Assistance Program (PCAP); and
- Elderly Pharmaceutical Insurance Coverage (EPIC).

New York State HIV/AIDS Information Service

1-800-541-AIDS (2437)

www.nyaidline.org

New York State Office of Alcoholism and Substance Abuse Services (OASAS)

1-800-522-5353

www.oasas.state.ny.us

Continued



NATIONAL RESOURCES

National Domestic Violence Hotline

1-800-799-SAFE (7233)

TTY: 1-800-787-3224

www.ndvh.org

National Sexual Assault Hotline

1-800-656-HOPE (4673)

www.rainn.org

National Teen Dating Abuse Helpline

1-866-331-9474

TTY: 1-866-331-8453

www.loveisrespect.org

Amy's Courage Fund, National Network to End Domestic Violence (formerly Doors of Hope Direct Assistance Fund)

(202) 543-5566

www.nnedv.org/ourprograms/amys-courage-fund/

ASISTA

www.asistaonline.org

- Information for advocates and attorneys working on domestic violence and sexual assault cases involving immigration issues.

Family Violence Prevention Fund

www.endabuse.org

- Immigration and other domestic violence information.

Humane Society of the United States

www.hsus.org

- Information on the link between animal cruelty and domestic violence.

LawHelp.org

www.lawhelp.org

- Help to find legal assistance in your community.

National Human Trafficking Resource Center

1-888-373-7888

www.acf.hhs.gov/trafficking/hotline/index.html

Violence Against Women Online Resources (VAWOR)

www.vaw.umn.edu/

(Minnesota Center Against Violence and Abuse — MINCAVA)

www.mincava.umn.edu/

WomensLaw.org

www.womenslaw.org

- State-by-state legal information and resources for domestic violence.

PERSONALIZED RESOURCES



You may remove this page from the booklet to keep in a safe place.

It is often hard to keep track of all of the different names, phone numbers, and places you have to remember when getting help or services. You can use the spaces below to record the contact information for the people you are working with. You can personalize this sheet in any way that is helpful to you. Some of the people and places you might want to include are:

- Domestic Violence Program Advocate;
- Assistant District Attorney;
- Police;
- Courts;
- Attorneys - Family Court, Immigration, Divorce, etc.;
- Hospital/Medical Clinic; and
- Job Centers.

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Please turn over.



PERSONALIZED RESOURCES

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

Name: _____ Agency: _____

Address: _____

Phone: _____ E-mail: _____

1-800-942-6906

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

TTY: 1-800-818-0656

SPANISH LANGUAGE: 1-800-942-6908 TTY: 1-800-780-7660

IN NYC: 1-800-621-HOPE (4673) OR DIAL 311

TTY: 1-866-604-5350

**24 HOURS A DAY,
SEVEN DAYS A WEEK**

Notes: _____

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The original version of this publication was written by the Office for the Prevention of Domestic Violence in collaboration with a wide range of nonprofit organizations and state agencies.

An on-line version of the guide is available at www.opdv.state.ny.us/about/dv/fss/contents.html

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80 Wolf Road, Albany, NY 12205
(518) 457-5800 Fax (518) 457-5810

1-800-942-6906

NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE

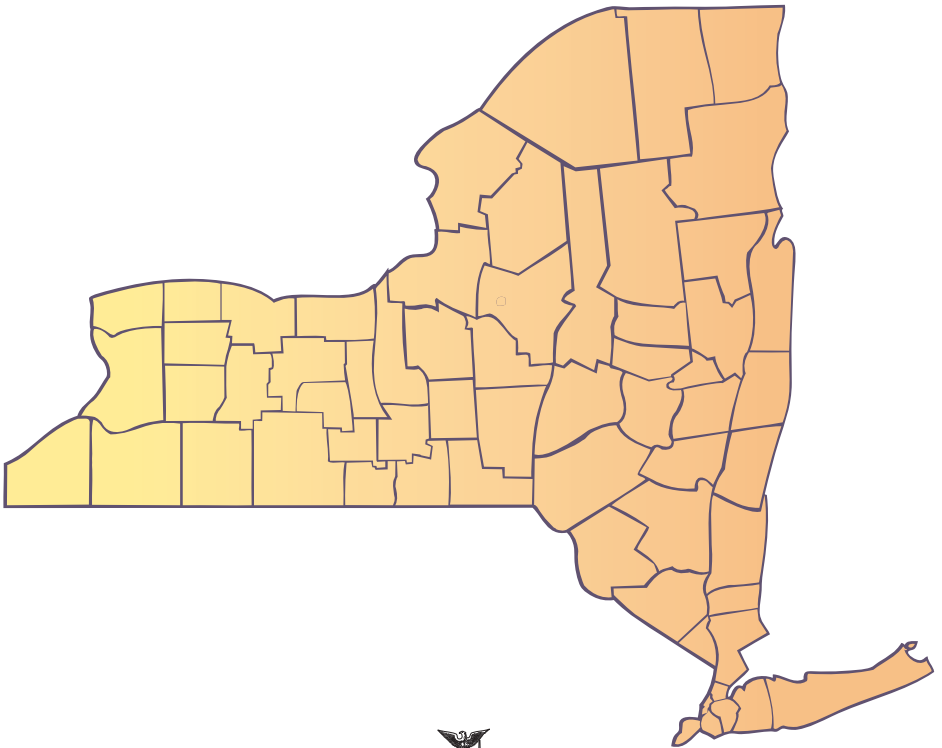
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SEVEN DAYS A WEEK**



STATE OF NEW YORK
David A. Paterson, Governor

OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE
Amy Barasch, Executive Director

Rev. 0908