



HANDBOOK

for survivors of domestic violence

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SAFEHOUSE
CENTER

Building communities
free of domestic violence
and sexual assault

GENERAL INFORMATION

1. Definition of Terms3

2. Warning Signs of Abusers6

3. What is Abuse?7

4. The Power and Control Wheel10

5. Questions Survivors Ask11

6. What Can I do to be Safe? 17

7. Getting Help 21

8. Safety Planning24

9. What About my Children?34

10. Child Abuse and Neglect36

11. Education and Counseling for Assailants 37

12. Alcohol and Other Drugs39

13. If You are a Lesbian or Gay Male Survivor 40

14. If You Have a Physical Disability42

15. If You Are a Survivor and a Senior Citizen42

16. If You Are a Woman of Color43

17. If You Are a Survivor of Dating Violence44

18. If You Are Also a Victim of Sexual Assault45

19. If You Are a Battered Immigrant Woman48

THE LEGAL SYSTEM

A. Legal Terms 51

B. Differences Between Civil and Criminal Cases53

C. Different Types of Courts54

D. When is Abuse or Battering a Crime?55

E. Going to Court59

F. The Police Response62

G. If He is Arrested, What Happens Next?64

H. Misdemeanor Crimes: The Procedure66

I. Felony Crimes: The Procedure68

J. Civil Remedies 71

K. Personal Protection Orders.....	75
L. Federal Laws Related to Domestic Violence	83
M. State Laws in Michigan	84
WASHTENAW COUNTY COURTS.....	85
RESOURCES	89
Police	89
Support Groups.....	90
Additional Resources.....	91

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HANDBOOK

for survivors of domestic violence

Statement of Purpose

This is a handbook for those who have survived domestic violence. This handbook may also be helpful for friends and family who are trying to better understand their loved one's situation. Its purpose is to provide facts, information, and resources regarding options and legal rights. It defines abuse, offers support and encouragement, and leaves survivors informed about their options and legal rights. In addition, because many survivors of domestic violence also experience sexual violence, this handbook provides some information and support for survivors of sexual assault. It is not intended to provide legal advice.



section 1 ▶ Definition of Terms

Survivor and victim both mean the person in the relationship who is being hit, beaten, abused, sexually assaulted, raped, and controlled. The legal system uses the word *victim*. In this handbook, the word *survivor* is used because it emphasizes the fact that those who have survived sexual assault and domestic violence are strong, courageous people who have lived through terrible attacks.

A battered woman is any woman who has been assaulted or abused by her partner. Lesbians and both gay and straight men can also be victimized by their partners. In our experience, the vast majority of those who experience the power and control associated with domestic violence are women. SafeHouse Center offers services to any person who is victimized in an intimate relationship. This includes lesbians and men (both heterosexual and gay). If you need help, call us! All of the laws discussed in this handbook protect men battered by women, and most of them also protect lesbians and gay men.

Domestic violence, battering, abuse, and domestic abuse mean the same thing in this handbook. They all describe a pattern of coercive control that one person exercises over another. Abusers use physical and sexual violence, threats, money, and/or emotional and psychological abuse to control their partners and get their way. Spouse abuse means domestic violence between people who are married. Wife beating also means domestic violence. We do not use the terms spouse abuse or wife beating in this handbook because we know that married people are not the only ones who have these experiences; those who are living together, are having sex, dating, or were formerly in any of these situations can be in violent relationships as well.

Emotional abuse refers to the fact that in many relationships there is not only physical hurt but emotional wounding of one's partner as well. It is the battering of one's spirit. Emotional abuse may occur along with physical abuse or by itself. It is a very effective way to gain and maintain power and control over someone. It includes a range of behaviors including name calling, threatening, manipulating, hu-

miliating/degrading, blaming, making light of situations important to the survivor, controlling behavior, destruction of property, angry outbursts, and undermining the survivor's feelings. This system is an efficient means of maintaining power in a relationship because it makes the victim vulnerable through loss of confidence, self-esteem, and sense of worth. Women who are verbally/emotionally abused report feeling embarrassed, confused, hurt, guilty, and unworthy.

Domestic assault refers to a type of abuse that is a crime. Some behaviors can be abusive but not criminal. For instance, breaking dishes that you both own or calling you a whore is abusive but not a crime under Michigan law. A crime involves an assault or the threat of an assault.

Assailant and batterer both mean the same thing in this handbook. It is the person in the relationship who is hitting, controlling, or otherwise abusing his partner. We use the pronoun he or him when referring to assailants in this handbook, but, as stated above, the assailant could be a woman.

Partner means someone in an intimate relationship with another person. A partner could be a wife, husband, lover, boyfriend, girlfriend, or date. A domestic partner is someone with whom a person has a registered domestic partnership. Lesbians and gay men may register their partnership with the city of Ann Arbor, and a few mixed-gender couples do, too. Former partners can still be assailants and batterers.

Advocates are trained domestic violence counselors. They will provide you with support and information about your rights and options. Any communication with an advocate is private and confidential. ***Our advocates will NOT tell your assailant anything you say.*** Our confidentiality policies are very strong. Our advocates will not tell you what to do, nor will they judge or evaluate you. They will simply help you make your own decisions and figure out the best way to get what you need, deserve, and want. Your advocate will believe in you, encourage you, and fight for you.

GENERAL STATEMENT

Assaulting another person is a crime. It makes no difference if the person who beats you is a friend, a relative, your boyfriend, your lover, your husband, or someone with whom you were formerly in a relationship.

Domestic assault is against the law. Hitting, strangling, shoving, slapping, biting, burning, or kicking someone is a crime.

Forcing someone to have sex is against the law even if the person who forces you is your husband or someone with whom you have previously had sex. The person who hits you may tell you that it is your fault and you made him do it. He may tell you that he has a right to hit you because you are crazy, a drunk, a slut, a bad mother, or a nag. This is wrong. Physical violence is never acceptable in intimate relationships, and it is a crime.

Self-defense is not a crime. If you push your partner while he is hitting you or scratch his face while he is strangling you, that is self-defense. (We recognize that the criminal justice system does not always agree with this statement.) Additionally, your batterer may tell you that you are just as bad as he is because you tried to defend yourself. That is not true. Your batterer wants you to believe that you will never make it on your own and will never get away from him. Contrary to what newspapers and television portray, women leave their abusive boyfriends and husbands all the time. It can be a long, hard struggle. Your batterer may become even more dangerous and violent after you leave when he is trying to get you to come back. Nonetheless, thousands of women who were once assaulted are now safe.

Call Our 24 Hour Help Line:

voice: 734-995-5444 TTY: 734-973-2227

You can call as many times as you want. You do not have to be interested in shelter or to have made the decision to leave. You can call just to talk or to get information. You do not have to give your name when you call, and your conversation will be confidential.

Many assailants come across as charming and pleasant people at the beginning of a relationship. They often continue to display these qualities in public while being abusive in private. The following are warning signs of abuse, although there is no surefire way to identify a batterer ahead of time.

Ask yourself the following:

- Is he very, very jealous?
- Does he want to know where you are every minute?
- Does he drive away your friends and family?
- Does he have extreme highs and lows?
- Is he cruel to animals?
- Has he hit a former partner? Does he tell you in detail how terrible every former girlfriend was? Does he claim that former partners lied about him and put him in jail?
- Does he believe you belong to him? Does he tell you “it is you and him against the world?”
- When he gets angry, are you afraid of him?
- Does he say he “can’t help” losing his temper?
- Does he blame alcohol or drugs, mental health problems, depression, trouble at work, or anything else for his abuse of you?
- Does he say it is your fault when he is in a rage?
- Does he believe men are superior to women?
- Does he act like two totally different people (Dr. Jekyll and Mr. Hyde)?
- Does he tell you he has to restrain you for your own good?

If your answer to ANY of these questions is yes, you could be involved with an abusive partner!

section 3 ▶▶ What is Abuse?

Abuse is a pattern. It is not being hit once. It is one person scaring the other person into doing what he wants her to do. It is about one person controlling the other. Abuse can be physical, emotional, and/or sexual. There are many different methods of control (ways in which one person can make the other person do what he wants). The Power and Control Wheel (see section 4) shows some of the different ways in which one person can control another. Many women do not think of themselves as battered. They do not see the things their partners do to them as abusive, and they do not see how those things are part of a pattern. For example, a woman may be forced to have sex by her boyfriend, but she may not see it as rape. Yet forced sex, even with someone with whom you have a relationship, is rape. Assaultants blame everyone and everything but themselves for their abuse. They try to convince their partners that they cannot stop or that they have good reasons or excuses for the abuse.

The following questions can help you consider your relationship and determine whether or not it is an abusive one. If you answer yes to any of them, your relationship may be abusive.

- Have you been hit? Slapped? Pushed?
- Has your safety and or the safety of those you love been threatened?
- Has your partner pulled your hair? Restrained you? Prevented you from leaving?
- Have you been grabbed? Shaken? Bit? Burned with a cigarette or cigar?
- Have you been choked?
- Has your partner used an object to hit you? An iron? A telephone? A belt? A dish?
- Have you had bruises from being hit, held, or squeezed?
- Have you had a black eye, cut lip, or broken tooth from being attacked?
- Has your partner threatened you with a weapon?
- Has your partner used a weapon against you? Gun? Knife?
- Have you had to see a doctor because of an injury?

- Has your partner threatened to hurt or take away your children if you don't do what he wants?
- Has he threatened to kill you? Your children? Your family? Your friends? Your pets?
- Has he demanded sex to "make up" after an attack?
- Has he forced you to have sex? Oral sex? Anal sex?
- Has he forced you to have sex with others? In front of the children?
- Has he stopped you from taking classes?
- Has he stopped you from getting a job?
- Has he stopped you from going to work or shown up at work and threatened or abused you there?
- Does he keep or take your paycheck and give you a little bit back or make you ask for money?
- Does he keep all the money under his control?
- Does he prevent you from going places? To a house of worship? To visit friends or family? To doctor's appointments?
- Does he control your use of the car? Does he take your keys or disable your car? Does he put all the vehicles in his name?
- Does he refuse to pay the bills?
- Does he fight with your friends and family, call them names, and in general make it hard for them to see you?
- Does he make you tell him where you have been every minute?
- Does he make you account for what you have done all day?
- Does he call frequently to check up on you when you're not with him?
- Does he check your cell phone to see who you have called and how long you spoke with them?
- Does he call you names or tell you that you are ugly, fat, stupid, a bitch, a slut, a whore, or other hurtful names?
- Does he say that if you left him no one would want you?
- Is he jealous without reason? Does he accuse you of having sex with men you meet, smile at, or talk to?

- Does he repeatedly, and wrongfully, accuse you of being unfaithful?
- Do you change what you want or plan to do because you're afraid?
- Do you feel as if you are walking on eggshells when you are around him?
- Are you afraid that if you left him he would kill you or harm someone you care about?
- Are you afraid that if you left he would kill himself?
- Has he hurt your pets or threatened to do so?
- Has he made you do things that you're ashamed of?
- Has he made you commit a crime?
- Does he encourage you to drink too much?
- Does he force you to use drugs?
- Does he wake you up frequently when you need sleep?
Withhold food from you for long periods of time?
- If you are sick or have a chronic illness or developmental disability, does he withhold medication from you?
- If you are addicted to alcohol or other drugs, does he buy you liquor or drugs? Does he stop you from going to meetings or support groups?
- After he has hit you, does he beg for forgiveness and act extra thoughtful? Does he say he is sorry, buy you gifts, cry, or say he will never do it again?
- Are you afraid of him? Are you afraid of what he might do if you "crossed" him?

section 4 ▶▶ **The Power and Control Wheel**

The power and control wheel is a conceptual way of looking at the primary tactics and behaviors that individual abusers use to get and maintain control in their relationships. Battering is intentional. It is used to gain power and control over another person. Physical abuse is only one of various methods an abuser uses against his partner. Battering is never just one assault; it is a pattern of behavior.

The wheel shows the relationship between physical and other forms of abuse. Each spoke represents a tactic used to control or gain power, which is represented by the hub of the wheel. The rim that surrounds and supports the spokes is violence— both physical and sexual. It holds the system together and gives it strength.

The power and control wheel was designed by a group of battered women and their advocates, including Ellen Pence, Susan Schechter, Barbara Hart, Joe Morse, Michael Paymar, and Miguel Gil. Many thanks to the Duluth Abuse Intervention Project in Minnesota for allowing its use in this publication.



A Note on Emotional Abuse

Some people think that you are only in an abusive relationship if there is actual physical abuse. At SafeHouse Center, we believe that emotional abuse is also devastating and wrong. Emotional abuse begins subtly. Your partner may control the places you go or for how long. He will gradually try to cut you off from family and friends unless they meet his approval. Control may extend to money, possessions, and even phone calls. Abusers may be kind and charming to friends and others in the community. This may add to the confusion and uncertainty you feel and reinforce the feeling that you are the one doing something wrong.

Batterers have many excuses for the things they do and say. They may say they are jealous, they were in a rage, they were drunk, it is your fault, or it was a joke. Or they may deny that they did anything abusive. They often “try to make up for the abuse” by buying you presents, doing nice things, and/or being especially considerate.

section 5 ▶▶ **Questions Survivors Ask**

Am I really in an abusive relationship?

A lot of women who have been assaulted do not want to think of themselves as battered. Our society has taught us to believe that battered women have low self-esteem are weak or are masochistic. No one wants to think of themselves that way. In fact, battered women come from all races, are rich, poor, and middle class, can be successful in their jobs or careers, have years of education or none, and have no specific personality characteristics in common.

The only thing that all battered women have in common is that their partners have caused them to live in fear and tried to take control of their lives.

If you identify yourself as a battered woman, you will have to accept that you cannot change your partner and he has a serious problem with violence. Many do not want to think of their intimate partners as batterers. Experiencing this sort of violence can be very confusing, and many people we talk to wonder if they are battered. We are here to help, and calling us is taking action toward further understanding the violence.

Is drinking or drug use causing the abuse?

No. If your partner stopped drinking or taking drugs, he would not stop being abusive.

Often assailants will drink or get high so that they will have an excuse to assault their partners. Many batterers blame drinking or drug use for their violence and claim they cannot help themselves. That is not true. They have the choice not to batter. They also have the choice to seek help for their use of alcohol or other drugs.

A lot of batterers claim that they cannot help what they do when they are drunk or high—that they are out of control and therefore not responsible for what they do. In fact, a lot of people drink but only some assault their partners.

A batterer's judgment and physical ability may be harmed by his drinking or drug use. If he is trying to strangle you into unconsciousness and he is drinking, he could misjudge and kill you. If he pushes you, he might miss and push you down the stairs. People do not commit acts that they feel are totally wrong even when they are drinking. (For more information, see section 12, "Alcohol and Other Drug Issues".)

Could I be killed?

One-third of all female homicide victims are killed by their husbands or other intimate partners. If you are battered, you are in danger of being killed. Most homicides occur when men feel they are losing control of their partner after the women have left or when the assailants realize their partners are leaving for good.

Assessing Lethality

The following are indicators that your partner might kill you. There is no guarantee that if he does not fit this picture he will not try to kill you. If all the answers to these questions are no, that does not necessarily mean you are safe.

- Has he threatened to kill you, your children, himself, or a member of your family?
- Does he talk about fantasies of killing you or the children? The more details he provides, the greater is the danger to you or your loved ones.
- Does he own weapons? Has he ever used them or threatened to use them?

- Does he believe he owns you and you have no right to life without him?
- Does he see you as the center of the universe? Can he not imagine life without you?
- Has he been seriously, acutely depressed?
- If you left in the past, did he track your whereabouts for days or weeks?
- Has he taken you hostage?
- Is there sexual violence, rape, or sexual humiliation in the relationship?
- Have you told him you are leaving? Does he think you are leaving? Have divorce papers been filed? Has he been served with a personal protection order? (This is a time of great danger, and you need to take special care.)
- Has he been drinking or using drugs heavily? If so, you are in greater danger.
- Has he killed or mutilated a pet?
- Has his behavior changed recently? Is he doing things he would not have done in the past? Is he radically changing and escalating his patterns of abuse?

(The original concept of lethality assessment was developed by survivor Barbara Hart.)

Can I change him? Can I help him?

No. He has to make the decision to change. You cannot change or help him. The only thing you can do for him is to give him a referral for assaultants' counseling.

He says he's sorry and that he'll never do it again. Can I trust that?

No. Have you experienced a "calm" period after an assault? Does your partner apologize after an attack? Did he cry, plead, apologize, or send gifts?

Has your partner entered a batterer's intervention program in the past? Did he complete the classes? Some batterers see a counselor once or twice and then drop out. He might share some of his grief and pain with you. He will seem vulnerable and open to you. This may remind you of the man you fell in love with.

However, it is likely that eventually you will be assaulted again.

In some cases, assailants decide that they can control their partners without engaging in physical abuse. They rely on the actual or implied threat of violence without having to engage in violent acts. They will escalate the psychological controls—controlling money, controlling access to children, and convincing their partners that they will lose their children if they leave. They do not have to hit any more because their victims know that they are capable of brutality and violence.

Some survivors say apologies and gifts are tactics of control. He may be afraid that you will leave and decide not to be abusive for awhile.

Violence never goes away by itself. It usually increases in frequency and intensity over time.

Battering is a behavior that is learned. It is learned in families, and it is learned in our culture. It is developed and practiced over time. It takes a tremendously strong desire to change and a commitment to long-term participation in a batterers' intervention program in order for there to be any chance to stop being an abuser (for more information, see section 11, "Education and Counseling for Assailants").

Will he go to prison?

Usually he will not. In most cases, domestic violence charges are misdemeanor assault and battery.

If convicted, the maximum sentence for a first offense in Michigan is ninety-three days in jail. (The second and third conviction might mean more time in jail.) More often, abusers are put on probation and do no jail time. They may be sentenced to attending a batterers' counseling program for a predetermined period of time. However, if your assailant is charged with a felony, there is a possibility that he will go to prison.

It is not your fault if he goes to prison or jail. He chose to be abusive. Although he may try to blame you for his arrest and punishment, they are not your fault. Domestic violence is a choice. He chose to assault you physically. He committed the crime, and it is his responsibility.

What about couple's (or marital) counseling?

Assailants often claim that their partners are the crazy ones and need counseling. Survivors may think that they can save their marriages through couple's counseling. They hope that contact with a therapist

will help their partners realize they are violent and that this will cause them to stop the abuse.

When there is violence in a relationship, couple's counseling does not work. Couple's counseling assumes that the primary problem is "the relationship" or "communication" and that both people are responsible for making the changes necessary to improve the relationship. Violence cannot be negotiated.

Couple's counseling will not end the violence—it increases the danger. No matter what issues or problems there may be in a relationship, battering is the problem of the individual using the violence. Usually, the survivor is afraid to say what is really going on because the assailant may punish her for doing so. The assailant frequently uses the therapy as another means of controlling her.

Isn't divorce against God's Law?

Consult your religious leader for your house of worship's position about a marriage with violence in it. Often religions hold that if a person is violent and abusive he has broken the marriage vow and God does not want anyone to be hit, hurt, or afraid.

If divorce is forbidden in your religion, you might want to consider an order for "separate maintenance." However, this alternative to divorce can be difficult to obtain (see "Separate Maintenance" in section J).

Many battered women have strong spiritual beliefs and/or are very connected to their religious community. Some religious communities are very supportive of a woman's safety. Others are not. Sometimes they counsel the woman to stay and try to work it out or even actively support the abuser (usually because they don't understand domestic violence). Try to find someone connected with your faith that is knowledgeable about violence against women.

A wonderful resource for women of faith is the Faith Trust Institute, 2400 N. 45th St., #10, Seattle, Washington 98103; Phone: 206-634-1903; Fax: 206-634-0115; Email: info@faithtrustinstitute.org; Web site: <http://www.faithtrustinstitute.org>. This organization has published a great booklet called *Keeping the Faith*.

Why does he hit me?

People batter in order to control their partners. He may say it is because he was hit as a child. He may blame losing his job or being discrimi-

nated against. He may say he has been treated badly in other relationships or that what you do forces him to hit you. Some women want to believe these “reasons” because they think that by changing what they do they can stop the violence. Unfortunately, batterers make a choice to assault because they want their partners to do as they say. Changing your behavior will not prevent him from hitting you.

I feel as though he makes up rules and punishes me for breaking them. Am I crazy?

No. Batterers do indeed make rules in relationships and then punish their partners for breaking them. Typical rules are the following:

- You cannot leave the relationship unless I am through with you.
- You may not tell anyone about my violence or coercive controls.
- I am entitled to your obedience, service, affection, loyalty, fidelity, and undivided attention.
- I get to decide which rules are critical.

(These rules were first articulated by survivor Barbara Hart, who has given permission for their reprint here.)

► Am I codependent? If I get therapy, will he change?

If you get therapy, it will not change his behavior. Some women have been helped by thinking of themselves as “codependent.” They have learned through this label that they are valuable people, that they should take care of themselves, and that they cannot change or be responsible for other people. This perspective can be very helpful.

However, other women have been told they are codependent and are somehow enabling, participating in, or colluding in his “sickness.” This is not true about battering.

What you do, say, or think, and whatever ways you try to change yourself—these will not stop or reduce his violence. Only he can make the decision to change his behavior.

Counseling might help you decide what is best for you and your children, but it will not affect his behavior.

► Is he mentally ill?

No. Many people believe that anybody who would beat and torture someone they claim to love is “crazy” and needs help. Batterers may need help and may be mentally ill, but this does not cause them to bat-

ter. Mental illness does not cause battering. Most people who are mentally ill are not physically violent.

► **What if I've hit him? Doesn't that make me just as bad?**

No. Battered women try all kinds of methods to stop the violence. They may do as the assailant tells them or try to calm him down and give him what he wants. They may try to argue and reason or cry and plead. If that does not work, they may try using force to get the assailant to stop hurting them. Some of the common things that survivors do to defend themselves are biting the assailant, scratching his face, grabbing a weapon, or pushing him away. None of these acts, if used in self-defense, are criminal.

Sometimes assailants call the police, claim that they are the real victims, and show the officers their scratches or bites. Sometimes battered women are arrested incorrectly. If a woman hits her partner first, she may also be arrested for provoking the attack. At SafeHouse Center, we work with women who have been wrongly arrested for domestic assault. If this has happened to you, we can help you by advocating on your behalf with the prosecutor's office.

Call us at 734-995-5444 (voice) or 734-973-2227 (TTY).

section 6 ► **What Can I Do to be SAFE?**

• **Call the police.**

Write down the emergency number for the police. Call the operator if you do not know it. It is usually **911**.

If you do not have a telephone, arrange a signal with neighbors, friends, or one of your children so that they can call the police. In addition, SafeHouse Center has emergency phones that are free to any survivor who would feel safer with an extra phone hidden in a secure place. These are cell phones that can call only 911. If you are interested in obtaining an emergency phone, call or come to SafeHouse Center and we will be glad to give you one.

When the police come, ask them to arrest your partner. If you are scared to do that in front of your assailant, consider talking to one of the officers alone. You have the right to talk with the officers without your partner present.

- **Get support from friends and family.**

Tell your family, friends, and coworkers what happened. Do not try to protect him. Ask for what you need.

- **Move out, move away.**

It is not fair. You should not have to leave your home because of his behavior. But sometimes the only way you will be safe is to leave. There are shelters throughout the state and the country that can help you relocate. SafeHouse Center can put you in touch with them or they can be accessed by calling 1-800-799-SAFE.

- **Make a safety plan.**

Figure out what to do before or when the next attack happens. (See section 8, “Safety Planning”.)

- **Get a personal protection Order (PPO).**

Call 734-995-5444 for more information about how to obtain one. (See section K, “Personal Protection Orders”.)

- **Keep your own records of the abuse.**

Keep a journal or log of all incidents of physical violence, threats, harassing phone calls, unwanted contacts, missed parenting time, and so on. You may also want to include promises your assailant made about getting help or changing his behavior.

Take pictures of any bruises or injuries you have. The health clinic at SafeHouse Center will photograph your injuries for free; if you’d like to make an appointment, call us. Take pictures or videotapes of any damage done to your home or property. Make sure you write the date of the incident and a description of what it is on any pictures. If you are taking pictures of bruises on a specific part of your body, it is advisable to take two pictures. First, a close-up that shows the bruise and, second, a picture taken from farther away that shows your face and that part of your body. This will prove that the bruise was yours. When taking pictures of a hole in the wall, put something next to the hole to show its size. Write the date of the incident and the date the picture was taken on the back of the photo.

Keep copies of any e-mails he sends to you. Record or make copies of any messages on answering machines or voice mail. Write down the name, address, and phone number of any witnesses to his violence. It is important to keep all of this information (pictures, logs, lists, etc.) where he is not likely to find it.

- **Get medical help.**

If you have been injured, go to the emergency room or urgent care unit or see your doctor.

Medical records may be important evidence in criminal or civil court cases. Medical records may also help you get a personal protection order. Give all the information you feel is safe. Medical records are confidential and are not to be given to anyone but you.

SPECIAL MEDICAL CONCERNS

Special Health Concerns

Injuries that result from an assault may require medical attention.

If you have an injury to the head or lose consciousness, you should be seen by a health care provider who can check for a possible concussion or brain injury. If you experience headaches, nausea/vomiting, memory loss, vision problems, or decreased alertness, even in the days following a head injury, you should seek medical attention immediately.

If you are pregnant and fall during an assault or receive any injury to the abdomen or groin area, you should see an obstetrician, midwife, or emergency room doctor immediately.

If you sustain a human bite, you should be evaluated and treated, as human bites often cause serious infections. You should also receive a tetanus shot if needed.

Many injuries cause bruising and bone fractures. Ice applied to the injury, non steroidal medications such as Motrin and Advil, and acetaminophens such as Tylenol are good first treatments. If the pain persists, see a health care provider. If you have a deformity in any area of injury, you should seek treatment and possible X-rays.

Cuts or lacerations may need cleaning and stitches in an emergency room or urgent care facility if they are deep or bleeding persists. A tetanus shot may also be needed.

The SafeHouse Center Primary Care Clinic provides evaluations of injuries sustained during an assault. If indicated, you may still need to go to an emergency room for further tests or X-rays. All services provided at the clinic are free of charge. Appointments can be made by calling the 24-hour HelpLine at 995-5444. For urgent situations, there is a nurse practitioner on call who can make special arrangements.

Other Medical Issues

Withholding medication is a form of abuse that some assailants use on their partners. It is important that you take the medicine if it is needed for chronic illness or acute infections. You can contact your physician to inquire about samples (though these are becoming more difficult to obtain). Drug companies have patient assistance programs for which you may be eligible. The paperwork needs to be prepared by your health care provider. The SafeHouse Center Primary Care Clinic can assist you in exploring different options for obtaining your medications.

Prescriptions for contraception or emergency contraception (Plan B) can be obtained at the SafeHouse Center Primary Care Clinic.

Testing and treatment for sexually transmitted diseases can be performed at the SafeHouse Center Primary Care Clinic.

Related Issues

Emergency Room personnel may be obligated to report some injuries to the police, particularly if weapons are involved,. You are not under any obligation to speak to the police if they are called.

If you have health insurance and it is under your assailant's name, he is entitled see a copy of the bill for your emergency room or urgent care visit. He cannot obtain a copy of the record of your visit or speak with any hospital personnel, including doctors and nurses, without your written permission.

You may ask to be signed into the emergency room under a false name.

If English is not your primary language, you may ask for an interpreter while in the emergency room.

If you need follow-up care after your emergency room visit, you can go to the SafeHouse Center Primary Care Clinic. For an appointment, call the 24-hour HelpLine at 995-5444.

To get assistance in obtaining insurance through the Washtenaw Health Plan, you can schedule an appointment at the clinic for assistance.

If you have any questions about injuries related to domestic violence or sexual assault, don't hesitate to call the 24-hour HelpLine at 995-5444.

SERVICES OF SAFEHOUSE CENTER

What is SafeHouse Center?

SafeHouse Center is a private, nonprofit organization in Washtenaw County dedicated to ending domestic violence and sexual assault. We offer many different services to residents of this county and anyone who works, or receives police or medical care in it.

Confidentiality

All of our services, whether at the shelter, in support groups, individually, or through our response teams, are strictly confidential. We will never tell anyone you are using the services of SafeHouse Center unless you specifically give us permission to do so. There are only three exceptions to our confidentiality policy: (1) when we suspect a child has been abused, in which case we must report that abuse to Children’s Protective Services; (2) when there is immediate danger that you intend to hurt yourself or another person; and (3) when a member of our staff witnesses an assault against you.

Help Line

We have a 24-hour HelpLine. The phone number is 734-995-5444 (voice) or 734-973-2227 (TTY). It’s answered 365 days a year by trained counselors. If you are in crisis, want to talk, need counseling, want information, or need a referral, please call us. You do not have to give your name.

Shelter

Our shelter is called SafeHouse Center. The “Safe” in SafeHouse stands for **Shelter Available For Emergencies**. It’s a large, well-equipped building where survivors can come alone or with their children and find physical safety. At SafeHouse Center, you will have a chance to meet and talk with others and share support.

There are support and educational groups. You will be assigned a counselor/advocate who will help you obtain legal, financial, and other services as needed. There is always someone to talk to.

The survivors who reviewed this book asked us to emphasize that SafeHouse Center is a wonderful place. They were concerned that survivors

reading this handbook would be frightened of the unknown or afraid to come to SafeHouse Center. They want you to know that you will be welcomed and safe.

Pets

If you are afraid to leave because your pet may be injured, please call us because we can help. The Humane Society of Huron Valley has a special program for temporarily sheltering pets, and if necessary arranging for adoption, since assailants often threaten or hurt them.

Response Team

If you live in Washtenaw County and your assailant has been arrested, you should get a visit from the SafeHouse Center Domestic Violence Response Team (DVRT). If you are seen in an area hospital after an assault, the DVRT team may also come to see you. You can request this if it is not offered. You can also call us directly at 995-5444.

One or two women will come to meet with you. They have been contacted by the police or hospital and are aware of your situation. They are trained counselors and have come to give you information and assistance. Talking to them is your choice.

They will talk with you about the assault, your relationship, and how you are feeling and can help you sort out your options. They will tell you about our services. They will give you information about the legal system and what to expect from it. They will offer you information about shelter, assistance in obtaining medical help, and support.

A few days after you have been contacted by DVRT, a legal advocate from our program will call you to see how you are doing, to answer any questions you might have about the legal process, and to offer additional help and services. We also have a Sexual Assault Response Team that serves a similar purpose. For more information, see section 18.

Legal Advocacy and Court Accompaniment

If you want to make a police report, have to go to court, decide to file for divorce, need to get custody of your children, have questions about the court process, and/or wish to obtain a personal protection order (PPO), our staff is available to assist and accompany you. Our staff will provide you with referrals and information. We can also help if you are a victim of domestic violence and have been charged with a crime. Please keep in mind, however, that our advocates are not attorneys.

We can provide you with accurate information about how the legal system works and what you can expect. We can help you fill out the forms needed to get a personal protection order, make referrals to attorneys, and help you prepare a victim impact statement. We cannot give you legal advice or represent you in court.

You do not have to know right away which services you want or need. You can decide at any time to call the HelpLine and arrange to talk to a legal advocate.

Referrals

- If you decide you need a lawyer, we can help you find one who knows about domestic assault.
- If you want information on counseling for your assailant, we will give it to you.
- If you need help with your children, with food, or in meeting special needs, we can help you find assistance.
- Let us know what you need, and we will do our best to help you.

Counseling

You can get counseling, advocacy, and information at SafeHouse Center. Whether or not you are ready to leave, have left, or just want someone to talk to, you can get counseling on a short- or long-term basis. Counseling takes place at 4100 Clark Road, east of Hogback and north of the Washtenaw County Sheriff's Department. It is on a bus route and is wheelchair accessible.

Support Groups

Many battered women say that the most helpful thing they have done is meeting other survivors and discussing common problems. When you come to a support group, you do not have to talk. You can just listen. There will be women there who are in different stages of the process: women who are still with their abusive partners, women who are deciding whether or not to leave, women who are in the process of leaving, and women who have left their assailants.

Many women think that they were not “beat up badly enough” to go to a support group. But in our support groups there are women who were “just pushed” as well as women who had to be hospitalized after an assault.

Call the Help Line to Find out about Our Support Groups

There is a free drop-in support group every Tuesday night from 5:30 to 7:00 p.m. at SafeHouse Center for women who have left their abusive relationships. There is another free drop-in support group every Thursday night from 6:30 to 8:00 p.m. at the First United Methodist Church, 120 S. State Street in Ann Arbor (enter the church from the Washington Street parking lot and look for the signs posted).

We also have a special support group for Spanish-speaking survivors. Call the HelpLine for current information about support groups or ask for our updated support group flyer.

Services through the Family Support Network

After you have received services in our shelter at SafeHouse Center, you may be eligible for Family Support Network Services. These include day treatment for alcohol and other drug problems, housing relocation, day care scholarships, and short-term day care.

section 8 ▶▶ **Safety Planning**

Safety Planning When You're Still Living with Your Assailant—or When You Are Leaving.

Here are some things to consider when you suspect your partner is about to assault you again:

Try to figure out if there are any situational “warning signs” that come before an assault (such as drinking, taking drugs, pay day, bill paying, a bad day at work). Are there physical signs that he is going to hit you (clenched fists, threats, heavy breathing, a flushed face, or destruction of property)?

Try to get out or get help before the assault occurs.

Are there any weapons in the house? Where? Can you remove them? Remove the ammunition? Lock them up?

When an assault occurs, try to move to a room or area that has access to an exit. Avoid a bathroom, kitchen, or any room that has sharp objects that could be used as weapons.

Can you figure out a way to signal neighbors to call the police?

Can you teach your child(ren) to call the police? Or can you go to a neighbor's home and call?

Can you and your children memorize telephone numbers that can be called for safety?

Can you hide a cell phone that can be used if your assailant destroys the phone in your house? (You can get a special cell phone from SafeHouse Center that calls 911.)

Think ahead and prepare for situations in which you may need to leave in a hurry. Here are some things to think about:

- How will you get out of the house? Some women take out the garbage, walk the dog, get a newspaper, or offer to buy their assailant cigarettes. Set up a routine so it will seem normal for you to leave for a short period of time.
- Where will you go when you get out of the house? Where is the nearest telephone?
- Try to collect and hide money.
- Put important documents in one place where they can be easily accessed.
- If possible, leave copies of documents, spare clothes, spare keys to the car and the house, and money with a neighbor or trusted friend.
- Think about removing money from your bank account. This is not stealing. You can always give it back. Our experience is that if you don't take some for yourself your assailant will take it all.
- Reach out for help. Enlist friends, family members, coworkers, neighbors, and professionals in your safety planning.

What about the kids?

TAKE YOUR CHILDREN WITH YOU.

If you do not have your children with you, you will not be able to file for temporary custody. The parent who has physical possession of the children will almost always get temporary custody.

When a court is asked to award custody of children, it must consider the "best interests of the child." These "best interests" are defined in Michigan law and include twelve factors. Two of them are: the length of time the child has lived in a stable, satisfactory environment; and the permanence, as a family unit, of the existing or proposed custo-

dial home. Therefore, in general it is better to file for custody while the children are living with you rather than with the assailant, although it is not necessary. You may file for temporary custody of your children even if the children are not in your care at the time you file. You will need to tell the court where and with whom the children are living at the time you file. Assailants often withhold access to the children or threaten to harm them in order to get their partners to return. If the assailant has possession of the children, he may be able to get a temporary custody order. If he gets a temporary custody order, you cannot legally take the children from him. You will have to go to court and contest the temporary custody.

Safety plan with your children. Teach them to call 911. Practice what they should do during an assault and decide on a code word that means they should get help.

Tell the people at your children's school, day care facility, and any "after school activity" venues what is happening. Make sure they know who has permission to pick the children up and who does not.

Your life and your safety are most important.
Trying to bring your children is important.
Everything else is secondary.

What to Take with You

If you can do it, here is a list of things you should take with you. (If you are worried about taking something of his, remember that you can always give it back.)

- Identification. This can include your driver's license, birth certificates for you and your children, voter registration card, credit cards, work identification, unemployment card, green card, passport, any kind of immigration information, baptismal certificate, marriage license, and/or adoption records.
- Social security numbers for you, your partner, and your children. Bring your own and your children's cards if possible.
- Medical records and health insurance information.
- Keys to the car and your apartment or house.

- Any welfare records.
- Financial information such as bankbooks, checkbooks, savings records, stocks, insurance, pensions, mortgage documents, lease/rental documents, and so on.
- Prescription drugs and copies of prescriptions for you and the children.
- Spare eyeglasses or contact lenses for you and the children.
- Money.
- Photos, diaries, address books, and other personal property that cannot be replaced.
- Your automobile. If the car is in your name, take it. If it's in both your names, take it. If it's in his name, he has another car, and you are married, take the car.
- Clothes and toys are the last priority. They can be replaced most easily.

When your assailant finds that you are gone, he will probably destroy things that are important to you. If you can, take things that are not replaceable, things with significant sentimental value. Assailants usually take any money that is in a joint account, and if they have access to credit cards they will use them. If you think your assailant knows your credit card numbers, you might want to change them.

Safety Planning after You've Left the Assailant—

STALKING AND HARASSMENT

- Change the locks.
- Find a neighbor you trust who will call the police if the assailant comes around.
- Install motion sensor lights. Consider getting a large dog.
- Set up a routine with a friend or family member who will check in with you on a regular basis. Agree on a code word that means you're in danger.
- Vary your regular routine to make it hard for the assailant to follow you. Leave for work at different times. Do not always go to the same grocery stores, gas stations, and/or restaurants.

- Get a private post office box. Businesses such as *Mail Boxes, Etc.* can provide post office boxes with a street address. File a change of address card with the U.S. Postal Service, and use your new address for all mail, packages, and magazines.
- Get an unpublished and unlisted telephone number.
- Order line blocking for your telephone number.
- Contact SafeHouse Center about getting a “911 cell phone” if you do not have access to a phone.
- If you can, install your phone line in another residence and use call forwarding.
- After you leave, remember to change the password on any voice mail that you use and change the retrieval code for a telephone answering machine.
- If you have a personal protection order (PPO), keep a copy with you at all times. If you do not, call SafeHouse Center to learn more about how to obtain one (995-5444).
- If there is a security officer or a rental/property manager where you live, give him or her a picture of your assailant and a copy of the PPO. Give a picture, a copy of the PPO, and any custody documents to your child’s school as well.
- Try to live in an apartment complex with a locked outside door to each building.
- Ask your neighbors not to buzz in anyone they do not know.
- If you can, keep your car in a garage to keep the assailant from tampering with it.
- Document all contacts with the assailant. Save letters and cards and tape voice-mail messages and phone calls. Make copies of e-mails. Keep a journal of all strange occurrences.
- If your assailant must get something from your home or you need to get something from his, call SafeHouse Center. We can ask the police to do a “civil standby” so you will be safe (see “Retrieving Belongings after You Have Left” below).
- Have your name removed from reverse directories. The entries in these directories are in numerical order by phone number or address. These books allow anyone who has just one piece of information, such as a phone number, to find out where you live.

These directories are also online. Refer to our website (*www.safehousecenter.org*) for more information or call the HelpLine at 734-995-5444.

- Be careful who you tell where you are. Unfortunately, assailants often find their victims through family members. For instance, your sister might tell his sister, who could tell him.
- Change your e-mail password as soon as you leave and again every few weeks.
- Remember that anyone with a radio scanner can listen in on a cell phone or cordless telephone conversation if they are within a two-mile radius. Digital phones offer greater privacy, but they are more expensive and are still not foolproof. Be careful not to reveal any private information on a cell or cordless phone.

Retrieving Belongings after You Have Left

If you need to get something from your assailant's home (or your former home) or if your assailant must get something from your home, call the police to request a "civil standby." (SafeHouse Center can help you with this.) This is a request for the police to come and stand by to ensure that there will be no violence or harassment during the property transfer. Usually the police can only stay for fifteen to twenty minutes, so if you need more time you might have to do it more than once. Be aware that the police are not required to do civil standbys.

Safety in the Workplace

- Inform your boss, coworkers, and any security personnel of the situation. Provide them with a picture of the assailant and a copy of the personal protection order.
- Ask that your calls be screened or sent directly to voice mail.
- Ask that your office be locked or make sure that the front desk will not let your assailant into the workplace.
- Ask that your current home address or phone number not be given out.
- Carpool to work with someone or ask security personnel to walk you to and from your car each day.
- Ask if you can vary your work schedule.
- Suggest to your boss that someone from SafeHouse Center could

come and consult with your coworkers and/or give a talk to them about domestic violence and/or sexual assault. This may help them take your situation seriously.

Safety for Survivors and Their Children during Parenting Time

- If parenting time (formerly called “visitation”) is ordered by the court, try to make arrangements for it through a third party with whom you feel comfortable.
- Try to arrange for drop off and pick up in a public place (such as a police station, near mall security, or in a post office lobby) or at a third party’s home.
- Try to avoid arriving at or departing from the site at the same time as the assailant.
- If the exchange of children must happen at your home, try to have the custody order specify that the assailant must wait in his car across the street and cannot come to the door.
- Arrange for a supportive, calm, and mature friend to be present during the exchange.
- Have the children ready to go before he arrives.
- Keep the door locked in case he shows up early.
- Document all problems with parenting time and report them to the Friend of the Court.
- Teach your children to not open the door for him. They must wait for you to unlock the door and greet him.

(The concept of safety planning was originally developed by Barbara Hart. Thanks to Erin House for major contributions to the section on safety planning.)

Safety Using the Telephone

• Caller ID Issues

Many assailants use caller ID as a way to monitor their partners’ conversations. By reviewing the incoming calls on the caller ID, assailants can find out who has called while they were gone. Even assailants who no longer live with their (former) partner may insist on reviewing or sneaking a peek at the caller ID when they come over. Monitoring who you talk to and interrogating you about what you say are tactics your assailant can use to control you and isolate you from other people.

If you have caller ID and are concerned that your partner may check on your calls, there are a few things that you can do. You can disconnect your caller ID from the phone (though not from the power source) to prevent the machine from recording incoming calls. If you want to call your assailant but do not want him to know where you are, dial *67 before calling his number. More and more people have caller ID, and if you are concerned about not revealing your number it is important to get in the habit of dialing *67 before you call any number. If you call from a pay phone, the name of the business where the pay phone is located, as well as the number of the pay phone, will appear on caller ID. Your assailant will be able to determine what area you are in if not your exact location.

If you call your partner from another county or state, the name is more likely to come up as unavailable. However, Caller ID has greatly improved, and an “unavailable” response is no longer guaranteed. If your assailant is stalking you by calling you repeatedly, you can use caller ID as evidence. (You can also use messages recorded on an answering machine or voice mail.) You can call the police and have an officer look at the Caller ID in your home or you can take your caller ID machine to the police station to have them verify the numbers on the machine and make a police report about the harassment. If your partner always “blocks” his number when he calls you, you can contact the police department and the telephone company and have a trace put on your phone.

• *Dialing *69*

If you or your assailant dial *69, your phone will call back the **last call that came** into your home. If your assailant is trying to find out who just called you, he can dial *69 and call the person back without knowing the phone number. In some areas, the phone company will tell you who called and/or what phone number just called your house before directly connecting you to the other number. If the person calling your phone blocked caller ID by dialing *67, when you dial *69 the call will ring through but it should not reveal the name or number of the caller. However, if an answering machine identifies the name or number of the person or business it is possible to determine where the call came from even if the caller “blocked” caller ID initially. If a number appears as “unavailable,” then dialing *69 usually will not give you any information but will tell you, “This service is not available for this number.”

- **Safety Using a Fax Machine**

When you receive a fax, it usually contains the telephone number of the fax machine used to send it. It also has the day and time. So if you send your assailant a fax it will let him know the general area you sent the fax from and when you sent it.

- **Using Your Computer Safely and Privately**

Information related to safe Internet and e-mail use is available on our Web site: www.safehousecenter.org If you need information and are unable to access the Internet, please contact SafeHouse Center.

Change your password often, and don't tell anyone what it is. Set up a program that requires a **password to access your computer** and change it often. Don't choose a password the assailant could guess.

- *Word-Processing Files*

If you write a letter using a word-processing program such as Microsoft Word™, make sure you know exactly where the file is being saved. If you need to delete it, you must be able to find it on your computer. If you have a good hiding place for floppy disks or CD-ROM, you may want to keep all of your files on them so that you never have anything on the hard disk that could put you at risk.

Some word processors save a temporary copy of the file you are working on so that it can be recovered if you forget to “save” it before turning off your computer. If you think this may have happened, you can check by shutting down the word processor then starting it up again without choosing a document first. If it has a “recovered” document on disk, it will usually load it automatically. If you close the document and tell the word processor **not** to save it, the “recovered” version will probably be removed. This will keep it from “popping up” in front of the next person to use the word processor.

Another “helpful” feature that can leave full, readable copies of your files on the machine is the “backup” feature, which saves the previous version of your file someplace with the same name and a .back or .wbk (for Word) extension. In Word, check the Tools>Options>File Locations tab to see where such copies of your files may be kept. You can also use Tools>Options>Save tab to stop the backup process entirely. Just *uncheck* “Always Create Backup Copy” and “Automatic Save”.

Many word processors let you save your files with a password so that nobody else can read them. The “encryption” used is not particularly

strong, but it may be good enough to stop someone who isn't very computer savvy. Unfortunately, people do lose passwords, so there are many tools on the Internet to help you "recover" one. Someone who wants to read your file can use one of these programs and learn the password. Therefore, this is **not** a very good way to protect your documents.

Watch out for the File menu, too. Many Windows word-processing programs, as well as spreadsheets and other applications, keep a list of recently used documents on their own File menu. In Word, you can change this with the Tools>Options>General tab by setting the number for the Recently Used File List to zero (four is the default). If having the list disappear would cause a problem, you can also open and close files at random until they push the hazardous names off the end of the list.

• *Deleting Files*

When you delete a file in Windows or on a Macintosh you may think it is gone, but it is not. The file is in the Trash (or the Recycle Bin in Windows) and can be hauled out at any time until you "empty the trash." Even then, someone with computer knowledge can use certain tools to resurrect deleted files much of the time. It is best to use floppy disks or CD-ROMs whenever you can, so that you can physically put the disk with the files someplace safe.

In Windows 95 and 98, you will also see references to the documents you create under the Start button >Documents. You can clear the whole list by right-clicking on a blank part of the Taskbar, and choosing "Properties."

Pick the "Start Menu Programs" tab and click on the "Clear" button under the "Documents Menu." Note that this does not remove the document itself, just the mention of it in the Documents list.

If you want to minimize suspicion by leaving the list but removing one or more documents, you can do that using Windows Explorer. Go to the Windows directory and open the recent folder in it. You will see a shortcut for each entry on the Documents list. Right-click on each one you want to get rid of and select "delete" from the pop-up menu. Then empty the Recycle Bin to ensure that the files are deleted.

Children are in danger in homes with a batterer for many reasons. Many assailants hurt the children physically and some sexually abuse them. Your assailant may kidnap or deny you access to your children to try to get you back or take revenge on you. Batterers may seek custody of the children for the same reasons or use them to attract his next victim.

Children can be hurt “indirectly.” Your batterer may be trying to shoot you and “accidentally” shoot a child. Or he may push you down the stairs while you are holding a baby. Children may get hurt trying to protect you or attempting to restrain the batterer.

Children in homes where there is violence may start behaving in negative ways or develop psychological problems. Some children become the perfect kids— they take care of everything and become overachievers. Others act out. They may become involved in gangs or start having sex, skipping school, drinking, or using drugs. These children may exhibit behavior ranging from very withdrawn to very aggressive.

Some survivors think their children do not know about the violence and therefore are not going to be hurt by it. Children from violent homes tell us that they almost always knew about the violence, even if they were not present when it occurred.

Do not blame yourself because of what the assailant’s violence has done to your kids. Take inventory of the ways in which you have protected your children and build upon that. Some children from violent homes do extremely well later in life, particularly if there is early intervention to help them sort out what is happening or has happened to them.

Many survivors wonder how their children are doing and what they should say to them about the violence. We recommend that you talk to your children about the violence and what is going on. We also recommend that you find another helpful adult to talk with your kids.

Here are some suggestions of what you can discuss:

- Violence is always wrong, and what Dad (or a stepfather or boyfriend) is doing is not right.
- The violence is **not** the children’s fault. Nothing they did or didn’t do caused it.

- If you decide to separate from or divorce the assailant, that is not the children's fault.
- The assailant batters because he wants to get his way and he has a problem.
- Developing a safety plan, including what to do during an attack, how to keep safe, how to call 911, where to run for help, and what to do if something goes wrong during parenting time.

International Parental Abduction

Sometimes a batterer will threaten to take minor children out of the country or will actually attempt to do so. U.S. citizens must enter and depart the United States with a valid passport except when traveling to countries within the western hemisphere (Canada, Mexico, and Central and South America). If your children are citizens of the United States and you are concerned that your partner may take them out of the country, you can participate in the **Children's Passport Issuance Alert Program** run by the State Department. This program enables the department to notify a parent or legal guardian that a passport has been requested for the child(ren). You must submit a written request to the State Department for entry of a child's name into the program.

To participate in the program, you can (1) call 1-202-736-7000 and request copies of its **request form** or (2) download the request form from the State Department Web site at http://travel.state.gov/pia_program.html. Simply fill out the form and fax it back to the number indicated on it.

Submitting this request does not necessarily mean that a passport request for your child will be denied. In order for the State Department to deny a passport for your child, you must submit a complete copy of a temporary or permanent court order that states (1) you have sole legal custody, (2) you have joint legal custody, or (3) there are restrictions on the child's ability to travel.

SafeHouse Center can provide referrals to agencies that help and support children from violent homes. Call the Help Line to talk to an advocate about these resources. In particular, we can refer you to KIDS*CLUB, a wonderful group that helps children come to terms with the violence in their lives.

If you believe your partner has sexually or physically abused one or more of your children, what do you do?

► **Most important, believe your child.**

Children almost never lie about abuse. Tell your child you are glad she or he told you and that you will try to help them be safe in the future. Be aware that some institutions may assume that your child is lying or you are lying to get revenge on your husband, get child custody, to win a court battle. Keep a log and write down all incidents and statements about the abuse.

► **Get your child counseling.**

Call our HelpLine at 734-995-5444 for a referral.

► **Get some support for yourself.**

IF THE BATTERER ABUSES THE CHILDREN

If your partner is abusing the children, you will probably need to leave in order to protect them. You can be charged with “failure to protect” if you know about the abuse but don’t remove your children from the risk. If you believe that your child has been abused by your partner or former partner, it is very important to report the abuse. The staff at SafeHouse Center can be very helpful in that process, and please feel free to call us at 734-995-5444 to learn more about reporting child abuse.

If your child has been sexually assaulted or abused, he or she should have a medical exam. However, you may not want to take him or her to your family doctor. Most doctors are not trained to perform such exams, and it could be traumatic for the child. Ask Children’s Protective Services (CPS) to make a referral to the Child Protection Team at the University of Michigan Hospital.

CHILD PROTECTIVE SERVICES’ ACTIONS

After suspected abuse or neglect is reported to CPS, it will investigate to determine if abuse has occurred and what steps are necessary to protect the children. These actions can vary from simply speaking to the parties involved to going to court and asking that the children be removed from the home. However, the goal of CPS is not to remove children from their homes— its job is to ensure the safety and proper

care of the children. It is in your best interest to work with Child Protective Services. There is also the Washtenaw County Child Advocacy Center (WCAC). The WCAC is a child-centered facility where families can meet with a multidisciplinary team following reports of child sexual abuse. They are located at 4925 Packard Road Ann Arbor, MI 48108 and the phone number is 734-971-9781, ext. 333.

GETTING HELP

If you need help with parenting skills or protecting your children, call SafeHouse Center and ask for help. An abuser may use threats to keep you from seeking out resources and services for you and your children. It may be scary to take that first step, but you'll find there are community services that want to assist and work with you, not against you.

section 11 ▶ **Education and Counseling for Assailants**

All survivors want the violence to stop, but not all want the relationship to end. Ideally, they would like the relationship without the violence. The hard truth is that assailants typically do not permanently stop being violent toward his or her intimate partner. If they do reduce or eliminate their violence, it is only with intensive counseling, education, sanctions for continuing the violence (such as probation, the threat of jail, or the threat of losing a job), and a strong internalized belief that they must change because battering is wrong. They are not apt to change only because they want to hold on to a relationship; rather, if they change will be because they are prepared to dramatically change their fundamental beliefs and behaviors. The odds are strongly against batterers permanently stopping their controlling and abusive behavior.

Many survivors want their batterer to get help, and some want to save him. Nothing you do makes him abuse you. Nothing you do can make him stop. He chooses to be violent. He must make the choice to stop, and he must stick with that choice no matter what happens.

To stop being violent, batterers must really want to change and must make a long-term commitment. They must take full responsibility for their violence without making excuses or blaming others. The very few batterers who do change are forced to because of serious consequences (jail being one of the most effective). Interventions that do work take one year or longer. Change will not happen overnight.

We worry about survivors taking comfort in the fact that their assailants are going to counseling because one of the reasons why some battered women stay in abusive relationships is that they believe their partners will change. If the assailant enters treatment, counseling, or a batterers' intervention program, the survivor may stay in the relationship in the hope that the violence will end.

A lot of batterers go to counseling one, two, or three times. They use the counseling to convince their partners to return, and after that happens they drop out. Batterers have many excuses for dropping out: the fee is too high, I'm not like those other men, they want to brainwash me, they blame men for everything, the hours are not reasonable, and so on. Some assailants lie and say they are going to counseling when they are not.

What does NOT work

Traditional counseling that seeks a solution to violence by looking at and resolving the batterer's personal problems (such as violence in the home where he grew up).

What does NOT work

Traditional counseling that sees the survivor as having a role in the violence.

What does NOT work

Marital or couple's counseling. In addition to almost never working, this can be dangerous for survivors. Batterers often push for this type of counseling because they insist that the violence is caused by their partners or is a mutual problem.

What does NOT work

Programs that concentrate solely on reducing stress, managing anger, or stopping substance abuse.

What does NOT work

Quick-fix programs that are short term and promise immediate results.

Many people believe that alcohol or other drug use causes men to assault their partners. This is not true. Battering and alcoholism or other drug addictions are two separate problems, although they often occur together and may increase the risk for the survivor. More than half of the men enrolled in the batterers' program in Washtenaw County also have alcohol and other drug problems. If your assailant has an alcohol or other drug problem (or if he drinks heavily or uses other drugs, especially crack), you are in greater danger of being seriously hurt when he is using.

Getting him into treatment for his alcohol or other drug problem will not stop his violence.

What if you are using?

We recommend that you not use alcohol or other drugs, especially while you are trying to free yourself from an abusive relationship. It may stop you from carrying out your plans and/or from getting the best response from people you need to help you.

But what if you are?

A lot of people have problems with alcohol or other drugs. Our culture looks down on those who are addicted. But it is nothing to be ashamed of—it is not your fault. Some who are being battered use alcohol or other drugs to numb the pain the physical and emotional pain that they experience in violent relationships. It's a common experience. Addiction/alcoholism is a physical response to the alcohol or other drug. You are not a bad person, weak, or immoral.

Many batterers encourage their partners to drink or use drugs and prevent them from stopping or getting help. This helps them maintain control over you.

Some survivors have been prescribed tranquilizers, sleeping pills, or sedatives by doctors. These drugs can be extremely addictive. Used with alcohol, they can be fatal.

Think about getting some help. You can talk to a SafeHouse Center counselor about your use. Or you can go directly to an agency that specializes in helping people with alcohol or other drug problems (see the contact numbers listed in the back of this handbook).

You can go to an Alcoholics Anonymous meeting or another self-help group. (Note: Some self-help groups may tell you that you are as sick as your batterer and enmeshed and responsible for his violence. This is not true. Stick to their message about alcohol and drugs and ignore their ideas about battering.)

section 13 ▶▶ **If You Are a Lesbian or Gay Male Survivor**

Physical and sexual violence also occurs in lesbian and gay relationships. Many of the same things happen: isolation, psychological abuse, sexual violence, and physical assault. If you are a lesbian or a gay man who is being battered by your partner, you may have some additional issues as well.

The bottom line is that getting help for the violence usually means coming out. Choosing to come out can be a difficult decision. While it can be an empowering and freeing experience, for some people it can have negative consequences such as physical violence, loss of family, eviction from housing, loss of children to the state or the batterer, or loss of a job. Your partner may threaten you with outing if you leave. She or she may use the special concerns and issues of the lesbian and gay community to keep you under control. He or she may tell you that by letting others know about the abuse you're reinforcing the homophobia of the straight culture and "selling out" lesbians and gay men. If this is your first sexual relationship with someone of the same gender, your partner may lie and tell you that all same-gender sex involves humiliation, force, or coercion. Lesbians and gay men cannot routinely turn on the television and find portrayals of positive lesbian and gay relationships. This leaves them vulnerable to partners who tell them that "all gay men" do this or they are not "real lesbians."

You may be afraid to tell members of your family because this may reinforce their view that you are living a "sick" lifestyle. You may not want your partner to lose his or her job or family by reporting him or her to the police. You may not want to expose the lesbian or gay male community to more criticism. You may be new to relationships and think that your partner's behavior is normal. That is not the way a healthy relationship works.

Professionals from whom you seek help may be homophobic and may not view your relationship as being as valid or legitimate as heterosexu-

al ones. Further, they may misunderstand the pattern of battering that you are experiencing. You may even encounter a therapist, religious leader, or other professional who believes that lesbian and gay relationships are sick or sinful.

If you are a lesbian, you may have trouble recognizing that you are being battered because you may believe that only men use violence in intimate relationships. Your partner may tell you that she is not “butch” and you have to be butch to batter. That is not true.

If you are a gay man, you may think that real men do not get beat up or that you should be able to protect yourself because you are a man. In addition, you may be in danger if your partner refuses to practice safe sex, rapes you, or causes cuts or abrasions. If you practice anal sex, you may be at a higher risk for contracting HIV. If you are HIV positive, your partner may threaten to tell people. You may have heard the myth that shelters do not help or accept men, and you may not see SafeHouse Center as a potential source of help. SafeHouse Center provides services to people of all genders and sexual orientations.

You may be particularly concerned about confidentiality because of how small the lesbian and gay male community is. All information given to any employee or volunteer at SafeHouse Center is confidential. However, you might want to use a different name. You might also want to get counseling or support in a different county. We can provide you with a referral.

You may be concerned about encountering homophobia among the staff, volunteers, or straight survivors. All staff and volunteers of SafeHouse Center have training on homophobia and are given information about the special issues lesbians and gay men face in battering relationships. If you feel that the counselor you’re talking to is not as sensitive as you would like, ask to talk to a supervisor. When you request non-residential counseling, you can ask for a lesbian or gay male counselor. We will do our best to see that you get one.

Our experience has been that lesbian and gay male survivors are usually treated sympathetically by heterosexual survivors in our programs. The commonalities of being battered seem to outweigh the differences between you.

If you are a lesbian or gay male survivor, you can get a personal protection order and/or an antistalking civil order. Your partner can be prosecuted for criminal assault.

You may have heard that domestic violence programs accept only heterosexuals. That's not true. You are always welcome at SafeHouse Center.

section 14 ▶▶ **If You Have a Physical Disability**

Assailants may perceive people with physical disabilities as easier to control. For this reason, some assailants target people with disabilities. They may use the disability to promote a sense of self-blame and worthlessness in the survivor. They may blame the abuse on your disability and make you feel that no one else could love you. Domestic violence and sexual assault happen to women all over the world, regardless of physical ability, race, education, and income. You are not alone, and you deserve to be treated with respect.

Because of environmental barriers (inaccessible services, buildings, bathrooms, buses, and so on), people with physical disabilities are already isolated. The batterer may increase that isolation through such tactics as removing a wheelchair ramp, removing a TTY, or not helping you go places. If you are unable to drive a car, use a bus, or take a cab, it will be difficult for you to escape. Batterers might withhold food or not help you use the bathroom. He might give you too much medicine or refuse to give you any.

Most domestic violence agencies try to be as accessible as possible to those with physical disabilities. They will work with you in a variety of ways to provide the services you need. Many shelters can house both you and your personal care attendant if he or she is not your assailant.

Some helping professionals may see people with disabilities as sexless and have trouble perceiving your relationship with your assailant as legitimate. Alternatively, it may be that you are being battered by your caretaker. If you are being battered by your caretaker, you can call Adult Protective Services at 734-481-9110. Additional resources can be found through the National Council on Independent Living, at 703-525-3406 or ncil@ncil.org, and in Washtenaw County through the Center for Independent Living at 734-971-0277.

section 15 ▶▶ **If You Are a Survivor and a Senior Citizen**

Many elderly survivors face additional obstacles and challenges. Most people assume that “elder abuse” only means adult children hurting or

exploiting their parents. If you're being battered by an older partner, it may be ignored. Some think that "old" men are not physically strong enough to batter or rape. This is not true.

You may be concerned about losing your home, your income from social security, or your health insurance if you leave your assailant. Shelters, which tend to be noisy and chaotic. You may be concerned about losing your independence or being institutionalized.

If you are in poor health or are experiencing problems with a disability, your assailant may capitalize on this. He may withhold your medication or give you too much. If you rely on your assailant for personal care, he might withhold food or water (see the previous section on disability). If you are not working outside the home, he might find it easy to isolate you from supportive friends. You may be worried about your assailant's poor health or destructive behavior and wonder what will happen to him if you leave.

You may not think of yourself as "battered," but if you're being hurt and controlled, **or threatened**, by another person you are a survivor. SafeHouse Center can help you find the resources you need to become safe and stay independent. We work closely with area organizations concerned with the economic and social well-being of older citizens. Please call us at 734-995-5444 (voice) or 734-973-2227 (TTY) so we can work out a plan with you. If you are being battered by your caretaker, you can also call Adult Protective Services at 734-481-9110.

section 16 ▶▶ **If You Are a Woman of Color**

Because of racism women of color are much less likely to receive help from social service agencies than white women are. Women of color are less likely to be believed. Some people think that violence is "normal" in communities of color and that battered women do not want or need help. Some professionals may use the excuse "Well, battering is acceptable in that culture" to not help women of color.

Your assailant may use your experiences with racism and understandable fear of it to keep you under control or keep you from reaching beyond your community for help and support. He may tell you that if you "have him arrested" he will be beaten or killed by the police. If you know that this is a real possibility, it may be hard for you to make the decision to call the police.

He may suggest that you are “selling out” to the white man by seeking help from outside your own community. He may ridicule you by saying that you are going to a bunch of white women for help.

Those who don’t speak English fluently, or are from another country, you may face additional barriers in finding help. You may be concerned about encountering racism among the staff, volunteers, or white survivors at SafeHouse Center. All of our staff and volunteers have received training on racism and oppression and are given information about the special issues that women of color face in battering relationships. If you feel that a counselor is not as sensitive as you would like, ask to talk to a supervisor.

SafeHouse Center is a diverse place, and many of our counselors are women of color. When you request nonresidential counseling, you can ask for a counselor who is a woman of color or one who speaks your language. We will do our best to see that you get one. As in any place in our society, women of color are sometimes treated in a racist way by white women using our program. Our experience has been that in general women of color and white women support each other when they use our services and that the commonalties of being battered seem to outweigh the differences of race.

We are committed to helping you in any way we can. Please call us!

section 17 ▶▶ **If You Are a Survivor of Dating Violence***

For a long time, people did not realize that domestic violence happens among young people in high school and college who are dating. It is not true that domestic violence only occurs among people who are married or living together.

One problem is the term *dating*. High school students today may not describe their relationships with other kids as dating. They may hang out in a group or never go out on a date. But wherever there are romantic or sexual relationships there is the potential for violence or abuse.

Young people face many obstacles to getting help when they’re being abused. If this is the first time you’ve had a serious boyfriend or girlfriend, he or she may tell you, “This is the way it is. All relationships are like this.” If your dating partner is intensely jealous and possessive, he or she may say, “This is what real love looks like.” You may be

confused because he says he cannot live without you and wants to be with you every moment. He may convince you that the abuse is your fault because you dress in a certain way or like to dance or flirt. He may have cut you off from relationships with your friends to make it hard for you to approach any of them for help. He may threaten to ruin your reputation if you break up with him, and you may think you will never find another boyfriend. Separation can be especially difficult if you go to the same school.

You may not want to tell your parents or other adults about the abuse because they don't approve of the relationship. You may have broken rules in seeing your friend, and you don't want to get yourself or him in serious trouble or to be saddled with more rules and restrictions. Adults may not take your relationship seriously.

If you are being hurt or abused in a dating relationship, please call us at 734-995-5444 (voice) or 734-973-2227 (TTY). Survivors of dating violence **can** get a personal protection order, and assailants can be prosecuted for domestic violence or stalking within the criminal court system. SafeHouse Center will listen and believe you. There is help available, and healthy, nonviolent relationships can happen! We have a group of teens called Teen Voice who work hard to educate other teens and adults about dating violence. Call us for more information.

** Although this section focuses on the special issues of young people, we recognize that people other than high school and college students are in dating relationships.*

section 18 ▶ If You Are Also a Victim of Sexual Assault

THE SEXUAL ASSAULT RESPONSE TEAM

The Sexual Assault Response Team (SART) is a multi-disciplinary team composed of advocates from SafeHouse Center, specially trained Sexual Assault Nurse Examiners (SANE), prosecutors, and law enforcement. The Washtenaw County SART was formed in 2002 to formalize and coordinate the response to survivors of sexual assault. This SART team was developed beginning in 2000 by the Washtenaw County Coalition on Gender Violence and Safety, a coordinated community collaboration of domestic violence and sexual assault service providers, batterers intervention service providers, prosecutors, police, hospitals, community government officials, and other community partners. The

SART approach provides survivors with the most efficient, sensitive and appropriate services by streamlining the processes of the hospital, law enforcement, prosecution and advocacy. The SART has resulted in reduced waiting times in the Emergency Room for survivors of sexual assault, better service provision, and increased conviction rates.

When a sexual assault survivor presents to the Emergency Room at either The University of Michigan Health System (Ann Arbor) or St. Joseph Mercy Hospital (Ypsilanti), the survivor is triaged immediately and is given a private place to wait. Hospital staff then calls the SART team. The SART dispatcher, a staff member at SafeHouse Center, gathers relevant information and pages the SANE on-call and the SafeHouse Center advocate on-call. The SANE and advocate respond promptly to the hospital to provide a medical/forensic exam (rape kit) and crisis intervention and support services to the survivor. The hospital staff is trained to alert law enforcement, who also responds immediately. SafeHouse Center advocates follow-up with survivors within two business days of their hospital visit to offer on-going counseling, support, and advocacy, including legal advocacy. Law enforcement are also authorized to contact SART prior to a survivor's arrival at the hospital, or when a survivor does not need a medical/forensic exam but wishes to speak with an advocate. Survivors are able to choose whether to participate with any, or all of the services provided by the SART team. A large percentage of survivors of physical violence also experience sexual violence, or abuse. Sexual abuse can happen in a number of different ways in domestic violence relationships." He might force you to do things that you don't like sexually or are physically painful, particularly to your breasts or genitals such as burning or biting you. He may demand sex after a beating to "make up." You might be afraid to say no when he wants sex because experience has taught you that you will be hurt or abused if you resist. He might force you to have sex with others or to act out what happens in pornography. He might take pictures or videotapes of you and threaten to use them against you in the future. He might deliberately give you a sexually transmitted disease, force you to end a pregnancy, prevent you from terminating a pregnancy, or prevent you from using birth control or protection against sexually transmitted diseases. It's sometimes hard for survivors to recognize sexual abuse. Your assailant might tell you that because he's your husband you have to give him what he wants sexually. If you have sex to keep the peace or avoid a beating, you may not see that as coerced sex, but it is. You may feel too ashamed or confused to talk to someone about it.

It's always wrong for someone to force another person to have sex, and it's never the fault of the victim. If you've been raped or sexually abused, SafeHouse Center has extensive services for survivors of sexual assault whether it has just happened or has happened in the past. Please call us at 734-995-5444 (voice) OR 745-973-2237 (TTY).

If you are the victim of a recent sexual assault, please call the HelpLine as soon as possible or go to the nearest emergency room. In order to preserve possible evidence, it is important that you do not change clothing or bathe. If there has been oral contact try not to drink or brush your teeth. If you must, put all of your clothing in a brown bag and bring it with you to the emergency room. Even if you do not want to press criminal charges, preserving the evidence will allow you to change your mind after you have had time to reflect.

Health professionals at the St. Joseph Mercy Health System and University of Michigan Health System will offer to do a standard sexual assault forensic exam (this is also known as a rape kit). This means that not only will you be evaluated for injuries but evidence will be collected that can be used to prosecute your case. Evidence needs to be collected within seventy-two hours of the sexual assault. This may involve taking a saliva sample, taking scraping from under your fingernails, combing your pubic hair for evidence, collecting semen stains, photographing any cuts or bruises, and conducting a pelvic exam. The police will most likely be called. You have the choice of whether or not to make a police report. You have the right to decide whether or not to request that your assailant be charged with a crime. An advocate from SafeHouse Center will also be called. She can help provide you with support, information, and resources. You will also be counseled and offered medications to prevent sexually transmitted diseases and pregnancy. Follow-up services will be discussed before you are discharged from the hospital.

If you do not go to the emergency room, you can also seek medical attention from your health care provider or clinic or the SafeHouse Center Primary Care Clinic. Staff persons there will not be able to conduct a complete sexual assault forensic exam, but they can assess whether you have injuries, treat preventively for sexually transmitted diseases, and discuss your options for pregnancy prevention and other concerns.

The chances of acquiring the HIV or hepatitis B virus from a one-time sexual assault are less than 1 percent. Under certain circumstances, if the assailant is known to have HIV/AIDS or hepatitis B (or there is a

high likelihood of it) preventative medication can be given to decrease the likelihood that you will get HIV and an injection can be given to decrease the likelihood that you will get hepatitis B. It is also recommended that survivors of sexual assault have an HIV test six months after the assault and be immunized against hepatitis B with a series of three shots. If you have concerns about HIV and or hepatitis B, discuss this with your health care provider or call the Safe House Primary Care Clinic or the Washtenaw Health Department.

section 19 ▶▶ **If You Are a Battered Immigrant Woman**

If you are a battered immigrant woman, you may have special concerns or issues with which you need help.

First, some people in the United States think that battering and abuse are “normal” in your culture, and therefore they might not make vigorous attempts to stop the violence or help you. In fact, battering and abuse occur in **all** cultures, and they are **always** wrong.

Those who do not speak English may have trouble getting help. SafeHouse Center has a “language line” which can provide translation. This line can be reached by calling the SafeHouse Center HelpLine at 734-995-5444 or calling our translation line directly at 734-973-2227. The person calling will need to state, in English, the name of the language spoken. There will be a short delay while we get a translator on the line.

If your immigration status depends on an abusive husband, you will need special assistance. Do not believe anything your abuser says about the Immigration and Naturalization Service (INS) or the laws of the United States. Assailants often lie. They can and will use threats of deportation to keep you under control.

As part of the 1994 Violence against Women Act, Congress allowed abused women who are married to a U.S. citizen or lawful permanent resident to file their own application for lawful permanent residency. Abused women are not forced to obtain permission or help from their abusers in order to become legal residents. Rather, they can “self-petition” for residency Congress also allowed immigration judges the discretion to waive the deportation of abused women who have been married to U.S. citizens or lawful permanent residents, a process called “VAWA cancellation.”

Do not call the INS.

As you may already know, immigration issues are confusing and complicated. You will need to find an immigration attorney who knows about domestic violence. SafeHouse Center will help you find one. We recommend that you ask your attorney to consult with one of the following national organizations:

Ayuda

1736 Columbia Road N.W., Washington, DC 20009

202-387-4848, Fax 202-387-0324

E-mail: sneumann@ayudainc.org Web page: <http://www.ayudainc.org>

National Immigration Project of the National Lawyers Guild

14 Beacon Street, Suite 602, Boston, MA 02108

617-227-9727, Fax 617-227-5495

E-mail: ellen@nationalimmigrationproject.org

Web page: <http://www.nationalimmigrationproject.org/>

ASISTA

515-244-2469

E-mail: questions@asistaonline.org

Web page: <http://www.asistaonline.org/>

Battered Women's Justice Project (BWJP)

2104 4th Ave. South, Suite B

Minneapolis, MN 55404

800-903-0111, ext. 1

612-824-8768

E-mail: crimjust@bwjp.org,

Web page: <http://www.bwjp.org/>

National Network to End Violence against Immigrant Women

1522 K Street N.W., Suite 550

Washington, DC 20005

202-326-0040

E-mail: iwp@legalmomentum.org,

Web page: <http://www.immigrantwomennetwork.org/index.htm>

For more information in your language, go to the SafeHouse Center website: www.safehousecenter.org and click on the language link.



THE LEGAL SYSTEM AND YOUR RIGHTS UNDER THE LAW HOW DOES IT WORK?

(An extensive guide is available on the Internet at:

http://www.michigan.gov/documents/FIA-Pub78_69249_7.pdf)

section A ▶▶ LEGAL TERMS

Alleged is used by the legal system to indicate that there has not yet been a conviction. You may hear about the “alleged” assailant or even the “alleged” victim.

a **city or township attorney** has the same function as prosecutors but work for a city or township. Ypsilanti Township has its own prosecuting attorney. In Washtenaw County, there is a city attorney in the City of Ann Arbor and in the City of Milan.

a **complainant** is a person who files a suit, makes a complaint, presses charges. If you have filed for divorce, you are the complainant. In a police report, the victim of domestic violence is sometimes still called the complainant, but it is actually a police officer who signs the complaint.

a **defendant** is a person who is charged with a crime or a person against whom a suit is filed. If your assailant is charged with a crime, he becomes the defendant.

a **defense attorney** is a lawyer who represents the defendant in a criminal case. If the suspect has no money for an attorney, the court may appoint an attorney.

a **prosecuting attorney** enforces State law and represents the victim, or the people of the state, in a criminal case.

The Friend of the Court is a county agency responsible for investigating, reporting, and making recommendations to the court regarding custody, visitation, and child support. It is also responsible for enforcing custody, visitation, and support orders entered by the court. The Friend of the Court is not responsible for investigating alleged abuse or neglect. Allegations of abuse or neglect of children or dependent adults

should be reported to the Department of Human Services. (See page 34 for CPS contact info.) However, you should inform the Friend of the Court about any abuse or neglect that happens.

LEIN is the Law Enforcement Information Network. All police officers have access to the LEIN computer network, which has a record of active warrants for people's arrest, valid personal protection orders (PPOs), and conditional bonds. If you have a personal protection order or if, as part of criminal charges against your assailant, a judge has ordered him not to contact you, not to return to your residence, not to drink, not to threaten you, and so on, all of these conditions should come up on the LEIN computer when the police run your assailant's name. This will allow them to arrest him for violating any orders. It will also notify the police if your assailant has any warrants out for his arrest.

a **magistrate** functions like a judge but in a restricted role. In district court, arraignments and pleas are often handled by a magistrate.

Mediation is a process of alternative dispute resolution in which a neutral third party, the mediator, helps two or more parties negotiate an agreement, with concrete effects, on a matter of common interest. More and more cases involving families in Washtenaw County are being referred to mediation. If you do not want to enter into mediation with the assailant, let your attorney or SafeHouse Center staff know. You do not have to mediate if you do not want to.

a **personal Protection Order (PPO)** is a civil order issued by the court that can prohibit the batterer from doing many things, including having contact with the survivor or minor children; threatening the survivor; sending objects or correspondence to the survivor; going to the survivor's home, school, or workplace; interfering with the survivor's work or educational opportunities; gaining access to any school or medical records of the minor children that would disclose the survivor's location or residence; and stalking the survivor.

a **petitioner** is a person who files paperwork with the court requesting a personal protection order.

a **plaintiff** is a person who brings an action, sues, or files the complaint. If you file for divorce, you are the plaintiff.

a **plea** is entered in court. The person who has been arrested will at some point "enter a plea," telling the court that he is guilty or not guilty. He can also stand mute or plead no contest (*nolo contendere*). No con-

test means “I will not contend” and is similar to a guilty plea. However, a no contest plea cannot be used against the defendant in a civil trial.

a **prosecutor** is an attorney employed by the county whose job it is to prove that the suspect or defendant committed the crime with which he is charged. If there are criminal charges against your assailant, it is the prosecutor who will prepare the case and present the evidence against him. You will not need to hire an attorney. The prosecutor will prosecute the criminal case against your assailant.

a **public defender** is a defense attorney employed by the county to defend people in criminal cases who do not have enough money to hire an attorney.

Reasonable cause/probable cause means any facts that would lead a “fair-minded person of average intelligence” to believe that the suspect has committed a crime.

Reasonable doubt means that the prosecutor must prove to the judge or jury that the defendant committed the crime without a “reasonable doubt” in the mind of a “reasonable person.” This carries a greater burden of proof than probable cause and is used during a trial.

a **respondent** is a person against whom a personal protection order is issued.

a **subpoena** is an official order of the court that tells people they must come to court. You may receive a subpoena as a witness.

Suspect is used to refer to the person the police suspect committed a crime. In assault and battery cases, this would be the assailant.

a **venue** is the neighborhood, place, or county in which an injury is declared to have been done. It also can refer to the geographical division in which an action or prosecution is brought for trial.

section **B** ▶▶ Differences Between Civil and Criminal Cases

Criminal Cases

Criminal cases are those in which the state (or municipal or federal) government initiates a case against an individual (the defendant) in the belief that the defendant has violated the law. Criminal cases are based on the belief that the defendant’s actions constitute a violation of the rights of all citizens or a danger to the community. The community

pays for the prosecution (through a prosecutor or city attorney). The defendant is guaranteed the right to representation by an attorney appointed by the court (sometimes the public defender) if he or she cannot afford to hire one.

In the past, too many people thought of domestic violence as a private, family matter (that is, a civil matter) and not a crime. However, it is always a crime, and fortunately these attitudes are slowly changing.

Civil Cases

Civil cases are initiated by an individual or group against another individual or group. Each individual must provide his or her own attorney. Divorce, custody, parenting time, and property settlement are civil matters. If you sue your assailant, that is a civil matter.

Your assailant may drag out a divorce and property settlement in an attempt to wear you down or make you run out of money. He may use court-ordered parenting time with children as a way to track and harass you. He may use the threat that you will never see your children again if you pursue a divorce. Since 1993, judges have been required to consider domestic violence when granting custody of children.

Domestic violence personal protection orders, and antistalking personal protection orders can be confusing because they are civil orders of the court but may be enforced by arrest and criminal contempt penalties.

section C ▶▶ **Different Types of Courts**

In Washtenaw County, judges are assigned to one of the three divisions listed below, but any judge may act in any capacity.

1. CIVIL/CRIMINAL DIVISION OF WASHTENAW COUNTY TRIAL COURT

The Civil/Criminal Division has jurisdiction over all civil lawsuits over \$25,000, all civil appeals from administrative agencies, and all felony criminal cases (as well as high misdemeanors such as criminal sexual conduct in the fourth degree). If your assailant is charged with a felony crime such as attempted murder or aggravated stalking, the case will be handled in this division.

2. DISTRICT COURT DIVISION

The District Court handles small claims, landlord-tenant issues, mis-

demeanors, and traffic violations. Crimes are misdemeanors if the potential sentence is one year or less.

Most domestic assault cases (the ones charged as assault, assault and battery, aggravated assault, or stalking) are handled here. The District Court also performs initial arraignments, sets and accepts bail, and conducts preliminary examinations for the Criminal/Civil Division in felony and high misdemeanor cases. District Courts also issues arrest warrants and search warrants. It does **not** handle civil suits over \$25,000, divorce cases, or custody cases. For lawsuits involving financial claims of less than \$1,750, there is a special section of the District Court called the Small Claims Division. A small claims case is hard to use against an assailant because he has to agree to give up his rights to a jury trial, representation by an attorney, and appeal. A District Court may order a magistrate to do some of the work involved in a case such as arraignments, setting bail, accepting guilty pleas, and authorizing warrants. The magistrate's decision can be appealed to the judge.

3. THE FAMILY DIVISION (UNDER THE "CIRCUIT COURT")

The Family Division includes the Juvenile Court and the Probate Court. It handles estates and wills, commitment to hospital care for mentally ill and/or addicted persons, adoption of children, guardianship, juvenile delinquency, and abuse and neglect cases that involve foster care. The Family Division also handles divorce, custody, and parenting time orders. Mediation is frequently ordered within this division. If you do not wish to pursue mediation, tell your attorney or call SafeHouse Center.

The Family Division also handles personal protection orders. There is usually one judge assigned to these. It may be a judge who is assigned to the Family Division for that purpose.

section D ▶▶ **When is Abuse or Battering a Crime?**

Abuse becomes a crime under certain circumstances. Most abusers commit a number of different crimes. Most assailants contact their partners repeatedly and may be guilty of stalking. Many abusers hurt children and may be guilty of the crimes of child abuse, child neglect, or criminal sexual conduct. Many hurt or kill pets, and most destroy property. They might be charged with arson or malicious destruction of property or cruelty to animals. An assailant who breaks into your home can be charged with breaking and entering if he does not also own or

rent the home. If he is not the father of your children and you have a custody order, he might be charged with kidnapping if he takes the children away. Many assailants force their partners to have sexual contact or sexual penetration. Assailants can also be arrested if they violate personal protection orders or a no-contact order. These are crimes.

Name calling, isolation, and intimidation are often not considered assaults. But you can talk to your advocate about your specific experiences. It takes help to sort out what abusive behavior is criminal.

ASSAULT

Abuse becomes a crime when there is an assault. An assault is legally defined as “any willful attempt or threat to inflict injury upon the person of another when coupled with an apparent present ability to do so, and any intentional display of force that give the victim reason to fear or to expect immediate bodily harm.” This means that if your partner pulls out a knife and threatens to kill you with it, *that is a felonious assault*. If he calls you on the telephone and says he is going to kill you, that probably would *not* be considered an assault, because it lacks the “apparent present ability” to carry out the threat.

Battery is the “actual application of force.” It occurs when your partner hits, pushes, grabs, kicks, or shoves you. You should be aware that what your assailant calls “restraint” may be assault or battery under the law.

For a crime to be considered a *domestic assault*, you and the assailant would have to be dating, formerly dating, married, formerly married, living together, formerly living together, or have a child in common. Someone convicted of a domestic assault could spend up to ninety-three days in jail and/or receive a \$500 fine. Most assailants do not go to jail for the first conviction; they receive probation.

The second offense of a domestic assault [MCLA 750.81(3)] is committed when a defendant has a prior (misdemeanor or felony) assault conviction involving a victim who meets the above criteria for a domestic relationship. The penalty is up to one year in jail and/or \$1,000 in fines.

When a person is convicted of a *third domestic assault offense* [MCLA 750.81(4)] and has two prior misdemeanor or felony assault convictions involving a victim who meets the criteria for a domestic relationship, it is considered a *felony*. The penalty is up to two years in prison and/or \$2,500 in fines.

When the assault is more serious, the assailant uses a weapon, or the injury is severe, the assailant may be charged with more serious crimes. These include the following:

- Aggravated domestic assault [MCLA 750.81a]
- Felonious assault/assault with a dangerous weapon [MCLA 750.82]
- Assault with intent to commit murder [MCLA 750.83]
- Assault with intent to commit great bodily harm less than murder [MCLA 750.84]
- Assault with intent to maim [MCLA 750.86]

Abuse can also become a crime when there is stalking. Most assailants stalk their partners at one time or another. Stalking is repeated, unwanted contact. The contact does not have to be in person. An assailant who calls on the telephone, sends letters through the mail, or sends e-mail more than twice without your consent is committing the crime of stalking.

Misdemeanor Stalking [MCLA 750.411h]

Stalking is defined as a willful course of conduct involving repeated or continuing harassment of another individual. There must be two or more unconnected and nonconsensual contacts. The conduct must cause a “reasonable person” to feel terrorized, frightened, intimidated, threatened, harassed, or molested. If there is evidence that the defendant continued to engage in a course of conduct involving repeated unwanted contact with the victim *after* being requested by the victim to stop, this is considered stalking.

Stalking is a misdemeanor punishable by imprisonment of up to one year in jail and/or a fine of up to \$1,000. In addition to jail and fines, an individual found guilty of stalking may be put on probation for up to five years. The terms of probation may include a no contact order and/or mandatory counseling for the assailant at his expense. If the victim was less than eighteen years of age at any time during the stalking and the perpetrator is at least five years older than the victim, misdemeanor stalking becomes a felony punishable by imprisonment for not more than five years, a fine of not more than \$10,000, or both.

Aggravated Stalking [MCLA 750.411i]

An individual who engages in stalking is guilty of aggravated stalking if his actions include one or more of the following:

- Making a credible threat to kill or injure the victim or a member of the victim's family or household;
- Violating a domestic assault or antistalking personal protection order (when the assailant has received actual notice of the order);
- Violating a condition of bond, pretrial release, or probation;
- Having a previous conviction for stalking or aggravated stalking.

Aggravated stalking is a felony, punishable by imprisonment of up to five years and/or a fine of up to \$10,000. In addition to incarceration and fines, probation may be ordered for any number of years, though not less than five years. The terms of probation may include an anti-stalking order, a no contact order, and/or mandatory counseling for the stalker at his expense.

If the victim was less than eighteen years of age at any time during the conduct constituting aggravated stalking and the perpetrator is at least five years older than the victim, the crime is punishable by imprisonment for not more than ten years, a fine of not more than \$15,000, or both.

Antistalking Personal Protection Orders [MCLA 600.2950a, MCLA 764.15b]

An individual who violates an antistalking order may also be prosecuted and convicted of aggravated stalking for the same violation [MCLA 750.411I(6)].

The Crime of Criminal Sexual Conduct [MCLA 750.520a et seq.]

Many assailants do sexual things to hurt their partners. Some of these things are crimes. Some people think that if you are married it is not a crime to be forced into sex. That is not true.

There are four degrees of criminal sexual conduct. The first, second, and third degrees are felonies. The fourth degree is a misdemeanor.

The first and third degrees involve forced or coerced penetration. This is vaginal intercourse (penis into vagina), anal or oral intercourse (penis into anus or mouth), or putting a finger or object in another per-

son's genital or anal opening. The second and fourth degrees involve forced or coerced sexual contact. This includes touching the groin, genital area, inner thigh, buttocks, breasts, or clothing covering those parts against someone's will.

The seriousness of the crime increases with the number of coercive factors. These include more than one rapist, a weapon, a physical injury other than rape, extortion, and the element of surprise. If the victim is under thirteen years of age, from thirteen to fifteen, and/or the rapist is a member of the family or in a position of authority, this also makes the crime more serious. Criminal sexual conduct does not require a witness other than the victim.

Sexual assault is a crime even if the assailant is married to the victim. Male on male and female on female sexual assaults are also crimes.

OTHER CRIMES

The majority of assailants physically or sexually assault children or neglect them. Often assailants destroy property. Unless the property is owned by both partners, this is also a crime.

Many assailants hurt, torture, or kill pets. They can be charged with the crime of animal cruelty.

section E ▶▶ **Going to Court**

Whether you are going for a divorce, a custody hearing, or a criminal trial in which you are a witness, going to court is difficult and can be frightening. Knowledge about the court system and process can make it easier.

You can make a difference in court. Some women find testifying a positive and empowering experience. All that is expected of you is to try to do the best you can. Unfortunately, you cannot control the outcome of the proceedings. You can only control your own behavior. Just tell what you know and what you believe to be true.

Get a map of the courthouse and find out where the parking is. On the day you go to court, leave yourself enough time to park. Parking is sometimes difficult, particularly if you are in downtown Ann Arbor. Bring coins if you are going to be in a metered lot. If you can, do a trial run by driving by a day or two before court. Inevitably, you will end up waiting (often for hours). Sometimes you will wait and the case will be

adjourned. Bring a book, headphones (as long as they are quiet), a book on tape, or something else to do while you wait.

In a civil case, you might be representing yourself. Often you will have an attorney. In a criminal case, you are a witness and the assailant will have a defense attorney. The prosecutor will be representing you, but he or she is not your attorney. The prosecutor is conducting the case on behalf of the government.

Ask your attorney or an advocate to go over with you what is going to happen in court. Find out whether you will be able to stay in the courtroom the entire time or whether you will need to be outside the courtroom until and after you testify. Let your attorney or the prosecutor know the things you think are particularly important to stress and ask your attorney what questions he or she plans to ask you. Make sure you've told your attorney (or the prosecutor) anything that your assailant could possibly use against you (such as past arrests or a history of drug abuse).

Bring someone supportive with you if you can. We understand from other survivors that going to court alone can be difficult. SafeHouse Center can send an advocate to court with you (please let us know in advance of any court dates). If you can manage child care, it may be better to not bring your children. It is hard for them and distracting for you. Although your choices may be limited, choose a support person as carefully as possible.

If you are representing yourself in a divorce, custody, or personal protection order case, let the bailiff or the judge's clerk know when you arrive in the courtroom. If you are the victim or witness in a criminal case, let the prosecutor know when you arrive.

The assailant, his friends, and members of his family might try to approach you, talk to you, get into an argument with you, or harass you. Sometimes you and the supporters of the assailant will be waiting in the same hall. If your assailant is not in custody, he may be sitting near you. His family or friends might follow you, even to the bathroom. Stay with your support people if you can. There is usually a private room in which you can wait. Check with your attorney, prosecutor, or advocate about this.

Your assailant's attorney or the defense attorney may come up to you at the hearing (or call beforehand) to talk about the case. He or she may

try to make you feel guilty or pressure you. You are not required to talk to the assailant's attorney.

Report any unwanted contacts to the prosecutor (if it is a criminal case) or your attorney (if it is a civil case). Do not be afraid to approach the bailiff or any police officer. Tell him or her that you are a victim of domestic violence, your assailant (or his friends or family) is around, and you would appreciate it if the officer would keep an eye on the situation. Let him or her know about any no contact or personal protection orders that might prohibit the assailant or members of his family from approaching you. You can ask that a law enforcement officer be provided to walk you to your car after the court appearance.

Take care of yourself both physically and emotionally before and during court time. Avoid using alcohol or other drugs and try to eat. Talk to people who are emotionally supportive of you. Before you get on the witness stand, take several deep breaths and center yourself.

Take some time before going to court to think about and accurately recall the events that you will be asked about on the stand. Make notes for yourself if you think that will be helpful. Refresh your memory. If you have a copy of the police report, reread it. The most important thing is to tell the truth as best you can remember it.

Dress conservatively and comfortably. Avoid party or sports clothes and extremes of dress or makeup. Dress the way you would to apply for a job or go to a funeral. If you need assistance in obtaining proper clothing, feel free to contact SafeHouse Center. You can discuss your court preparation with a trained SafeHouse Center HelpLine Advocate at any time day or night. Frequently it is helpful to talk things out with a caring person; that is what we are here for.

Avoid talking to or looking at the assailant. You may be directed by the judge to identify the assailant by where he is sitting and what he is wearing. Aside from that, the courtroom is typically set up in such a way that if you look straight ahead or at the judge or jury you will not see him.

When you testify, look at the jury. If there is no jury, look at the judge. If one juror looks skeptical or bored, find one that looks interested and look at him or her.

Sometimes your assailant's attorney will ask you several questions at once. For example, he or she might say "When did the police arrive and

what did they do when they got there?” Answer the first question. Do not try to answer them all. Take a deep breath and think for a second before answering questions. It is okay to say “I don’t know” if you do not know the answer to a particular question. It is fine to say, “I don’t understand the question” or “Could you repeat that question?” If the assailant’s attorney asks you something insulting or nasty, pause before you answer and look at your attorney (or the prosecutor), giving him or her time to object. If there is an objection and the judge agrees, you may not have to answer the question.

Sometimes your assailant’s attorney will try to twist or misinterpret what you say. For example, he or she might ask such questions as “You were furious at him, weren’t you?” or “You wanted him to get in trouble and that is why you called the police, right?” Feel free to say “That is not what I meant” or “That is not what I said.”

The assailant’s attorney may try to make you angry or frustrated. If this happens to you, try not to show your frustration because it will be used against you. If the deliberations seem to go on and on or you do not feel well and you need a break, ask the judge if one is possible.

section F ▶▶ **The Police Response**

When can the police arrest an assailant without a warrant?

1. Felony or misdemeanor committed in the officer’s presence
2. Felony based on probable cause
3. Misdemeanor assault and battery, domestic assault, or aggravated domestic assault when there is probable cause to believe that an assault took place and your partner committed it (even if the officer did not witness the assault) [MCLA 764.15 and MCLA 764.15a]
4. Violation of a personal protection order when there is reasonable cause to believe that a personal protection order has been violated [MCLA 750.15b]
5. Violation of the provisions of a conditional release of bond based on reasonable cause [MCLA 764.15e and MCLA 765.6]
6. Violation of a condition of probation or parole based on reasonable cause [MCLA 764.15g]. When a misdemeanor domestic as-

sault has occurred, a police officer does not have to witness the crime in order to make an arrest. To arrest without witnessing the crime, two things are necessary.

NOTE: the police officer must have probable cause to believe that an assault has taken place. Also, the victim and suspect must have a “protected” relationship, which means that they must be spouses, former spouses, dating, formerly dating, living together, formerly living together, or have a child in common.

The victim does not need a personal protection order for an arrest to take place if he or she has been assaulted. Visible signs of injury are not necessary. The victim does not have to be “willing to prosecute” for an arrest to take place. If they believe a domestic assault has occurred, the police will probably arrest the assailant even if the victim asks them not to do so.

As of April 1, 2001, the police can also make an arrest without a warrant if you are or were dating the assailant [MCLA 764.15(i)(d)]. However, many officers may not yet realize that they can and should do this. If you are dating the assailant, but not living with him, you can still get a domestic violence or antistalking personal protection order. (See “Stalking,” in section D, for more information.)

What if the police don’t respond?

- If the police don’t come, call again and ask to talk to a supervisor. Say, “I am the victim of a domestic assault. I need protection. Please help me.” Be persistent but courteous. Tell the officer about any weapons present or injuries to you or your children. All calls to 911 are recorded.
- Call the SafeHouse Center HelpLine at 734-995-5444.

What if the police don’t arrest the assailant?

- Ask them to help you get to a safe place.
- Call the SafeHouse Center HelpLine at 734-995-5444.
- If the police don’t arrest your assailant right away, that does not mean that he cannot be arrested or prosecuted later. Call SafeHouse Center to discuss the particular circumstances of your case. We can tell you about your options.

How do I get the best response from the police?

- Try to remain as calm as you can but don't worry about it if you can't— it is alright to cry or feel shaky after an assault.
- Do not shout at or make insulting remarks to the police. It won't help.
- Ask to talk to one of the officers privately so your assailant will not interrupt you.
- Be as specific as you can in telling the officer what happened. “He grabbed me by the arm and threw me on the floor” is more specific than “He came at me and messed me up.”
- Show them any injuries you have. Show them any damaged property.
- Tell them about any witnesses.
- Tell them if there have been past assaults.
- Show them any no-contact or personal protection orders you have.
- Tell them if you have been sexually assaulted.
- Let them know about any injuries to the children.
- If your assailant has been using alcohol or other drugs, tell the police.
- If there is an arrest warrant out for your husband or partner, let them know.

section **G**▶▶ If He is Arrested, What Happens Next?

If your assailant is arrested, he will be taken into custody, taken to the police station, and booked. He will be held at the county jail until the next court session, when he will be arraigned. Arraign means that the court is formally charging the person. After arraignment, he may be released on bond. If the arraignment is not held within twenty-four hours, he will be released on “interim bond” after being held for twenty hours. The longest he will be in jail for a misdemeanor assault and battery arrest is twenty hours unless he cannot post the bond set by the court. For your own safety, contact the jail to learn when he will be released. The police should give you a victim's rights sheet. They should take a report. The victim's rights sheet should have the report number

and the names and badge numbers of the police officers. Police procedures may be somewhat different depending on where you live.

The police should page the SafeHouse Center Domestic Violence Response Team (DVRT). Two SafeHouse Center counselors will come to your home (or wherever you are) and offer assistance. We hope you will want to talk to us, but you do not have to. We will give you this handbook.

We will also:

- Listen and talk to you about what has happened
- Give you information about domestic violence and SafeHouse Center services
- Help you make a safety plan
- Help you decide what you want to do next
- Give you information about the criminal justice system
- Tell you how you can get a personal protection order
- Talk to your children and develop a safety plan with them
- Offer you shelter
- Transport you to medical care
- Talk to you about alcohol and other drugs
- Discuss sexual assault
- Make referrals
- Tell you what your rights are and what to expect from the legal system

We are available to help and accompany you throughout the court process. A legal advocate will call you following the DVRT team's visit to see how you are doing and offer you support throughout your court case.

Employees at the jail should try to contact you when your assailant is released, but they do not always do this. They should also contact SafeHouse Center, and we will try to contact you. You may want to call the jail and make sure it has the best phone number at which to reach you when your assailant is released. Your assailant will usually be released between 10 a.m. and 6:00 p.m. You can also call the jail to find out where and at what time your assailant will be arraigned. The jail can give you a better idea about what time you should call back to find out if your assailant is being released, or if there is a money bond that is

keeping him in jail, and if the judge has issued any conditions of bond that will prevent him from contacting you or coming home. The phone number of the jail is 734-971-8400, ext. 1313 or 1319.

Once the police have made an arrest for domestic assault, the decision about whether or not to “press charges” is made by the prosecutor. The police officers will sign a complaint “based on information and belief.” You do not have to sign the complaint. Your assailant may ask or tell you to “drop the charges.” **Victims may not drop charges in this county**; only the prosecutor can do that. The police will send an incident report and the complaint to the prosecutor for authorization. If the complaint is authorized, it will proceed.

section H▶ Misdemeanor Crimes: The Procedure

Arraignment in District Court

After the suspect/defendant/assailant has been arrested or charged, he is arraigned. If the defendant has been arrested for assault and battery, arraignment will almost always take place before the assailant is released. You do not need to be present, although you can be there if you want. You can call the jail to find out when and where your assailant will be arraigned. At arraignment, he is given notice of the charges against him and advised of his constitutional rights. The defendant can request a court-appointed defense attorney. The conditions and amount of bail are determined, and a date is set for the pretrial.

Domestic violence assailants are usually released on “personal recognizance,” which means that they are let out of jail without putting up any money to make sure they show up in court. Depending on the severity of the crime, the judge may order the assailant to post bail to get out of jail. At the arraignment (or later in the process), a no contact order can be issued. The assailant might also be told not to return to your residence.

No Contact Orders

No Contact Orders are *conditions of bond or probation*. They can be issued in *misdemeanor* or *felony* cases.

When they are conditions of bond, they are issued by the judge/magistrate during the prosecution of a criminal case of domestic violence. Usually they are issued at the arraignment, but they can also be issued at pretrial or sentencing.

You may ask the judge for a No Contact Order by calling his or her office or showing up in person. If you prefer, a SafeHouse Center advocate can ask the judge for you. Sometimes the police will include in their report the fact that you requested a No Contact Order, and sometimes the judge will issue it on his or her own.

A **No Contact Order** can prohibit your assailant from contacting you in person, by phone, by mail, or through a third party. He can be prohibited from coming to your home or workplace. During the prosecution of the case but before sentencing, the No Contact Order must be listed as a bond condition on the police computers. If the assailant violates the no contact order, he can be arrested immediately. When the no contact order is issued during the criminal trial, what it prohibits is entered on the police computer or LEIN. A No Contact Order, as part of a bond, lasts only as long as the prosecution of the criminal case. Once the criminal case is dismissed or the case is closed, the No Contact Order expires.

The judge may also order no contact as a condition of probation. If, after your assailant is convicted, he is put on probation, no contact may be ordered. You have the right to inform probation officers, prosecutors, and the judge that you would like a No Contact Order during probation. Ultimately the judge determines if a No Contact Order will be issued. If your assailant violates that order, he could go to jail. If the criminal charges are dismissed, if the defendant is found not guilty, or if the judge does not include the No Contact Order as a condition of probation, you will need to get a Personal Protection Order if you want to keep your assailant from contacting you.

The Pretrial

If no attorney is appointed at the arraignment, the court will appoint an attorney to represent the defendant at the pretrial (unless the defendant has hired his own attorney). The defendant can enter a plea of guilty, not guilty, or *nolo contendere* (no contest) or he can stand mute. If the suspect pleads not guilty, he may choose between a trial by jury or a trial by the judge (known as a bench trial). In a bench trial, there is no jury and the judge makes the decision. At the pretrial, the court usually will set a date for trial and may hear motions to determine what types of evidence will be admitted. The prosecutor and defense attorney may discuss whether your assailant might plead guilty to the crime charged or to some lesser offense. Although you are not required to do so, you may want to be present at the pretrial.

The Trial

At the trial, the prosecutor will try to prove beyond a reasonable doubt that the defendant is guilty of committing the crime. The prosecutor (or city attorney in some jurisdictions) must call witnesses. The defendant is not required to call witnesses, nor is he required to testify. You usually will be required by subpoena to be present, and you may be required to testify. If the defendant is found guilty, the judge will set a date for sentencing.

Sentencing

After the defendant is convicted and before the judge sentences him, the Probation Department will make a presentence investigation report. As part of the presentence investigation, the probation officer may contact you and ask for your opinion. You can talk to a probation officer by telephone or in person or you can submit a letter expressing your feelings about the incident and suggesting an appropriate sentence. At sentencing, the judge will have considered the Probation Department's report, and its recommendation. The judge may order the defendant to do community service, enter counseling, and/or make restitution to you (e.g., pay you money.) If the defendant is put on probation, it means that he will not go to jail as long as he meets the conditions of probation. If he violates the conditions of probation, he could be sent to jail. A no contact order could be part of his conditions of probation. This is similar to the kind of no contact order issued as a condition of bond pending a criminal trial. All no contact orders are entered on the LEIN computer [MCLA 771.3].

Appeal

After he is convicted, the assailant has the right to appeal to the Circuit Court.

section I ▶▶ Felony Crimes: The Procedure

If your partner has been arrested or charged with a felony crime, here is what will happen:

Arraignment in District Court

After the suspect/defendant/assailant has been arrested or charged, he will be arraigned. Most often, arraignment will take place before the assailant is released. You do not need to be present. At the arraignment,

he is given notice of the charges against him and advised of his constitutional rights. The conditions and amount of bail are determined, and a date is set for the preliminary examination. The preliminary examination will occur within fourteen days of arraignment. If your assailant harasses after he is released on bail, the prosecutor can ask the judge to revoke his bail. The judge may also issue a no contact order. (See “No Contact Orders” section H.)

Within seven days of the arraignment, but not less than twenty-four hours before the preliminary examination, the prosecutor must give you: (1) a statement of the procedural steps in the trial, (2) information about the Crime Victim’s Compensation Act, (3) suggested procedures if you are subjected to threats, and (4) a person to contact for further information.

Upon your request, the prosecutor must give you notice of any court proceedings and schedule changes, consult with you regarding the disposition of the crime (this can include dismissal, plea, or sentence negotiations or pretrial diversion programs), and confer with you prior to a plea. If you are afraid that your assailant will use violence against you again, the prosecutor may ask the court to protect you by not disclosing your address, place of employment, or other personal identification.

You should receive a form from the Washtenaw County Prosecutor’s Office, and you must send it back in order to get these rights. If you request these rights, the statute requires that you keep the Prosecutor’s Office informed of your current address and telephone numbers.

Preliminary Examination in District Court

This is a hearing before a judge. The prosecutor presents witnesses to establish to the District Court judge that there is *probable cause to believe that a crime was committed and that the defendant was the one who committed it*. The defendant is represented by an attorney, who can cross-examine the witnesses and present evidence. If probable cause is established, the defendant is sent (“bound over”) to Circuit Court for trial. A defendant can choose not to have a preliminary examination. If the judge finds that there is probable cause, the case will go directly to the Civil/Criminal Division of the Circuit Court. You will be subpoenaed and may have to testify at this hearing.

Arraignment in the Civil/Criminal Division of the Circuit Court

After the case is sent to Circuit Court, the defendant is again arraigned.

(In Washtenaw County, the arraignment in Circuit Court may be done right after the preliminary exam in District Court.)

The court may hear motions to determine whether evidence will be admitted or whether there is some legal reason why the defendant should not be tried. The prosecutor and defense attorney may decide whether the defendant will plead guilty to the crime charged or to some other lesser offense. You do not need to be present. If you request it, you have the right to consult with the prosecuting attorney prior to the trial.

The Trial

The prosecutor will try to prove that the defendant committed the crime and is guilty beyond a reasonable doubt. The prosecutor must call all the witnesses needed to prove guilt. The defendant is not required to call witnesses. Usually you will be required by subpoena to be present, and you may be required to testify. If the defendant is found guilty, the judge will set a date for sentencing.

You have the right to be present throughout the trial unless you are going to be a witness. If you are a witness, you will be kept out of the courtroom until you testify.

Sentencing

After the suspect is convicted and before the judge sentences him, the Probation Department makes a presentence investigation report. As part of the presentence investigation, the probation officer may contact you and ask for your opinion. At sentencing, the judge will have considered the Probation Department's report, and its recommendation.

The judge may order the defendant to do community service or enter counseling and has the option of ordering the defendant to make restitution (e.g., pay you money). If the defendant is put on probation, he will probably not go to jail as long as he meets the conditions of probation. If he violates the conditions of probation, he could be sent to jail.

If you request it, the prosecutor must tell you the following:

- Any crimes the assailant was convicted of in the past;
- About your right to make a written or oral statement for use in the presentence investigation; this can include the nature and extent of any physical, psychological, or emotional harm you've suffered, the extent of any economic loss or property damage you have suffered, your opinion about the need for restitution,

and your recommendation for an appropriate sentence; this statement will be made available to your assailant unless the court orders otherwise;

- The address and telephone number of the Probation Office which is preparing the presentence investigation report;
- The time and place of the sentencing;
- Your right to make a statement at the defendant's sentencing.

Appeal

If he is convicted, the assailant has the right to appeal to the Michigan Court of Appeals. Upon your request, the prosecutor will notify you of the following:

- Notice that the assailant has filed an appeal
- A brief explanation of the appeal process
- Whether the assailant is out on bail
- The time and place of any court proceedings
- The result of the appeal

section J ▶▶ **Civil Remedies**

Divorce

You have to have lived in Michigan for six months before you can file for divorce, and you must have lived in the county in which you are filing for ten days. You do not have to be living apart from your spouse to file. If you are married and have children with your spouse, you must first file for divorce before you can file for custody.

No-Fault Divorce

You do not have to prove adultery or cruelty to get a divorce in Michigan. You only have to show that your marriage has broken down [MCLA 552.6, MSA 25.86]. You can get a divorce if your husband does not want one. The judge can look at fault when deciding how the property will be divided. He or she will also decide whether a spouse is entitled to alimony.

The spouse who files first is called the plaintiff. The other spouse is called the defendant. Divorces are filed in the Family Division of Circuit Court.

After the complaint (the divorce case) is filed and before the divorce is final, court orders for temporary custody, parenting time, child support, and alimony can be requested.

A divorce becomes final when the court enters a judgment of divorce after the two parties settle the case. The judgment contains information about who will get what property and who will have custody and deals with issues of parenting time custody. A divorce maybe granted in 60 days if there are no minor children. When there are minor children, the waiting period is extended to 180 days.

There is something called a “do-it-yourself divorce kit.” It can only be used when the parties are in total agreement about everything. *It should not be used in cases of domestic violence.*

Engaging a good lawyer who knows about domestic assault is essential if you are going to file for divorce. You can call the SafeHouse Center HelpLine at 734-995-5444 for a referral.

Separate Maintenance

Separate maintenance allows the parties to live apart, legally separated and free from the responsibilities of marriage, but still be technically married. A separate maintenance action may provide for the support of a spouse who requires it [MCLA 552.7, MSA 25.87].

Separate maintenance is available only if both parties are willing to accept it. If the defendant in a separate maintenance action files a counterclaim for divorce, the court can grant a divorce but not separate maintenance. There is no such thing as a “legal separation” in Michigan.

Custody

A custody order specifies with whom your child(ren) will live. Custody and *parenting time* are two different things. The judge can give custody to one parent (sole custody) or to both parents (joint custody). Until there is a court order, both parents have equal rights to the custody of their children. Either parent may file a motion to obtain custody.

We do not recommend “joint custody” when there has been domestic violence. Joint custody requires cooperation and agreement between the two parents. It will increase the danger of continuing abuse and harassment by your partner.

Personal protection orders can grant the petitioner “temporary possession” of the children (see section K, “Personal Protection Orders”.)

The Friend of the Court is a part of the Family Division of the Circuit Court. It conducts investigations and makes recommendations to the court regarding child custody, parenting time, support, alimony, and property. It also enforces the court's orders related to child support, alimony, custody, and parenting time.

Married Women and Custody

A married woman can request temporary custody when she files for divorce if the children are hers and are in her possession. The judge can grant such an order “*ex parte*” (without a hearing or notice to the other party).

The parent who files first and is in possession of the children usually gets temporary custody. When the parent who does not get temporary custody is served with the papers, he or she has ten days in which to request a hearing about the custody. If custody is disputed, you should make an appointment to see the Friend of the Court as soon as you get temporary custody. It will make a recommendation about who gets permanent custody.

Unmarried Women and Custody

If there is no acknowledged paternity (your partner is not on the child's birth certificate) or other determination that he is the father of the child (such as through Department of Human Services), the mother has legal custody. However, the father may initiate custody proceedings. You should consult an attorney and consider getting a custody order to prevent the father from doing so first. If the man is legally the father, you cannot get automatic permanent custody. In that case, you should ask your attorney to file for an *ex parte custody order*.

Parenting Time

The Friend of the Court makes recommendations about what it believes is “reasonable parenting time.” The law assumes that it is in the best interest of the child to have strong relationships with both parents unless it is shown by means of “clear and convincing evidence” that parenting time would endanger the child's physical, mental, or emotional health.

The court has the power to restrict parenting time by requiring that the visits occur in the presence of a third party or agency, requiring that a party post a bond to assure compliance with the parenting time order;

and/or setting any other reasonable conditions determined to be appropriate in the particular case.

Supervised parenting time might be ordered if it is shown (through police reports, hospital records, or SafeHouse Center testimony, for example) that your life is in danger or the children are in danger. The Friend of the Court is more likely to recommend, and the court is more likely to order, supervised parenting time if there is evidence that the assailant has abused or neglected the children.

Crime Victims' Compensation

Victims of crime who suffer personal physical injury may be eligible for compensation through the Crime Victim's Services Commission (see the address on page 90). Assistance may include compensation for certain kinds of out-of-pocket losses, loss of earnings, and/or loss of support. You can get a claim form from the Prosecuting Attorney's Office or SafeHouse Center.

You must file within a year of the crime. The crime must be reported to the police within forty-eight hours of its occurrence unless the commission finds there was good cause for the delay. To recover an out-of-pocket loss, you must show a loss of at least \$200 in medical expenses.

A person requesting compensation cannot be criminally responsible for the crime and cannot be an accomplice. You must be willing to cooperate with law enforcement agencies in the investigation of the crime and with the courts in the prosecution. You cannot recover losses for personal property or pain and suffering.

If you have lived with your assailant, you cannot receive loss of earnings or loss of support, and any out of pocket loss must be paid by the commission directly to each medical care provider.

Court-Ordered Restitution

The court may order that financial restitution be paid to you to compensate for pain and suffering, loss of work time, medical costs, property damage, and so on. Unfortunately, you may encounter some difficulty in getting the assailant to pay you after the court has ordered it.

Civil Suits for Damages Caused by a Stalker [MCLA 600.2954(1)]

If you are a victim of stalking, there is a special law that allows you to sue the stalker for the damages caused by the stalking. It allows

you to recover actual costs (including property damage, lost wages, and medical/therapy costs), general and special damages (physical and/or emotional pain and suffering), exemplary damages, court costs, and reasonable attorney fees. A lawsuit may be brought regardless of whether or not the stalker has been charged or convicted in a criminal case.

Victims of assaults covered by domestic violence personal protection orders may have a civil claim for damages under common law theories of assault and battery, tortious infliction of emotional distress, or other theories. Recoverable damages, however, will not include attorney fees, since those are only allowed if they are provided for by statute.

section K ▶▶ **Personal Protection Orders**

[MCLA 600.2950, 600.295A, 764.15B]

Personal Protection Orders (PPOs) are civil orders. They were formerly known as restraining orders, injunctions, or domestic assault restraining orders. In Washtenaw County, they are handled by the Family Division of the Circuit Court. Usually one judge handles PPOs.

Personal protection orders may be granted by the court whenever there is an immediate danger that you are likely to be physically hurt by your intimate partner.

They were created to protect you from things that your assailant does that may not be crimes but may be part of the battering (such as calling you every hour or showing up where you work). **Depending on the facts in your situation, a PPO can also give you temporary possession of any minor children you have with your intimate partner.** Under certain circumstances, it can order the partner to move out of your home. If your assailant violates the PPO, he can be arrested and sent to jail.

The first step in obtaining a PPO is to fill out a request. This request is called a petition. There are preprinted forms to fill out that will explain to the judge why you need a PPO. The best way to proceed is to write down the history of what your partner has done to you. The petition must be filed in the Family Division of the Circuit Court at 101 E. Huron in Ann Arbor. A staff person at the court will take the petition to the judge. The judge has twenty-four hours to decide whether to deny or grant the PPO. Personal protection orders can be granted in their

entirety, granted partially, or denied completely. If denied, you can request a hearing to present evidence to the judge showing why you believe a PPO should be granted. Your assailant must be notified of the hearing so he can appear and present evidence also. SafeHouse Center legal advocates can talk with you about your options.

How to File for a PPO

The Family Law Project can provide you with a law student attorney (supervised by an attorney) to help you get a personal protection order. You will need to get a referral from SafeHouse Center, which you can do by calling 734-995-5444 (voice) or 734-973-2227 (TTY). It takes about two weeks to get a PPO through the Family Law Project, but you will have an attorney who can speak for you in court. If you need a PPO more quickly, there is a legal advocate at SafeHouse Center who can help you fill out and file the petition. Note that a legal advocate can assist you in this regard but is not an attorney, cannot give you legal advice, and cannot represent you in court.

If you do not want to or cannot wait for SafeHouse Center or the Family Law Project to assist you, you can fill out these forms yourself with the assistance of a staff person at the court. You can get a set of the PPO forms at SafeHouse Center or directly from the court clerk's office at the Washtenaw County Courthouse at Main and Huron in Ann Arbor. The SafeHouse Center forms contain language asking for temporary possession of children you and your partner have in common (unless there is a previous custody order to the contrary).

We think the easiest way to proceed is for you to get help from the Family Law Project or SafeHouse Center in filling out a PPO petition. The SafeHouse Center personal protection order advocate will talk with you about this in detail. If you decide to seek a PPO, it usually takes one to two hours to do the paperwork and another one to two hours to go to court.

When you call SafeHouse Center for a PPO, you will be asked a number of questions about your situation. This is to help you figure out your options and stay safe.

More Information about PPOs

There are two types of personal protection orders:

- 1. Domestic violence personal protection orders** (also known as domestic relationship personal protection orders) [MCLA 600.2950], which require a domestic relationship;

2. Antistalking personal protection orders (also known as non-domestic relationship stalking personal protection orders) [MCLA 600.2950a], which do not require a domestic relationship but do require a *pattern of nonconsensual contact*.

To get a domestic violence PPO, you must show the court that there is a domestic relationship **and** reasonable cause to believe your partner has done and/or will do one or more of the acts that you list in the PPO.

To get an antistalking PPO, you must show the court an individual has committed two or more of the acts you list, and is likely to continue.

The request to the court must state specific incidents of assault and/or threats and may describe injuries and list witnesses. **Criminal convictions or police reports are not required to get personal protection orders.** However, if you do have a police report (or the number of the police report) or a hospital report, it is helpful to include it the report with your request.

Important Things to Remember

You do not need an attorney to go to court and get a PPO. However, the forms can be difficult to understand. Most people need some help to fill them out. See “How to file for a PPO” in this section.

After being served a PPO, the assailant has the right to object to the personal protection order and request a hearing. If your assailant asks for a hearing on the PPO and you do not already have an attorney, we recommend that you get one.

There is no filing fee for obtaining a personal protection order.

The judge decides whether to issue a personal protection order. If the judge does not, he or she must immediately state in writing and on the record the reasons why. You may keep your home address confidential, but you must give the court some kind of address where you can receive mail so that you can be notified of any court hearings.

The PPO goes into effect immediately after the judge signs it. However, if your assailant violates the order, the police might not arrest him unless there is *proof* that the order was served on the assailant.

If The PPO Has Not Been Served

If the PPO has been signed by the judge but not served and the police are called because your assailant has violated the order, the police must

give spoken notice to your assailant and/or personally serve him with the PPO (if he has not left the scene). If he continues to violate the order after being notified by the police, they can arrest him.

PPO Service

A PPO can be served by a process server or any adult who is not a party or witness to the dispute. You cannot personally serve your own PPO. It may be delivered by registered mail, but the signed receipt is needed to demonstrate valid service of the order (this proves that the assailant received a copy of the order). The service must be appropriately filed at the county court clerk's office. If you need help with PPO service, please call SafeHouse Center at 995-5444.

Your Actions And a PPO

You do not “invalidate” or “nullify” a personal protection order by your own behavior (for example, by inviting the assailant into your home). The personal protection order is a court order restraining *the assailant*, not you, from certain behaviors. However, it is possible that a police officer could be confused about this and might not arrest the assailant if they believe you invited him into your house.

Modifying or Cancelling the PPO

If you decide you want to modify the personal protection order or cancel it, you must petition the court. The judge will ask you if you are being pressured or intimidated into modifying or canceling the order. It is important to tell the truth if you don't feel that doing so poses too great a danger to you and those you care about.

Police Enforcement of the Order and Potential Penalties

If the PPO has been served, the police may arrest the assailant without a warrant when there is probable cause to believe he has violated the order and they can easily find him.

If they make an arrest, a hearing is held. If they do not arrest, you must request a hearing and seek to hold the assailant in contempt of court by contacting the court and filing a petition for a “show cause” hearing. SafeHouse Center can assist you with this.

If the assailant is found by the judge to have violated the order of the court, he can be sentenced to up to ninety-three days in jail, receive a \$500 fine, or both.

Relationship Necessary for a Domestic Violence PPO

To obtain a domestic violence personal protection order, you must be in one of the following relationships: -

- Married or formerly married
- Living together or formerly living together
- Having a child in common
- Dating relationship or former dating relationship

How Is Dating Defined and What about Lesbians and Gay Men?

A “dating relationship” is defined legally as frequent, intimate associations primarily characterized by the expectation of affectionate involvement. The term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

High school students, lesbians, and gay male couples who have not lived together can get a domestic violence personal protection order because of the dating violence provision in the law.

What Can Be Included in Domestic Violence PPOs?

Domestic violence personal protection orders can order your assailant *not to do* the following.

- Enter your premises
- Assault, attack, beat, molest, or wound you (note: attacks, beatings, and wounds are crimes for which you do not need a PPO for the police to arrest the assailant)
- Threaten to kill or physically hurt you
- Remove your minor children if you have legal custody unless a custody or parenting time order has been issued by a court of competent jurisdiction
- Purchase or possess firearms
- Interfere with your efforts to remove your children or personal property from premises that he solely owns or leases
- Interfere with you at work or do things that hurt your employment relationship or environment
- Engage in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence, including stalking.

Regarding Children’s School and Medical Records

The law allows a noncustodial parent to have access to a child’s records, including school and medical records. If you are the custodial parent and you are in hiding, you can get a personal protection order to prohibit the record keeper from releasing your address, phone number, and employment information. If you do, a copy of the PPO will have to be served on each record keeper.

What Can Antistalking Provisions Include?

Antistalking personal protection orders can be obtained when the stalker does not have a domestic relationship (as defined above) with the victim. When you are being battered and you have a domestic relationship with your assailant, you may want antistalking provisions added to your domestic violence personal protection order [MCLA 600.2950a].

These provisions can order the assailant to stop the following behaviors:

- Following you or appearing within your sight
- Approaching or confronting you in a public place or on private property
- Appearing at your home, workplace, school, or shelter (if you are staying in one)
- Entering onto or remaining on property you own, lease, or occupy
- Contacting you by telephone, mail, or electronic mail
- Placing an object on or delivering an object to property you own, lease, or occupy

Increasing the Effectiveness of a Personal Protection Order

To maximize the effectiveness of a personal protection order, it is important that you do the following:

- Carry a copy of the order with you (along with a proof of service) whenever possible. This is not required for enforcement, but it is a good idea because it helps get the order enforced.
- If the assailant violates the order but has not been served and you call the police, the police can serve him if you have a copy.

- Verify (or have your attorney verify) that the order and proof of service is on the LEIN computer.
- Let your employer, school personnel, and friends know about the PPO and ask them to call the police if your assailant shows up.

What to Do if He Violates the PPO

Call the police. The police should arrest him if there is probable cause to believe the personal protection order has been violated and the order has been served. The police may not be able to arrest him if he has left the scene and cannot be found within a reasonable period of time.

Unfortunately, the enforcement of protection orders varies from place to place. Police in Washtenaw County are more likely to enforce protection orders than most other counties in Michigan. Enforcement can be unreliable even within police agencies.

Police officers are less likely to enforce the order if they think you have initiated contact with your assailant. However, it is still a violation of the order. Some police do not know that in Michigan they are allowed to arrest *on the scene* for violation of a personal protection order [MCL 764.15b; MSA 28.874(2)].

What to Do if You Have a PPO, He Violates It, and the Police Don't Arrest Him

Call the police station and ask to speak to the supervisor or command officer. Explain the situation politely but firmly. If you do not get a helpful response, ask to talk to the next person up.

Call SafeHouse Center at 734-995-5444 (voice) or 734-973-2227 (TTY) and tell us what has happened. We may be able to help you explain the situation to the police. Also, as soon as you can, contact your attorney.

Moving from Place to Place with a PPO: Full Faith and Credit

This section is designed to give you concrete information about the laws governing protection orders issued in one place that need to be enforced in other places.

It is usually easier to get a protection order enforced in the place where it was issued than in other places. If you are moving, visiting, working in a different community, or going on vacation, you will need to think about personal protection order issues.

Always carry a true copy of your PPO and proof of service with you. In Washtenaw County, a true copy has a stamp saying “true copy” and a signature.

Personal protection orders can usually be enforced across state, tribal, and territorial lines. The federal law known as the Violence against Women Act has a provision called “Full Faith and Credit.” It states that a valid personal protection order can be enforced in all fifty states, on Indian tribal lands, and in the District of Columbia, the U.S. Virgin Islands, Puerto Rico, American Samoa, the Northern Mariana Islands, and Guam. (Note: A valid order of protection issued by a tribe must be recognized by state courts. However, tribes are sovereign nations, and they may or may not recognize protection orders issued by other tribes or states.)

Each jurisdiction has different laws, practices, levels of awareness of full faith and credit, methods of enforcement, and requirements for you to follow. If you are moving to another place, live in one place and work in another, are visiting a different place, or are going on vacation, you will probably want to consult with advocates in both places about your personal protection order.

Law enforcement officers are required to enforce protection orders from other places the same way that they enforce orders from their own communities. Law enforcement officials will try to verify that your protection order is valid within Michigan by consulting the LEIN computer. Also they may check a national registry. You may want to register your protection order with the national registry, although it is not used by everyone in the same way and is not foolproof.

You and your advocate can get help with full faith and credit issues by calling the Full Faith and Credit Project at 1-800-256-5883, ext. 2, and/or the Battered Women’s Justice Project at 1-800-903-0111, ext. 2.

Note that the federal full faith and credit provision of the Violence against Women Act does not automatically protect your children, even if they are listed in the protection order.

There are a number of federal laws that relate to domestic violence:

Interstate Travel to Commit Domestic Violence [18 U.S.C. 2261]

It is a federal crime for a person to cross state lines or leave or enter Indian country with the intent to injure, harass, or intimidate an intimate partner when in the course of or as a result of the travel the abuser commits a violent crime that causes bodily injury.

It is a federal crime to cause an intimate partner to cross state lines or leave or enter Indian country by force, coercion, duress, or fraud if the abuser intentionally inflicts bodily injury on the partner during or as a result of the conduct.

Interstate Stalking [18 U.S.C. 2261A]

It is a federal crime to cross a state line with the intent to injure or harass any person if during the course of or as a result of the travel the defendant places the person or a member of the person's family in reasonable fear of death or serious bodily injury. Note that this law does not apply to Indian tribes.

Firearms

Federal law prohibits an abuser, subject to a qualifying order of protection, from possessing firearms and ammunition.

The legal statute **18 U.S.C. 922(g)(8)** states that abusers are not permanently banned from possessing guns but only during the time the order of protection is in existence. Additionally there are "official" use exemptions that allow law enforcement and military personnel to possess their service weapon during their working hours.

18 U.S.C. 922(g)(9) prohibits gun possession by anyone who has been convicted of a qualifying misdemeanor crime of domestic violence. The gun ban is permanent, which means that if a person has been convicted he or she can never legally possess a gun again. There is no "official use" exemption, and the statute is retroactive.

Due to space limitations, all the laws related to domestic violence cannot be included in this handbook. An excellent summary of select Michigan sexual assault and domestic violence statutes can be obtained from:

The Michigan Resource Center on Domestic and Sexual Violence, a project of the Michigan Coalition against Domestic and Sexual Violence; phone: 517-347-7000 fax: 517-347-1377, e-mail: resource@mcadsv.org or you can visit their website at www.mcadsv.org/resource.

In addition, the Michigan bench book on domestic violence, which provides guidance to judges, is online. The URL is <http://www.supremecourt.state.mi.us/courts/mji/dvbench.htm>.

All the Michigan laws described here (preceded by “MCLA”) can be found on the Michigan legislature’s website at: <http://www.michiganlegislature.org>.

WASHTENAW COUNTY CRIMINAL JUSTICE SYSTEM

CIVIL/CRIMINAL DIVISION

Circuit Court, 22nd Judicial

Courthouse, 101 East Huron Street
P.O. Box 8645, Ann Arbor, MI 48107-8645

Circuit Court Services and Felony Information.....	(734) 222-3001
Circuit Court Probation.....	222-3390
Fax.....	222-3089
Hon. Nancy C. Francis.....	222-3351
Hon. Melinda Morris.....	222-3386
Hon. Archie C. Brown.....	222-3376
Hon. Timothy P. Connors, Chief Judge	222-3361
Hon. David S. Swartz.....	222-3392

Jurisdiction: All of Washtenaw County

15th District Court

101 East Huron, PO Box 8650
Ann Arbor, MI 48107-8650

Criminal Misdemeanor Division Information.....	222-3380
Civil Division Information.....	222-3389
District Court Probation.....	994-2751
Fax.....	222-3335
Hon. Ann Mattson	222-3316
Hon. Elizabeth Pollard Hines.....	222-3344
Hon. Julie Creal-Goodridge	222-3296

Jurisdiction: City of Ann Arbor, including the University of Michigan

14B District Court

7200 S. Huron River Drive
Ypsilanti, MI 48197

Criminal Division Information.....	483-1333
Civil Division Information.....	483-5300
District Court Probation.....	483-7336
Fax.....	483-3630

Hon. John B. Collins.....	483-1333
Magistrate Charles Pope.....	483-1333

Jurisdiction: Township of Ypsilanti

14A-1 District Court

4133 Washtenaw P.O. Box 8645
Ann Arbor, MI 48107

General Court Information	971-6050
District Court Probation.....	973-4883
Fax.....	973-4693
Chief Judge J. Cedric Simpson.....	973-4545
Magistrate Horne	973-4545

Jurisdiction: Domestic violence cases in this district are handled by the other courts listed below.

14A-2 District Court

415 W. Michigan Ave
Ypsilanti, MI 48197

General Court Information	484-6690
Fax.....	484-6697
District Court Probation.....	484-6695
Hon. Kirk W. Tabbey	484-6690
Magistrate A. Thomas Truesdell	484-6690

Jurisdiction: City of Ypsilanti, including Eastern Michigan University, and the Townships of Ann Arbor, Augusta, Pittsfield, Salem, Superior, and the Village of Barton Hills.

14A-3 District Court

122 S. Main St.
Chelsea, MI 48118

General Court Information	475-8606
Fax.....	475-0460
District Court Probation.....	475-0709
Hon. Richard E. Conlin	475-8606

Jurisdiction: Townships of Bridgewater, Dexter, Freedom, Lima, Lodi, Lyndon, Manchester, Northfield, Scio, Sharon, Sylvan, and Webster, Village of Chelsea, Village of Dexter, Village of Manchester, Saline Township, York Township, Saline and Milan.

FAMILY DIVISION

Hon. Darlene A. O’Brien

Estate and Mental Health
101 East Huron, P.O. Box 8645
Ann Arbor, MI 48107-8645..... 222-3072

Hon. Donald E. Shelton

Juvenile Court
101 E. Huron
Ann Arbor, MI 48104 222-3399

Friend of the Court

101 E. Huron
Ann Arbor MI 48104
General Information..... 222-3050

PROSECUTORS

Washtenaw County Prosecutor

Brian Mackie
P.O. Box 8645
Ann Arbor, MI 48107-8645
Office Hours: M-F 8:30 a.m.- 5p.m.

Main Office

County Prosecutors Office
200 N. Main
Ann Arbor, MI 48107222-6620
Phone 222-6620
Fax.....222-6610

Ypsilanti Township Attorney

McLain and Winters
61 North Huron
Ypsilanti, MI 48197
Phone 481-1120

PUBLIC DEFENDERS

Main Branch

110 N. Forest Ave.

Ann Arbor, MI 48107-8645

Lloyd Powell.....222-6970

Suboffice

Juvenile Defenders Division

2260 Platt Road

Ann Arbor, MI 48104-5197

General.....973-1159

Fax.....973-1162

POLICE

In case of an emergency, dial 911.

Washtenaw County Sheriff's Department.....	971-8400
2201 Hogback Road, Ann Arbor (corner of Washtenaw and Hogback)	
Fax.....	973-4345
Ypsilanti Township.....	544-3730
Station #2, 7200 Huron River Dr., Ypsilanti	48197
Ypsilanti Township.....	481-2720 ext. 25
Station #8, 1405 Holmes Rd., Ypsilanti	48197
Dexter Village	426-0228
Station #3, 8140 Main St., Dexter	48130
Manchester Village.....	971-9036
Station #4, 912 City St., Manchester	48158
Milan/York Township	484-6788
Station #5, 11560 Stony Creek, Milan	48160
Superior Township	481-2521
Station #6, 3040 N. Prospect, Ypsilanti	48198
Scio Township.....	994-8104
Station #7, 1055 N. Zeeb Rd., Ann Arbor	48103
Ann Arbor Township	997-1598
Station #9, 3792 Pontiac Trail, Ann Arbor	48105
Ypsilanti City	483-9510
505 West Michigan, Ypsilanti	48197
City of Ann Arbor.....	994-2875
City Hall, 100 North Fifth, Ann Arbor	48107 (corner of Fifth and Huron)
University of Michigan DPS	763-1131
1239 Kipke Dr., Ann Arbor	48109
Eastern Michigan Police Department	487-1222
123 Structure Dr., Ypsilanti, MI	48197
Chelsea.....	475-9122
104 E. Middle, Chelsea	48118
Milan.....	439-1551
35 Neckel, Milan	48160
Northfield Township.....	449-8900
Midnight to 8 a.m.	971-3954
75 Baker, Whitmore Lake	48189

Pittsfield Township.....	944-4911
6201 W. Michigan Avenue, Ann Arbor 48108	
Saline	429-7911
100 N. Harris, Saline 48176	
Michigan State Police	482-1211
150 Whittaker, Ypsilanti 48197 (9 a.m to 4 p.m., Mon-Fri)	
Washtenaw County Jail.....	973-4770
2201 Hogback Rd, Ann Arbor 48104	
To file a crime victim’s compensation claim (physical injuries only):	
Crime Victim’s Services Commission.....	517-373-7373
Lewis Cass Building, 320 S. Walnut St., Lansing MI 48913	

SAFEHOUSE CENTER SUPPORT GROUPS

Call the SafeHouse Center 24-hour HelpLine, 734-994-5444, for more information about these groups:

- WEEKLY DROP IN SUPPORT GROUPS
- SEXUAL ASSAULT group
- ANN ARBOR DOMESTIC VIOLENCE group
- LATRE DOMESTIC VIOLENCE group
(Healing group for domestic violence survivors who are leaving or have left the relationship)
- SPANISH-SPEAKING group

OTHER GROUPS

- RELAX STATION group
(Educational group that looks at domestic violence/sexual assault through the lens of healthy relationships)
- JAIL group
- COURAGE (Sexual Assault)--meets once a year
(Healing group for sexual assault survivors using art and physical activity)
- STONE SCHOOL
(Psycho-educational group for teen girls)
- DAWN FARMS– meets three times a year
(Three-week domestic violence educational group for women who are in the Dawn Farms treatment program)

- HOME OF NEW VISIONS GROUP (HNV) meets once a year
(Ten-week domestic violence educational support group for women
who are in the HNV treatment program)

If you have any further questions about the various support groups or would like to know the days and times when the groups meet, please call SafeHouse Center's HelpLine at 734-995-5444.

Counseling and Education for Assailants

Alternatives to Domestic Agression (ADA)
Catholic Social Services of Washtenaw County971-9781
4925 Packard Road, Ann Arbor, MI 48108
To request an application, call 971-9781, ext. 430

Sexual Assault Counseling for Survivors

Safe House Center 995-5444

University of Michigan Sexual Assault Prevention and Awareness Center
(for faculty, students and staff only)
24-Hour Crisis Line 936-3333
Office Line (Mon-Fri, 8 a.m. to 5 p.m.)..... 998-9368

Legal Assistance

Family Law Project: to access the Family Law Project call
SafeHouse Center HelpLine 995-5444

Psychiatric Emergencies

University of Michigan Hospital
Emergency Services.....936-5900

Children's Protective Services

24-Hour Hotline 481-9110

Many other helpful resources are available by calling:

SafeHouse Center HelpLine 994-5444
National Domestic Violence Hotline (24-Hour).....800-799-7233
Washtenaw United Way Agency Referral477-6211
Rape Abuse and Incest National Network (RAINN) 800-656-HOPE

NOTES



SafeHouse Center can help.

24 hour HelpLine

734-995-5444

Business Line

734-973-0242

