

HANDBOOK

for survivors of domestic violence

4100 Clark Rd. Ann Arbor 48105

24 hour HelpLine: 734-995-5444

Business Line: 734-973-0242



Building communities
free of domestic violence
and sexual assault

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HANDBOOK

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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 informs survivors 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.

At SafeHouse Center, we believe that domestic violence and sexual assault is rooted in the oppression and degradation of women and recognize that the majority of violence that happens in our community and world is targeted at women. At the same time, we also recognize that domestic violence and sexual assault happens to people of all gender identities and embrace survivors of all identities into our services.

Note on Language & Terminology

SafeHouse Center acknowledges that some of the terms that we use in this handbook are different from those a survivor may see elsewhere.

However, the terms that we do not use (i.e. batterer, victim, etc.) may still be seen when discussing legal matters or looking at legal documents, in the media, or throughout other documents from other agencies.

Acknowledgements

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CHAPTER 1: SAFEHOUSE CENTER OVERVIEW

SECTION 1.1» CONFIDENTIALITY

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

SECTION 1.2» PHILOSOPHY OF SERVICES

All SafeHouse Center services are survivor-centered, non-directive, non-judgmental, flexible and empowerment based.

SECTION 1.3» ACCESSING SERVICES

To access any and all services at SafeHouse Center, call our **24-hr HelpLine at (734) 995-5444**. The HelpLine will connect you with trained staff and volunteers who can provide information on and referrals to all our services which include: shelter, individual crisis support, support groups and legal advocacy. The HelpLine is also available to process the abuse you may have experienced, create a safety-plan, and explore options and resources available to you. Whoever calls does not need to disclose their name or any other information unless they feel comfortable doing so, and there is not a limit to how many times one person can call us.

SECTION 1.4» SERVICES OVERVIEW

SafeHouse Center provides free and confidential services to anyone who lives, works, goes to school or is assaulted in Washtenaw County. Our services are available to survivors of any gender identity, race and ethnicity, or sexuality. Please note that all of our services are provided from an empowerment perspective and therefore, engaging in any or all of the services provided by SafeHouse Center will always be at the discretion of the survivor. Language interpretation is available for all of our services. Ask a staff person for an interpreter, if needed.

The following is a list of our programs:

Emergency Shelter & Children's Program

Our shelter is a well-equipped building where survivors and their children can stay to find physical safety away from assailants. At SafeHouse Center, survivors have a chance to meet with assigned advocate(s) who will assist with goals, provide advocacy and support, and share information and resources. While staying in our shelter, survivors also have access to our nonresidential services; including support groups, individual crisis support, and legal advocacy.

Crisis Support Programs

Individual Crisis Support:

SafeHouse Center provides free and confidential individual crisis support services to all survivors of domestic violence and sexual assault. Our crisis support services are offered for up to 6 months. A survivor can engage in crisis support services to discuss safety planning, process trauma, identify coping skills/self-care, etc. Survivors who engage in our individual crisis support services will be empowered to work towards goals they've developed for themselves with the help of a trained advocate. Sessions can include talking through experiences, worksheets, and/or activities. Resources and referrals can also be provided for assistance with immediate needs including financial, housing, and/or employment.

We recognize that friends and family members have their own reactions to the domestic violence or sexual assault that their loved ones have experienced. SafeHouse advocates are available to meet with the friends and family members of survivors for 1-2 sessions. These

sessions are separate from the survivors' sessions, will not be held by the same advocate and confidentiality will be upheld. This session is designed to provide support in an effort to empower the friends and family members to be an ally for the survivors in their lives.

Support Groups:

Survivors of domestic violence and sexual assault often find it to be helpful to talk with others who have similar experiences. SafeHouse Center offer free and confidential support groups for a range of needs throughout the week and the groups are held either virtually or at SafeHouse Center.

For more information about all our current active support groups, please call the 24-hr HelpLine at (734) 995-5444 or check out our website at www.safehousecenter.org/supportgroups.

To join a support group, please reach out to schedule an intake by emailing supportgroups@safehousecenter.org or call the 24-hour HelpLine.

Services for minors:

Our individual crisis support sessions and support groups are available to minor survivors of Domestic Violence and Sexual Assault aged 14 and up with permission of a parent or legal guardian. To access services, please call the HelpLine to complete a referral.

Legal Advocacy

SafeHouse Center Legal Advocates provide informational and emotional support to survivors of domestic violence and sexual assault as they engage with the criminal or civil legal system. These services include matters involving criminal charges against the batterer, matters involving criminal charges against the survivor, obtaining and enforcing personal protection orders, pursuing divorce and child custody issues, and other matters. Legal Advocates may also be available for court accompaniment to all court hearings within Washtenaw County.

Please note that our Legal Advocates do not act as attorneys for survivors and are not able to provide legal advice or representation. Legal Advocates, however, are available to survivors to discuss their legal rights, the legal process, possible outcomes and to provide information that will help survivors make informed decisions about whether and how to engage in the judicial process.

24 Hour Response Team

All Washtenaw County law enforcement agencies contact our Response Team after receiving a report of intimate partner domestic violence and/or sexual assault. Hospitals in Washtenaw County also contact our Response Team when a patient discloses that they have experienced intimate partner domestic violence and/or sexual assault.

A Response Team advocate will then make an effort to make contact with the survivor either by phone or in person at the Washtenaw County jail or hospitals. Response Team advocates are available to provide support, validation, information, advocacy, and safety-planning. Our main goals are to ensure that survivors are aware of the services Safe-House Center has to offer, and ensure that survivors have the ability to make informed decisions.

CHAPTER 2: WHAT IS DOMESTIC VIOLENCE?

section 2.1 ▶ **DOMESTIC VIOLENCE DEFINED**

Domestic violence is 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 to get their way. There are many different methods of control (ways in which one person can make the other person do what they want). The Power and Control Wheel shows some of the different ways in which one person can control another.

A note on the Power & Control Wheel: at SafeHouse we believe that Domestic Violence and Sexual Assault is rooted in the oppression and degradation of women. However, we also recognize that DV and SA crosses many socially constructed identities.

As part of our service provision, we use tools from the Domestic Abuse Intervention Program and their Power & Control Wheel continues to be gender specific based on wanting to:

1. represent women's lived experiences
2. provide an explanation of tactics used by men to batter women
3. showcase the power imbalance between men and women in relationships and in society

This is one wheel out of many available and we encourage survivors to explore and find the wheel that speaks to them the most.

section 2.2 ▶ **POWER AND CONTROL**

The Power and Control Wheel provides a conceptual way of looking at the primary tactics and behaviors that individual abusers use to get and maintain control in their relationships. Abuse 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 their partner. Abusing is never just one assault; it is a pattern of behavior.

The wheel shows the relationship between physical abuse and other forms of abuse. Each spoke of the wheel 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 domestic violence survivors 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.

Physical and Sexual Abuse

The outer ring of the Power and Control wheel represents physical and sexual violence. Physical and sexual violence are represented on the outer ring of the wheel because this tactic of power and control holds the other tactics together and tends to be the one that instills the greatest amount of fear in an abuser's partner. Examples can include punching, scratching, kicking, strangling, or grabbing.

Coercion & Threats

Abusers commonly use threats to keep their partners from leaving or to scare them into dropping charges. An abuser may threaten to hurt or kill their partner, their partner's children, other family members, or even pets. An abuser may also threaten to harm themselves or others, file false charges against their partner, share sensitive photos or other material online, threaten to "out" their partner, or report them to child services.

Intimidation

Abusers may use a variety of intimidation tactics designed to scare their partner into submission. Such tactics include making threatening looks or gestures, smashing things in front of their partner, destroying property, hurting pets, or putting weapons on display. The clear message of intimidation is that if the abuser's partner does not obey, there will be violent consequences.

Emotional Abuse

A common misconception about domestic violence is that a relationship is only abusive if there is physical violence involved. However, emotional or psychological abuse can cause survivors to experience fear and a loss of freedom on a daily basis. An abuser may do everything they can to make their partner feel bad about themselves or defective in some way. Insults, name-calling, shaming, and public put-downs are all tactics of abuse designed to erode their partner's self-esteem and make them feel powerless. Abusers know that if their partner believes they are worthless and that no one else will want them, they will be less likely to leave. Abusers may also manipulate their partners by showing them a great deal of affection, then becoming furious when their partners pay attention to things or people other than their abuser.

Isolation

In order to increase a survivor's sense of dependence on them, an abusive partner may cut them off from the outside world. An abuser may keep their partner from seeing family or friends, or even prevent them from going to work or school. Survivors may have to ask permission to do anything, go anywhere, or see anyone. An abuser may also check their phone, call them frequently, or even check the miles on their car to maintain control of who they speak to and where they go.

Denying, Minimizing & Blaming

Abusive partners may take opportunities to shift blame. They may blame their abusive and violent behavior on a bad childhood, a bad day, or even on their partners. Abusers may try to convince their partners that the abuse isn't as bad as it is or they may deny that it occurred altogether. An abusive partner will commonly shift responsibility onto their partner and claim that their violent and abusive behavior is their partner's fault.

'Gaslighting' is a term used to describe a type of emotional abuse wherein an abuser uses manipulative tactics to convince a survivor that the abuse is not actually happening and that they are "crazy" for thinking so. Gaslighting can be very difficult to identify, as it begins as a subtle process which slowly alters the survivor's perception of reality, causing them to doubt their own memory, feelings, and sanity.

Using Children

Abusers often use children in a variety of ways to manipulate, control and harm their partners. An abuser who shares children with their partner may use prolonged custody battles to keep track of their partner or use visitation as an opportunity to continue their abuse against the other parent. Abusive partners may also make the other parent feel guilty about the children, use the children to relay messages, or even threaten to harm or abduct the children in order to get their way.

Children may try to protect an abused parent, but some children take sides with the abusive adult and become disrespectful, aggressive, or threatening to their nonviolent parent. Some abusers will make a deliberate effort to drive a wedge between the children and the healthy parent and influence the children to perpetrate abuse with--or on behalf of--the assailant.

Economic Abuse

Economic abuse involves an abuser controlling their partner's ability to acquire, use, and maintain financial resources. Those who are controlled financially may be prevented from working or have their own money restricted or stolen by their abuser. Abusive partners may also prevent their partners from getting or keeping a job, may make them ask for money, or keep them from knowing about or having access to the family income. Financial instability is among the most common reasons a person will return to an abusive relationship.

Privilege

Pre-existing power imbalances within a relationship can be exploited by abusers to further exert power and control over a partner. “Privilege,” in this context, refers to social advantages that people benefit from based solely on their status or identity. Society accommodates those with these types of privileged identities more so than those without them; individuals with these privileges are seen as “the norm” while others are seen as deviating from “the norm”.

Gender & Sexuality

Gender and sexuality privilege can play a role in the tactics used within a domestic violence relationship as well as the response by individuals or agencies survivors reach out to about the abuse.

A common tactic of power and control used within domestic violence relationships is male privilege. Male privilege describes a person’s access to particular social advantages which are available to them solely on the basis of how closely they match their society’s ideal masculine norm. Male privilege can be exploited as a tactic of power and control within any relationship, regardless of the genders, sexes, or sexualities of each person. Abusers who use male privilege as a means of power and control over their partners will use social values and beliefs about masculinity and femininity to their advantage. For example, they may treat their partner like a servant, make all of the big decisions, or be the one to define each person’s roles or duties within the relationship.

Often, domestic violence is framed as something that only occurs in relationships between heterosexual, cisgender individuals. Because of this, there are many misunderstandings about how LGBTQ+ people experience that violence. Abusive partners in LGBTQ+ relationships use all of the same tactics to exert power and control over their partners as abusive partners in heterosexual relationships, but also reinforce those tactics with societal factors that impact a survivor’s ability to leave or seek help in a LGBTQ+ relationship. Abusive partners in LGBTQ+ relationships may threaten to “out” their partners to family members, employers, or other people in the survivor’s life. Abusers may also attempt to deny that abuse is occurring based on the myth that abuse can only happen between a man and a woman, question the validity of the survivor’s sexuality, or exploit stereotypes around sexuality, gender roles, and sexual behavior to control what a partner does sexually.

Research has shown that transgender individuals are also disproportionately impacted by domestic violence within intimate partner relationships. Abusive partners may be likely to use the identity of a transgender partner as another tactic of asserting power and control. Abusers may attempt to diminish their partner's self-esteem by attacking their gender identity or blackmail them by threatening to "out" their partner's identity to others. An abuser may also use their partner's reluctance to contact the police or knowledge and examples of police abuse to frighten them out of seeking help. Other examples of exploiting a trans partner's identity could include hiding or throwing away hormones, binders, or clothes, misgendering their partner or telling them they will never "pass," or ridiculing their partner's body.

Race & Ethnicity

Domestic violence and sexual assault occur amongst people of all races and ethnicities and when combined with other intersectional identities, such as culture, language, sexuality, immigration, education and socio-economic status, the way that survivors experience oppression can determine how they may choose to or are able to respond to violence.

People of color may experience lack of trust in institutions such as law enforcement, the criminal justice system, the healthcare system and social services due to documented racism, bias, and stereotypes towards them. Because of this fact, women may fear mistreatment by institutions for their abusers or for themselves. Negative stereotypes and fetishization of women of color can be an additional challenge for survivors to come forward and disclose sexual assault.

Incidentally, an abuser in a domestic violence relationship may exploit racial discrimination as a means to further exert power and control over them. Abusers, particularly white men, may use the fact that people of color are less likely to be believed and be supported by these institutions and use that as a weapon of abuse. Non-white abusers of color may deter their partners from contacting the police by pointing out that they may be beaten or killed as a result.

Culturally, people of color may also find it difficult to seek help if their culture values loyalty to their race, culture or family and involving outsiders may be seen as shameful or disrespectful. Additionally, survivors of color may also fear dealing with institutions who lack this cultural awareness, language access or service providers who share similar cultural identities.

Age

For older adults or those who are very young, abusers may exploit age to further exert power and control over their partners.

Many older adult survivors face additional obstacles and challenges. A common misconception is that elder abuse only means adult children hurting or exploiting their parents, but this is not true. Many older adults experience abuse at the hands of their partners. A senior citizen experiencing domestic violence may be concerned about losing their home, their social security income, or their health insurance if they leave their abuser. If their assailant is also an older adult, survivors may worry about their health and what will happen to them if they leave.

Young people may face particular challenges within abusive relationships. If a young person's first relationship is with an abuser, the abuser may attempt to normalize the violence by telling their partner that all relationships work this way. They may use their social status at school or in their friend group to control their partner. They may threaten to ruin their partner's reputation if they break up with them or don't do exactly what they want. They may manipulate their partner, make threats towards them, or give them drugs or alcohol to get sex. Leaving the relationship may seem especially difficult for survivors who attend the same school as their abusers.

Addiction

Many people believe that alcohol and/or drug use causes people to assault their partners. Although domestic violence and substance use or addiction can occur simultaneously and may increase the risk of an abuser or assailant seriously hurting their partner, these are separate problems.

Both abusers and survivors may struggle with addiction to drugs and/or alcohol. Addiction is a physical response to alcohol or other drugs and is not a determining factor in whether someone will be a victim or perpetrator of violence. Many survivors of abuse use alcohol or drugs to numb the physical and emotional pain of the violence. It is a common experience. Some abusers encourage their partners to drink or use drugs and may prevent them from quitting or from getting help as a means of maintaining control over them.

(Dis)ability

People with varying physical and/or mental abilities are sometimes targeted by abusers. An assailant may exploit their partner's disability to further exert power and control over them. They may use their partner's ability status to promote a sense of self-blame and/or worthlessness or they may blame the abuse on their partner's ability status. Abusers may block access to transportation or mobility aids for survivors with limited mobility in order to isolate them and make it difficult to escape. Abusers may withhold food or medication from their partners.

Immigration Status

Individuals who do not possess legal status in the United States may experience unique tactics of power and control at the hands of their abusers. Abusers may hold their partners immigration status over them. Abusers may threaten to have their partners deported or may feel emboldened by the fact that their partner may be less likely to involve police if they are concerned about exposing their own immigration status. Abusers who are U.S. citizens and married to an immigrant may refuse to comply with the process required for their spouse to acquire a green card or abusers may convince their partners that legal protections are only available for U.S. citizens and that it is not worth it to seek help.

section 2.3 **WHAT YOU MAY BE FEELING**

Most survivors experience physical and emotional trauma as a result of the assault they experienced. Responses to sexual assault can be immediate or delayed, and change over time. Each survivor responds uniquely, and the recovery process is different for each individual. You may experience a few, none, or all of these reactions in varying degrees during the recovery process. All of these are common and natural responses to a traumatic experience.

Below is a list of common reactions you may experience:

Physical

- Disruption of daily activities: changes in eating and sleeping patterns
- Loss of appetite
- Fatigue
- Nightmares
- Physical injuries (cuts, bruises, broken bones, etc.)
- Eating disorders
- Pregnancy
- Sexually transmitted diseases
- Headaches
- Immune system responses (less ability to resist colds, flu, etc.)
- Startle reactions: feeling jumpy
- Flashbacks of this or a prior crisis
- Self Injury

Thoughts

- Confusion
- Difficulty concentrating
- Flashbacks
- I deserved it because...
- What if I hadn't done...?
- Why me?
- If I forget about it, it will go away...
- Will they blame me?
- What will people think?

Emotional

- Anger: feeling angry at the assailant and a desire to retaliate; may be angry at the world or self
- Anxiety: feeling unsafe, fear of being alone or that assailant may return, fear of situations that may remind you of the assault
- Shock/Disbelief: feelings of numbness, confusion, unemotional, not knowing how to feel or what to do; surreal feelings or feelings of spaciness; denial
- Guilt/ Self-Blame/ Shame: feeling like you could have or should have done something to avoid or prevent assault; doubts regarding your ability to make judgments
- Loss of Control: feeling powerless and like your whole life has been turned upside down; overwhelmed; unable to make choices
- Depression/ Sadness
- Vulnerability/ Distrust: not knowing who to trust or how to trust yourself; feelings of suspicion and caution; feelings of helplessness
- Feelings of embarrassment or humiliation, feeling hopeless

Social

- Changes in lifestyle
- Difficulty getting things accomplished
- Sexual fears: feeling that you do not want to have sexual relations; wondering whether you will ever want or enjoy sexual relationships again; fears that being sexually intimate may remind you of the assault
- Fear of being alone
- Isolation: feeling that this experience has set you apart from other people and that no one can relate to your experience; feeling that other people can tell you have been sexually assaulted just by looking at you
- Nervousness in crowds, fear of leaving house
- Withdrawal from people, relationships, activities
- Loss of trust in self and others

Remember, any and all of the reactions you may experience are common, natural and okay!

section 2.4» CHILDREN AND DOMESTIC & SEXUAL VIOLENCE

Children may be in danger in homes with an assailant for many reasons. Assailants may physically and/or sexually abuse children. Assailants may manipulate and control children to further exert power over the survivor and the family. Assailants may kidnap or deny access to the children as a way to get back at the survivor if they attempt to leave the relationship. Assailants may seek custody of the children for revenge. Growing up in a home where there is violence can have a lasting impact on children and may result in fractured relationships, poor academic outcomes, and psychological and health problems throughout their lives. Children who are exposed to domestic violence may adjust their behavior drastically to cope with the trauma. Some children attempt to be perfect and try to take care of everything and everyone else. Other children act out and engage in troubling or dangerous activities. Children may exhibit behavior ranging from becoming very withdrawn to very aggressive.

Children are affected by both direct (e.g. being eyewitnesses, being forced to participate in the violence, or being a victim of violence) and indirect (e.g. hearing about the violence, seeing injuries or broken items as a result of the fighting, or learning about the violence in other ways) exposure to violence. Sometimes survivors think because their children have not directly witnessed the violence that means they are unaware of it and therefore unaffected by it. Children from violent homes almost always know about the violence and can experience adverse effects as a result, even if they were not present when it occurred.

The effects of the assailant's violence on children are **not the fault of the survivor**. We encourage survivors to take inventory of the ways in which they have protected their children and build upon that. Children are incredibly resilient and children from violent homes have the capacity to live successful and fulfilling lives. Research shows that the biggest indicator for children's resilience is nurturing a strong relationship between the child and the non-perpetrating parent.

Many survivors wonder how their children are doing and are unsure what they should say to them and how they can provide support. We recommend that they talk to their children about the violence and how they are feeling about what they have experienced. We also recommend identifying another safe adult in the child's life to support them,

whether that is a relative, neighbor, teacher, school social worker or someone else.

Here are some suggestions for important messages to give to children:

- Violence is always wrong and what the assailant is doing is not right.
- The violence is **never** the children's fault. Nothing they did or didn't do caused it.
- If the survivor decides to separate from or divorce the assailant, that is not the children's fault.
- The assailant abuses because they want to get their way and they have a problem.

For more information about safety planning with children, see Chapter 3.

Child Abuse

If the survivor believes their partner has sexually or physically abused one or more of their children, what should they do?

>Most importantly, believe the child

Children almost never lie about abuse. If a child is directly talking about any sort of abuse, it is important to attempt to remain calm, as expressing shock, horror, or disbelief may cause the child to retract what they have said or stop talking. Reassure the child that they did the right thing by talking about it and that adults will try to help them be safe in the future. Emphasize that the abuse is not the child's fault and that what happened is not okay.

Be aware that some institutions may assume that the child is lying or that the survivor is lying to get revenge on a partner, get child custody, or to win a court battle. Keep a log and write down all incidents and statements about the abuse.

>Get counseling for children

SafeHouse does not provide counseling for children. You may call our HelpLine to explore community resources that may be available.

>Get support as adults

Learning about and dealing with abuse of children can be extremely upsetting. We recommend seeking services for adults involved in this process to help cope with the information.

If the assailant abuses the children

If an assailant is abusing children, the survivor will probably need to leave in order to protect them. Under Michigan law, a non-abusive parent can be charged with “failure to protect” if they know about the abuse but don’t remove the children from the risk. If there is suspicion that a child has been abused by a current or former partner, it is very important to report the abuse to Children’s Protective Services (CPS). The staff at SafeHouse Center can be helpful in that process, and please feel free to call the 24-hr HelpLine (734) 995-5444 to learn more about reporting child abuse. **Be advised that SafeHouse Center staff and volunteers are mandated reporters and must report any disclosures of instances of child abuse or neglect to CPS.**

If a child has been sexually assaulted or abused, they should have a medical exam. However, it may not be a good idea to take them to a family or primary care doctor, as most doctors are not trained to perform such exams, and it could be a retraumatizing experience for the child. An alternative option is to ask CPS to make a referral to the Child Protection Team at the University of Michigan Hospital.

In Washtenaw County it is also possible to receive a referral (from DHHS or law enforcement) to the Washtenaw Child Advocacy Center (WCAC), which is a collaborative, multidisciplinary program in Washtenaw County dedicated to supporting child survivors of sexual abuse. WCAC offers forensic interviews and makes decisions regarding the investigation, treatment, and prosecution of child sexual abuse cases. WCAC also helps minimize trauma to children and families by offering crisis intervention services, case management, and emotional support.

Child Protective Services (CPS)

After suspected abuse or neglect is reported to CPS, they will investigate to determine if abuse has occurred and what steps are necessary to protect the children. Typically, investigations consist of face-to-face interviews with the children, their caretakers, and the alleged perpetrator(s) of the abuse, viewing of the home where the children reside, and assessments of the children’s safety and future risk of abuse/neglect.

Once the investigation by CPS is concluded, there is a determination made of whether or not CPS believes there is evidence of child abuse/neglect. Based on this determination, the case is categorized and subsequent action is decided.

If necessary to ensure a child's safety, CPS may file a court petition requesting that the court orders that the family cooperates with in-home services, the perpetrator is removed from the home, or the child is removed from the home. However, it is not the goal of CPS to remove children from their homes; their goal is to ensure the safety and care of children.

Getting Help

SafeHouse Center can be a resource to help with parenting skills or protecting children in the home. It is important to know that we are mandated reporters and are required to report any suspicion of child abuse/neglect to CPS. However, we can also offer assistance with safety planning with or around children and/or refer to relevant community resources. Assailants often use threats to keep survivors from seeking out resources for themselves and their children. It is often scary to take that first step, but there are community services that want to assist and work with survivors of domestic violence, not against them.

section 2.5 **MYTHS & FACTS ABOUT DOMESTIC VIOLENCE**

MYTH: Drinking or drug use is causing the abuse.

FACT: Alcohol or other drugs cannot create an abuser, and sobriety cannot cure one. Often, abusers will drink or use drugs in order to have an excuse for the abuse. Many abusers blame drinking or drug use for their violence and claim that they cannot help themselves or that they are not responsible for what they do when they are intoxicated. However, a lot of people drink or use drugs, but only some abuse their partners. People do not commit acts that they feel are totally wrong even when they are intoxicated.

MYTH: A survivor can change their abuser.

FACT: Abusers often create excuses for their behavior. Survivors often believe these "reasons" because they think they can end the violence by changing what they do. Someone engages in abusive behavior in order to control their partners. It is an active choice and an abuser has to make their own decision to change. Some abusers attend the Batterer Intervention Program on their own or due to their probation sentence. This does not guarantee a change in the abuser.

MYTH: If the police are contacted regarding domestic violence, they are required to arrest someone.

FACT: It is up to the discretion of the police officer to decide whether it is necessary to make an arrest or not to make an arrest. If either the victim or the suspect has any existing warrants, they may be arrested on the scene.

MYTH: It's the survivor's fault if they call the police and the abuser gets in trouble.

FACT: If an abusive partner gets arrested and/or charged with a crime after an assault, it is not the survivor's fault. The offending partner made the decision to be abusive and, although they may try to blame the non-offending partner for an arrest and punishment, those things are not the survivor's fault.

MYTH: Couples (or marital) counseling will help end the abuse.

FACT: Survivors may think that they can save their marriages through couples counseling. They hope that contact with a therapist will help their partners realize that they are violent and that couple's therapy will cause them to stop the abuse. When there is power and control in a relationship, couples counseling does not work. Couples 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. The fact is, couples counseling will not end the violence. In fact, it increases the danger. Usually, survivors are afraid to say what is really going on because the abuser may punish the survivor for doing so. Abusers frequently use the therapy as another means of controlling their partners.

MYTH: All religious or spiritual beliefs prevent survivors from pursuing divorce.

FACT: Many survivors have strong spiritual beliefs and/or are very connected to their religious communities. Some religious communities are very supportive of a domestic violence survivor's safety, while others are not. Try to find someone connected within the faith community who is knowledgeable about domestic violence. One resource available to survivors of faith is the website www.FaithTrustInstitute.org. This organization has published a booklet for survivors called *Keeping the Faith*.

MYTH: Abuse is caused by mental illness.

FACT: Many people believe that anyone who would beat and/or torture someone they claim to love is an indication that that person has a mental illness. Research shows that even in physically violent abusers, the rate of mental illness is not high. Abusers *may* have a mental illness, but this does not cause them to be abusive. In fact, most people with a mental illness are not violent.

MYTH: If a survivor uses force against their abuser, they are just as bad as the abusive partner.

FACT: Individuals experiencing abuse at the hands of their partners may try all kinds of methods to stop the violence, including the use of force. Survivors may try to defend themselves by biting, scratching, pushing, or using a weapon against their abuser. None of these acts, if used in self-defense, are criminal. Sometimes abusers call the police, claim that they are the real victims, and survivors are arrested incorrectly. At SafeHouse Center, we work with survivors who have been arrested for domestic assault and may be able to advocate on their behalf with the Prosecutor's Office.

section 2.6» **LETHALITY**

If you are assaulted by your partner, you are in danger of being killed. The following are indicators that your partner might kill you. There is no guarantee that if your abuser does not fit this picture that they will *not* try to kill you, but the following may indicate that your chances of being killed by your partner have increased.

- Threats to kill you, your children, themselves, or a member of your family.
- Expressing detailed fantasies of killing you or your children.
- Owning, using, or threatening to use weapons.
- Expressing that they own you and that you have no right to life without them.
- Expressing that you are the center of the universe and that they cannot imagine life without you.
- Strangling you.

- Serious, acute depression.
- Tracking your whereabouts for days or weeks after you have left the home or the relationship.
- Taking you hostage.
- Perpetrating sexual violence, rape, or sexual humiliation against you.
- Having knowledge that you are planning to leave the relationship.
- Having been served with divorce papers or a personal protection order.
- Drinking or using drugs heavily.
- Killing or mutilating a pet.
- Recent behavior change or doing things they would not have done in the past.
- Radically changing and/or escalating the patterns of abuse.

CHAPTER 3: SAFETY PLANNING

A safety plan is a personalized, practical plan that includes ways to remain safe while in a relationship, planning to leave a relationship, or after leaving a relationship. Following a safety plan will not change an abusive partner's behavior, but involves planning for how to cope with emotions, tell friends and family about the abuse, consider legal options, and more. A good safety plan will have all of the vital information needed, be tailored to a unique situation, and will help walk survivors through different scenarios. Although some of the things outlined in a safety plan may seem obvious, it's important to remember that in moments of crisis, the brain functions differently than when it is calm. When adrenaline is pumping, it can be hard to think clearly or make logical decisions about safety. Having a safety plan laid out in advance can help survivors protect themselves in those stressful moments. It is important to continually reassess and update safety plans according to changing circumstances. *Definition adapted from the National Domestic Violence Hotline*

Safety planning is different for every survivor and an advocate at Safe-House Center can help create or evaluate a safety plan. Please call the 24-hr HelpLine at (734) 995-5444 for assistance.

section 3.1 ▶▶ **IN THE RELATIONSHIP**

Safety Plan If Living with an Abusive Partner

- Identify safe areas of the house where there are no weapons and there are ways to escape. If arguments occur, try to move to those areas.
- Identify how to get out of the home and the best exit routes, including alternative options in case the assailant blocks certain paths.
- Keep weapons like guns and knives locked away and as inaccessible as possible.
- Make a habit of backing the car into the driveway and keeping it fueled. Keep the driver's door unlocked and others locked — for a quick escape.

- Keep any evidence of abuse, such as pictures of injuries, texts, emails, etc. This may be beneficial to keep legal options open.
- Keep a journal of all violent incidents, noting dates, events and threats made, if possible. Keep the journal in a safe place.
- Know where to go to get help, including local agencies like Safe-House Center, and their contact information.
- Come up with a code word or visual signal (such as flicking the porch lights on and off) to use with family, friends, and/or neighbors when police need to be contacted.
- Identify a safe place to go if it is necessary to leave the home, somewhere where it is safe to call for assistance.
- Brainstorm reasons to leave the house for a short period.
- Plan for what to do if children inform the assailant about safety plans or safety plans are otherwise discovered.
- Try to set money aside or ask friends or family members to hold money.
- Try to avoid wearing scarves or long jewelry that could be used for strangulation.
- If violence is unavoidable, become a small target. Dive into a corner and curl up into a ball with the face protected and arms around the head with fingers entwined.

If there are children involved, consider the following:

- Teach children how and when to call 911.
- Give instructions on what to do during a physical assault, including having them leave the house if possible and go to a safe place.
- Develop a code word to be used when they need to contact the police or leave the area.
- Instruct them to stay out of the kitchen, bathroom, and any other rooms that have items that can easily be used as weapons.
- Let them know that they are not responsible for keeping adults safe and they should never attempt to intervene in the violence.
- Help them make a list of safe people that they trust and are comfortable talking with and how to get in contact with those people.

If there are pets involved, consider the following:

- Keep emergency provisions (food, medicine) for the pet in case the assailant withholds money.
- Have the phone number of a nearby 24 hour emergency veterinary clinic.
- Establish ownership of the pet with documentation (e.g. obtain a license, have veterinarian records in the survivor's name)

Medical Concerns

It is important to defer to a medical professional whenever possible after an assault. Following an assault, one may not be aware of potential future health complications. Health professionals may also provide documentation of injury that could be helpful in the future.

The following situations are more likely to result in serious, and sometimes fatal, health complications. We recommend that the survivor seeks medical attention as quickly as possible if any of these situations occurred:

- If there was an injury to the head sustained or the survivor lost consciousness
- If the assailant put their hands around the survivor's neck, put the survivor in a "sleeper hold", or used anything else to strangle the survivor
- If the survivor is pregnant, especially if the survivor fell during the assault or received any injury to the abdomen or groin area
- If there was a human bite sustained
- If there is suspicion of bone fractures or any deformity in the area of injury
- If there are cuts or lacerations that may need cleaning or stitching

Hospital Logistics

If there are confidentiality concerns regarding medical treatment, the assailant coming to the health care provider location, or the assailant accessing medical information, there are patient advocates available to help address those issues. Some health care providers have policies in place to support survivors.

Emergency Room personnel may be obligated to report some injuries to the police, particularly if weapons are involved. However, survivors are under no obligation to speak to the police if they are called.

SafeHouse Center's Response Team reports to the hospitals within Washtenaw County. If not offered, you can ask a nurse to contact us and we will come see you.

If there are concerns around receiving medical treatment due to a language barrier, it is an option to request an interpreter while in the emergency room.

Emotional Safety Planning

There is often an (understandable) emphasis placed on the importance of physical safety while safety planning. However, it is also important to consider emotional safety planning. Emotional safety looks different for everyone, but the ultimate goal is to create a personalized plan that helps with the process of accepting the emotions that come up and the decisions that are made when dealing with abuse.

Emotional safety planning is important at any point in or out of an abusive relationship. We recommend reassessing and adjusting the emotional safety plan as needed in the same manner as the physical safety plan.

When creating an emotional safety plan, one may consider the following:

- Identify the support network of friends and family.
- Brainstorm and work towards small achievable goals (e.g. contacting SafeHouse Center or other local resources to find out about services).
- Plan ways to calm down when feeling anxious or overwhelmed.
- Write down strengths and values and keep the list for when a self-esteem boost is needed.
- Designate a peaceful space (e.g. a room in the house, a comfy chair, a spot outdoors) where the mind can relax and feel safe.
- Write down or journal feelings, especially when feeling sad, vulnerable, or frustrated.
- Participate in activities that are enjoyable and relaxing.
- Remember that everyone deserves to be kind to themselves. No one deserves or invites violence or abuse.

Preparing to Leave

Be aware that leaving an abusive relationship may be a time of increased risk of violence/lethality.

Follow these suggestions if it seems safe to do so:

- Pack a bag with vital documents, extra clothes, money, and spare keys to the car and residence. Keep the bag in a secret place or hide it in a car or at the home of a trusted neighbor, friend, or family member.
- Keep any evidence of physical abuse, such as pictures of injuries.
- Keep a record of all violent incidents, noting dates, events and threats made, if possible. Keep the record in a safe place.
- If injured, go to a doctor or an emergency room and report what happened. Ask that they document the visit.
- Find a friend or family member who can provide somewhere to stay or can lend money.
- Keep the SafeHouse Center's phone number close at hand and memorize it if possible.
- Ask trusted friends, family members, coworkers, neighbors, and professionals to help with safety planning or call the SafeHouse Center 24-hr Helpline at (734) 995-5444.
- Have important mail such as bank statements and legal papers sent to a post office box or to a friend or family member's house.
- Gather financial means
 - Consider removing money from a bank account and/ or opening a new bank account. It is likely that if the survivor doesn't take some money, the assailant will claim it all.
 - If possible, set money aside and consider asking a friend or family member to hold it
- Acquire job skills or take courses at a community college.
- Frequently review and update this safety plan.

If there are children involved, consider the following:

- If the assailant is also a parent to the children, it may be helpful to discuss your custody rights and options with an attorney prior to leaving, if possible.
- Keeping all of the children's vital documents (birth certificates, social security cards, and passports) or making copies of each of them.
- Be aware of children's emergency contact information at their school or child care provider. The assailant may be listed as a contact person and be approved to pick the child up.
- If the assailant is a co-parent/guardian of the child(ren), be advised that if the child(ren) are left with the assailant, it is likely that the assailant will be granted temporary custody.

If there are pets involved, consider the following:

- If at all possible, it is recommended to not leave pets with an abusive partner
- Talk to friends, family, or the veterinarian about possible temporary care for the pet
- If there is nowhere safe for the pet to go, please call the SafeHouse Center 24-hr Helpline (734) 995-5444 because we may be able to help by referring you to a local safe haven program
- Pack a bag for the pet that includes: food, medicine, documents of ownership, health documents such as veterinary/vaccination records, leash, ID and rabies tag for dogs and cats, pet carrier, toys, and bedding

When Leaving

Make a plan for how you can escape quickly and where you can go. It is possible to request a police escort or stand-by when leaving. If having to leave in a hurry, use the following list of items as a guide for what to bring with you. Advocates on the SafeHouse Center Helpline can also help develop a personalized safety plan for leaving.

- Identification
 - Driver's license
 - Birth certificate and children's birth certificates

- Social security cards
- Financial information
- Money and/or credit cards
- Checking and/or savings account books
- Legal Papers
 - Protective order
 - Copies of any lease or rental agreements, or the deed to the home
 - Car registration and insurance papers
 - Health and life insurance papers
 - Medical records (including children's)
 - School records
 - Work permits/" green card" or residency card/visa
 - Passport
 - Divorce and custody papers
 - Marriage license
- Emergency Numbers
 - Local police and/or sheriff's department
 - Local domestic violence program or shelter
 - Friends, relatives and family members
 - Local doctor's office and hospital
 - County and/or District Attorney's Office
- Miscellaneous
 - Medications
 - Extra set of house and car keys
 - Valuable jewelry
 - Cell phone
 - Address book
 - Pictures and sentimental items
 - Several changes of clothes (including children's clothing)
 - Emergency money

- If there are pets involved:
 - If they must stay in the home with the abuser, try to leave enough supplies (e.g. food, fresh bedding, litter, etc.) for the pet.
 - If worried about threats to pets' safety, ask for assistance/ explore options available from your local humane society or law enforcement.

section 3.3 ►► **AFTER LEAVING THE RELATIONSHIP**

It is important for safety plans to include ways to ensure continued safety after leaving an abusive relationship. Here are some safety precautions to consider:

- Changing locks and phone number
- Call your cell phone service provider to request that new phone number is unlisted so when making calls, neither the assailant nor anyone else is able to get new, unlisted phone number
- Do not answer calls from unknown numbers
- Reschedule any outstanding appointments the assailant is aware of
- Change work hours and route to and from work
- If there is a PPO in place, keep a copy handy at all times and inform friends, neighbors, and employers that there is a PPO. It may be a good idea to give copies of the PPO to people along with a picture of the assailant
- Consider renting a P.O. Box or using a trusted friend or family member's address for mail.
- Alert neighbors and request that they call the police if they sense danger
- Use different stores and go to different social spots
- Replace wooden doors with steel or metal doors
- Install security systems
- Install motion detector lights
- Change passwords to utility accounts, social media accounts, email, etc.

If there are children involved, consider the following:

- Change the route taken to transport children to school or change children's schools
- Alert school authorities of the situation
- Be sure the assailant is not listed on any emergency contact information at children's school or daycare
- Tell people who are involved in children's lives about the situation and provide a copy of the PPO
- Create a safety plan with children about what to do if they encounter the assailant
- If there is joint custody or continual co-parenting required with the assailant:
 - Be sure that drop-off and pick-up of children occurs in a neutral, public space
 - Ask children to keep address/location of new home to themselves

If there are pets involved, consider the following:

- In the state of Michigan, a PPO may now specifically disallow actions that are meant to cause the petitioner (survivor) distress or exert control over the petitioner including injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect an animal, removing the animal from the petitioner's possession, or retaining or obtaining possession of the animal
- Keep pets indoors as much as possible
- Don't let the pet outside alone
- Pick a safe route and time to walk the pet
- Don't exercise or walk the pet alone
- Change veterinarians

It is important to continually reassess and adjust safety plans to new circumstances, even after leaving the abusive relationship.

CHAPTER 4: THE LEGAL SYSTEM

section 4.1 ▶▶ **GUIDE TO 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 the “alleged” victim.

A **city or township attorney** has the same function as a prosecutor but works for a city or township.

A **complainant** is a person who makes a complaint to the police.

A **defendant** is a person who is charged with a crime or a person against whom a civil suit is filed. If you file for divorce against your partner, your partner becomes the defendant.

A **defense attorney** is a lawyer who represents the defendant in a criminal case. If the defendant has no money for an attorney, the court may appoint an attorney, typically from the Public Defender’s Office.

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.

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 PPO against your assailant, or if as part of criminal charges against your assailant, a judge has ordered them to not contact you, then all of these conditions should come up on the LEIN system when the police run your assailant’s name. This will allow them to arrest your assailant for violating any orders.

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

Mediation is a process of alternative dispute resolution in which a neutral third party, called the mediator, attempts to help two or more parties come to an agreement about a legal dispute.

Mediation is sometimes used in divorce and custody cases to avoid a trial.

A **Personal Protection Order (PPO)** is a civil order issued by the court that can prohibit the assailant from doing many things such as: having contact with you, threatening you, stalking you, sending objects or correspondence to you, going to your home, school, or workplace. In order to obtain a PPO you must file a petition.

A **petitioner** is a person who files paperwork with the court requesting a Personal Protection Order.

A **plaintiff** is a person who brings a case against another in a civil court of law. If you file for divorce, you are the plaintiff.

A **plea** is entered in court as part of a criminal case. At various points during the case, the defendant has the option of either “stand mute”, enter a plea of “guilty”, “no contest” or “not guilty”.

- A **“no contest plea”** is essentially a guilty plea that says you are not going to fight the charges against you but are not admitting guilt. It is treated the same as a guilty plea for sentencing purposes but may not be used against the defendant in a civil case.

A **prosecutor** is an attorney employed by the state, county, city or township whose job it is to prove that the defendant committed the crime with which they are charged. If there are criminal charges against your assailant, it is the prosecutor who will prepare the case and present the evidence against them. You will not need to hire an attorney for that case.

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.

Probable Cause means that the prosecutor must produce evidence that would lead a “fair-minded person of average intelligence” to believe

that the defendant has committed a crime. This is the standard used in Preliminary Examination hearings.

Reasonable doubt means that the prosecutor must prove 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.

Victim is used by the police to refer to the person against whom they believe a crime was committed.

section 4.2 ►► **GUIDE TO CIVIL AND CRIMINAL CASES**

Criminal Cases

Criminal cases are those in which the state, 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 defendant is guaranteed the right to representation by an attorney. If they cannot afford to hire one, the court will appoint an attorney to represent them.

If English is not your main language and you can’t understand or speak English, you have a right to request an interpreter to help you understand what is happening at court. The court will supply this interpreter at no cost to you.

It is important that a request for an interpreter is submitted in a timely manner prior to the court hearing and you may make this request both as the defendant and as the victim.

If you need help submitting a request for an interpreter, please speak to your SafeHouse Center advocate.

Civil Cases

Civil cases are initiated by an individual or group against another individual or group. Each individual must either represent themselves or retain a private attorney to represent them.

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. They may use court-ordered parenting time with children as a way to track and harass you. They may use the threat that you will never see your children again if you pursue a divorce.

Personal Protection Orders are civil orders. However, a violation can carry both civil as well as criminal sanctions.

Washtenaw County Trial Court

The Civil/Criminal Division of the Washtenaw County Trial Court has jurisdiction over all civil lawsuits over \$25,000, all civil appeals from administrative agencies, 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, the case will be handled in this division.

The Family Division of the Washtenaw County Trial Court includes the Juvenile Court and the Probate Court. This court handles divorce and custody cases, parenting time orders as well as Personal Protection Order applications and hearings. In addition this court also 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.

Washtenaw County District Courts

The District Court handles small claims, landlord-tenant issues, misdemeanors, and traffic violations. Crimes are misdemeanors if the potential sentence is one year or less.

Most domestic violence assault cases are charged at the misdemeanor level and handled in the District Court. However, the District Court also performs all initial arraignments, including setting bail and bond conditions as well holding the Probable Cause Conferences and Preliminary Examination hearings (the first two hearings in a felony case).

section 4.3 ▶ **WHEN IS DOMESTIC VIOLENCE A CRIME?**

Domestic Violence/abuse becomes a crime under certain circumstances.

In Michigan, 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 gives the victim reason to fear or expect immediate bodily harm.” This means that if your partner pulls out a knife and threatens to kill you with it that could be considered an “assault”.

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 an assault or assault & battery crime to be charged as Domestic Violence, you and the assailant must have had an intimate partner relationship which includes: dating, formerly dating, married, formerly married, living together, formerly living together, or have a child in common.

Name calling, isolation, and intimidation are often not considered assaults and sometimes trying to figure out what abusive behavior may be a criminal offence can be confusing and overwhelming. SafeHouse staff are available to provide informational and emotional support and help you explore your options.

In Michigan, Domestic Violence convictions have graduated penalties, meaning that a person charged with Domestic Violence, who has certain prior convictions, will face greater criminal sanctions.

Domestic Violence – 1st Offense

- The crime of Domestic Violence – 1st Offense is a misdemeanor.
- It is punishable by up to 93 days in jail and/or fines and costs. Typically, though, upon conviction, a first time offender will be placed on probation and not given any upfront jail time.

Domestic Violence – 2nd Offense

- The second offense of a domestic assault is a misdemeanor and it is committed when a defendant has a prior (misdemeanor or felony) DV conviction involving a victim who meets the above criteria for a domestic relationship.
- It is punishable by up to 1 year in jail and/or \$1,000 in fines and costs.

Domestic Violence – 3rd Offense

- A person is charged with DV-3rd Offense if they have two prior DV convictions (misdemeanor or felony)
- This charge is a Felony charge and punishable by up to five years in prison and/or \$2,500 in fines.

In addition to DV charges, the assailant may also face other, and in some cases more serious, charges. For example, if the assailant uses a weapon during the assault, severe injury is inflicted upon the survivor, property is damaged or stolen, a home is entered without permission. This is why, when filing a police report, providing a full description of all of the events is important as it will help inform the charging decision made by the Prosecutor's Office.

Stalking Charges

Abuse can also become a crime when there are stalking behaviors. 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 may be committing the crime of stalking.

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 non-consensual 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.

There are two stalking charges; a misdemeanor charge and a felony charge:

- Stalking as a misdemeanor is punishable by 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.
- Aggravated Stalking is a felony and is committed by an individual who engages in one of more of the following behaviors:
 - 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 anti-stalking 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.
 - It is punishable by imprisonment of up to five years and/or a fine of up to \$10,000.

The Crime of Criminal Sexual Conduct (sexual assault)

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 person's genital or anal opening.

The second and fourth degrees involve forced or coerced sexual conduct. 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. Same gender sexual assaults are also crimes.

section 4.4 ▶▶ **THE POLICE RESPONSE**

If you are in danger or feel unsafe due to the actions of another person, call 911. If you are wanting to file a delayed report of an assault, you can contact the non-emergency number or walk in to your local police station. SafeHouse advocates are also available to discuss how to report an assault and may be available to accompany you to the police station if needed.

All 911 calls are recorded and start to record as soon as you connect (so even before your call is answered). If speaking to a 911 dispatcher make sure they know where you are and if medical help is needed.

When the police arrive on scene 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. If applicable, ask to talk to one of the officers privately so your assailant will not interrupt you.

When giving your statement, be as specific as you can in telling the officer what happened. "They grabbed me by the arm and threw me on the floor" is more specific than "they came at me and messed me up." If applicable:

- Show the officers any injuries you have.
- Show the officers damaged property.
- Tell them about any witnesses.
- Tell them if there have been past assaults.
- Advise them of any no-contact or personal protection orders you may have
- Let them know if the assault including unwanted sexual contact
- Let them know about any injuries to the children (please note that all law enforcement officers are mandated Children's Protective Services reporters).
- Share with the officer if your assailant has been using alcohol or other drugs
- Share with the officer if there are any known arrest warrants out for your assailant

There are some instances where a police officer can make an arrest without first getting a warrant. This includes when the officer suspects based on information received that an assault has taken place. Visible signs of injury as a result of the assault are not necessary and the alleged victim does not have to be "willing to prosecute" for an arrest to take place. If the police believe a domestic assault has occurred, they will probably arrest the assailant even if the victim asks them not to do so.

If the police do not arrest the assailant and you do not feel safe staying in your home, explore other places you can stay (friends, family, etc.). Alternatively, you can also contact SafeHouse Center HelpLine on 734-995-5444 to receive resources and/or discuss our shelter.

Also, just because the police don't make an arrest right away, it does not mean that the assailant cannot be arrested or prosecuted later. Call a SafeHouse Center advocate to discuss the particular circumstances of your case. We can discuss your options and possible outcomes.

section 4.5 ▶▶ **WHAT HAPPENS AFTER AN ARREST?**

If your assailant is arrested, they will be held at the county jail until the police report has been reviewed by the Prosecutor's Office and a determination of whether to authorize charges has been made.

The decision about whether or not to authorize (press) charges is made solely by the prosecutor. Your assailant may ask or tell you to drop the charges, however, you have no control over the charges; only the prosecutor can drop the charges.

If your assailant is arrested and the prosecutor decides not to authorize charges, your assailant will be released and no further action will take place. Your assailant will be free to return home, for example. If you are concerned about charges not having been authorized, contact your SafeHouse advocate and they can discuss your options with you.

If your assailant is arrested and the prosecutor decides to authorize charges, then they will be arraigned on those charges and then typically released on bond. Being released on bond typically comes with various conditions such as a no-contact-order and a do-not-go-to order.

You should be notified upon your assailant's release from the jail. The jail should contact you by phone to give you the release information (whether or not they have been charged, etc.). You should also receive a phone call from SafeHouse to discuss the release and safety plan if necessary. Please note that the jail and SafeHouse can only call you if the police report includes your phone number. If you are concerned

that the jail may not have your correct phone number, you should contact the jail and confirm.

You can also sign up to receive notifications about the custody status of anyone through VINE. VINE is a resource available on-line through which you can receive notifications either via phone, email or their app. If you are interested in signing up through VINE, please discuss with your SafeHouse advocate.

section 4.6 ▶▶ **ATTENDING COURT HEARINGS**

Attending a court hearing can be emotionally difficult and perhaps also present safety concerns. Having knowledge about the court system, the process and what to expect may make your experience easier. SafeHouse advocates are available to discuss any questions or concerns you may have. An advocate may also be available to attend court hearings with you.

Attending a court hearing can make a difference and some survivors find testifying a positive and empowering experience. All that is expected of you is to try to do the best you can. Just tell what you know and what you believe to be true.

Prior to attending court, find out where you need to go and if traveling by car, where you can park. 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. When at court, expect that you may end up waiting for some time before your case is called. Bring a book, or something else to do while you wait.

Ask your attorney or a SafeHouse 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 after you testify. Let your attorney or the prosecutor know the things you think are particularly important to stress and ask what questions they plan to ask you. If you are concerned that the assailant may use your past behaviors against you, inform your attorney or the prosecutor of those concerns.

Bring someone supportive with you if you can. We understand from other survivors that going to court alone can be difficult. If you can manage childcare, 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, their friends, and members of their 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 area. If your assailant is not in custody, they may be sitting near you. Their 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. They may try to make you feel guilty or pressure you. You are not required to talk to the assailant's attorney.

While in court, 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 them that you are a victim of domestic violence, your assailant (or their friends or family) is around, and you would appreciate it if the officer would keep an eye on the situation. Let them know about any no contact or personal protection orders that might prohibit the assailant or members of their family from approaching you. You can ask that a law enforcement officer be provided to walk you to your car after the court hearing.

Take care of yourself both physically and emotionally before and during court time. Identify and engage in positive coping mechanisms and 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.

The dress code for court is typically business casual and we encourage survivors to dress comfortably.

During your testimony, it is okay to avoid looking at the assailant. You may be directed by the judge to identify the assailant by where they are sitting and what they are 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 them.

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 them.

Sometimes your assailant's attorney will ask you several questions at once. For example, they 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 remember" or "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 them 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, they 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 questions 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 4.7 ▶ MISDEMEANOR CRIMES: THE PROCEDURE

Below is a guide to all hearings in a misdemeanor criminal case.

Arraignment in District Court

After the assailant has been arrested and charged, they are arraigned. At this hearing they are given notice of the charges against them and advised of their constitutional rights. The conditions and amount of bond are determined, and a date is set for the Pre-Trial hearing.

A lot of assailants are typically released on a “Personal Recognizance” (PR) bond, which means that they are let out of jail without putting up any money to make sure they show up in court. A No-Contact-Order and a Do-Not-Go-To-Order may also be issued.

A **No-Contact-Order** prohibits your assailant from contacting you in person, by phone, by mail, or through a third party (as outlined by the Judge).

A **Do-Not-Go-To-Order** prohibits the assailant from coming to any address listed, for example your home and/or workplace.

All bond conditions ordered by the court are entered into LEIN which police agencies have access to. If there is a violation of a bond condition, notify police. Depending on the violation and if contact is made with the assailant, police may arrest the assailant for the violation. If you have any concerns about a possible violation after the fact, discuss with your SafeHouse advocate to explore your options.

All bond conditions remain in effect for the duration of the criminal case and can also be further extended for the duration of a probation period.

The Pre-Trial hearing

At this hearing, the assailant can enter a plea of guilty, no contest or not guilty. If the assailant pleads not guilty, they may choose between a trial by judge or jury. If the assailant pleads guilty or no contest, the judge will set a sentencing date. You are not usually required to attend

this hearing, however, if you would like to amend any bond conditions such as the No-Contact-Order, you will typically be requested to attend to make that request in person.

Sometimes there may be multiple Pre-Trial hearings held due to a variety of reasons.

A note on pleas:

- A *guilty* plea means that the defendant admits to the charge and will have to verbalize that admittance to the judge.
- A *no contest* plea means that the defendant will not contest the charge(s) but will not verbalize their admittance of guilt to the judge. Instead the judge will read the police report to establish a factual basis for the plea. A no contest plea is treated the same as a guilty plea for sentencing purposes.

The Trial (Judge or Jury)

At the trial, the prosecutor will try to prove beyond a reasonable doubt that the assailant is guilty of committing the offense with which they are charged. The prosecutor must call witnesses. The defendant is not required to call witnesses, nor are they required to testify. You will usually be required by subpoena to be present, and you may be required to testify. If the assailant is found guilty, the judge will set a date for sentencing.

If you would like to discuss what to expect at a trial, have any questions or concerns, please speak to your SafeHouse advocate.

Sentencing hearing

Before the sentencing hearing, the Probation Department will make a Pre-Sentence Investigation (PSI) report. As part of this report, the Probation Officer may contact you and ask for your opinion/wishes for sentencing, etc., however, the Probation Department may not follow your recommendations. It is also up to you whether or not you speak to the Probation Department.

You have the right to make a Victim Impact Statement at the sentencing hearing and the statement can highlight either support or non-support for your assailant, how the incident has impacted you and anything else you would like the Judge to know about.

You have the right to request financial restitution if applicable to your case. Restitution claims should be discussed with the Prosecutor's Office and/or the Probation Agent prior to sentencing. Common claims for restitution involve compensation for loss of work time, medical costs, property damage to name a few. If you are interested in exploring a restitution claim, discuss with your SafeHouse advocate.

Depending on the circumstances of the case and the assailant's criminal history, the judge may sentence the assailant to probation or jail time. A typical DV sentence in Washtenaw County is suspended jail time, 24 months of probation with some type of Batterers Intervention Programming.

Any bond conditions such as a No-Contact-Order or Do-Not-Go-To-Order can also become part of the probation conditions.

Review hearings

If placed on probation, the assailant will have periodic reviews to show whether they are complying with the conditions of probation. If the assailant is not complying they may be given a certain amount of time to become compliant or face more severe consequences, such as the jail work program or time in jail. These reviews usually occur every sixty to ninety days. Depending on the court, if compliant, the assailant may not have to attend these review hearings.

Appeal

The assailant does have the right to appeal their conviction and sentence to the Circuit Court.

section **4.8**» **FELONY CRIMES: THE PROCEDURE**

Below is a guide to all hearings in a felony criminal case.

Arraignment in District Court

After the assailant has been arrested and charged, they are arraigned. At this hearing they are given notice of the charges against them and advised of their constitutional rights. The conditions and amount of bond are determined, and a date is set for the Pre-Trial hearing.

A lot of assailants are typically released on a “Personal Recognizance” (PR) bond, which means that they are let out of jail without putting up any money to make sure they show up in court. A No-Contact-Order and a Do-Not-Go-To-Order may also be issued.

A **No-Contact-Order** prohibits your assailant from contacting you in person, by phone, by mail, or through a third party (as outlined by the Judge).

A **Do-Not-Go-To-Order** prohibits the assailant from coming to any address listed, for example your home and/or workplace.

All bond conditions ordered by the court are entered into LEIN which police agencies have access to. If there is a violation of a bond condition, notify police. Depending on the violation and if contact is made with the assailant, police may arrest the assailant for the violation. If you have any concerns about a possible violation after the fact, discuss with your SafeHouse advocate to explore your options.

All bond conditions remain in effect for the duration of the criminal case and can also be further extended for the duration of a probation period.

Probable Cause Conference

This is a hearing that will typically occur within 14 days of arraignment and is an opportunity for the assailant to decide how they want to proceed; plead guilty or not guilty. If the defendant pleads guilty, the judge will schedule a sentencing date. If the defendant pleads not guilty, a Preliminary Examination hearing will be scheduled. You are not required to attend this hearing.

Preliminary Examination in District Court

This is a hearing that will typically occur within 7-14 days of the Probable Cause Conference. There are various things that can happen at this hearing: 1. The hearing is adjourned to a later date; 2. The assailant chooses not to have an exam and goes next to Circuit Court; 3. The assailant pleads guilty as charged or as part of a plea agreement; 4. A hearing takes place and the prosecutor presents evidence and witnesses to establish that there is probable cause to believe that a crime was committed and that the assailant was the one who committed it. Even though the assailant is not required to testify at this hearing, their attorney can cross-examine witnesses. If the judge finds probable cause, the assailant is “bound over” to Circuit Court. Due to the possibility of a hearing being held, you are likely to be subpoenaed for this hearing and may be asked to testify.

The Pre-Trial hearing

At this hearing, the assailant can enter a plea of guilty, no contest or not guilty. If the assailant pleads not guilty, they may choose between a trial by judge or jury. If the assailant pleads guilty or no contest, the judge will set a sentencing date. You are not usually required to attend this hearing, however, if you would like to amend any bond conditions such as the No-Contact-Order, you will typically be requested to attend to make that request in person.

Sometimes there may be multiple Pre-Trial hearings held due to a variety of reasons.

A note on pleas:

- A *guilty* plea means that the defendant admits to the charge and will have to verbalize that admittance to the judge.
- A *no contest* plea means that the defendant will not contest the charge(s) but will not verbalize their admittance of guilt to the judge. Instead the judge will read the police report to establish a factual basis for the plea. A no contest plea is treated the same as a guilty plea for sentencing purposes.

The Trial (Judge or Jury)

At the trial, the prosecutor will try to prove beyond a reasonable doubt that the assailant is guilty of committing the offense with which they

are charged. The prosecutor must call witnesses. The defendant is not required to call witnesses, nor are they required to testify. You will usually be required by subpoena to be present, and you may be required to testify. If the assailant is found guilty, the judge will set a date for sentencing.

If you would like to discuss what to expect at a trial, have any questions or concerns, please speak to your SafeHouse advocate.

Sentencing hearing

Before the sentencing hearing, the Probation Department will make a Pre-Sentence Investigation (PSI) report. As part of this report, the Probation Officer may contact you and ask for your opinion/wishes for sentencing, etc., however, the Probation Department may not follow your recommendations. It is also up to you whether or not you speak to the Probation Department.

You have the right to make a Victim Impact Statement at the sentencing hearing and the statement can highlight either support or non-support for your assailant, how the incident has impacted you and anything else you would like the Judge to know about.

You have the right to request financial restitution if applicable to your case. Restitution claims should be discussed with the Prosecutor's Office and/or the Probation Agent prior to sentencing.

Common claims for restitution involve compensation for loss of work time, medical costs, property damage to name a few. If you are interested in exploring a restitution claim, discuss with your SafeHouse advocate.

Depending on the circumstances of the case and the assailant's criminal history, the judge may sentence the assailant to probation or jail time. A typical sentence in Washtenaw County for a felony DV related charge can range from suspended jail time, 24 months of probation with some type of Batterers Intervention Programming to jail and/or prison time.

Any bond conditions such as a No-Contact-Order or Do-Not-Go-To-Order can also become part of the probation conditions.

Review hearings

If placed on probation, the assailant will have periodic reviews to show whether they are complying with the conditions of probation. If the

assailant is not complying they may be given a certain amount of time to become compliant or face more severe consequences, such as the jail work program or time in jail. These reviews usually occur every sixty to ninety days. Depending on the court, if compliant, the assailant may not have to attend these review hearings.

Appeal

The assailant does have the right to appeal their conviction and sentence to the Circuit Court.

section 4.9» **CRIME VICTIM COMPENSATION**

If you or someone you know is a victim of crime, certain expenses may qualify for Crime Victim Compensation coverage. This program is funded by the Michigan Department of Health and Human Services and may help pay out-of-pocket medical expenses, lost earnings, funeral bills, counseling, or other expenses for people who have been harmed as the direct result of a crime.

A SafeHouse advocate can discuss this program and provide assistance as needed with your application. Alternatively, you can also contact the program directly for assistance.

section 4.10» **CIVIL LEGAL MATTERS: DIVORCE AND CUSTODY**

Divorce

In order to file for divorce in Michigan, you have to have lived in the state for at least six months prior to filing. In addition, you must also 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 for divorce.

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

Michigan is a no-fault state in terms of divorce which means you do not need to state a specific reason for why the marriage has broken down.

This also means you can file for divorce even if our spouse is not in agreement.

A divorce case can be lengthy and costly. At minimum, a divorce may be granted in 60 days if there are no minor children. When there are minor children, the waiting period is extended to 180 days. We encourage all survivors to seek legal advice and/or representation for a divorce. It is important that you have a good understanding of what to expect in this process and can make informed decisions.

All divorce cases are unique to their own circumstances and the process can vary in accordance with these circumstances. If both parties are unable to come to an agreement, then there may be a trial in front of a judge, who will then make a final decision on the terms of the divorce.

Custody

If you are not married, you may file for custody at any time. Until there is a court order, both parents have equal rights to their children. Either parent may file a motion to obtain custody (physical and legal).

A custody order specifies who gets to make decisions on behalf of the children (legal custody) and with whom the children will live (physical custody).

Custody (legal and physical) can be awarded solely or jointly between the two parties.

If both parties cannot agree on a custody order, the judge may refer both parties to the Friend of the Court for an evaluation and recommendation.

We encourage all survivors to seek legal advice and/or representation for a custody case. It is important that you have a good understanding of what to expect in this process and can make informed decisions.

Friend of the Court (FOC)

The Friend of the Court assists the court by helping resolve disputes and enforcing the court's orders for custody, parenting time and support.

This includes conducting investigations, compiling reports and making recommendations in the matters of custody, parenting time and the amount of child support.

In addition, FOC may also offer mediation and peacemaking when both parties agree to participate, as an optional way of settling disagreements over custody or parenting time of children.

FOC collects, records and sends out all support payments as ordered by the court.

Parenting Time

Parenting time is time ordered by the court for the non-custodial parent.

The court has the power to restrict parenting time by requiring that the visits occur in the presence of a third party or agency, also known as supervised parenting time.

Supervised parenting time might be ordered if it is shown that there is evidence that the assailant has abused or neglected the children.

section 4.11 » PERSONAL PROTECTION ORDERS (PPOs)

A Personal Protection Order (PPO) is a court order to stop threats or violence against you. A PPO may be able to protect you from someone who is threatening, hurting, harassing, or stalking you. If you are living with your assailant it may also order the assailant to vacate your shared home.

PPOs are civil orders and in Washtenaw County, they are handled by the Family Division of the Circuit Court.

There are three types of PPOs:

- Domestic Relationship PPO
- Non Domestic (Stalking) PPO
- Non Domestic Sexual Assault PPO

Domestic Relationship PPO

To get a *domestic relationship PPO*, you must show the judge that the assailant is likely to assault, threaten, harass, or stalk you. You must also show that you and the assailant have a domestic relationship.

You have a domestic relationship with the assailant if they are:

- Your current or ex-spouse
- Your child's other parent
- Someone you live with now or used to live with
- Someone you have dated romantically

Nondomestic (Stalking) PPO

The purpose of a nondomestic PPO is to protect you from stalking or harassing behavior if you and the assailant don't have a domestic relationship. To get a stalking PPO, you must show that there have been at least two incidents of harassment. Harassment is contact you don't want. It has no valid purpose and causes you emotional harm or fear. It is also something that would cause a reasonable person to suffer emotional harm or fear. This could include following you, making unwanted phone calls or texts, or showing up repeatedly at your home or work.

Cyberstalking is electronic stalking. It could mean the assailant posted messages about you or sent messages to you through the internet, a computer, or other electronic means without your consent.

Nondomestic Sexual Assault PPO

The purpose of a nondomestic sexual assault PPO is to protect you from a person who has sexually assaulted you or threatened to sexually assault you when you do not have a domestic relationship with that person. If you are under 18, sexual assault includes giving you obscene material.

Filing a PPO Petition

To ask for a PPO, you must file **a petition with the court**.

All PPO forms are available from the court or through your SafeHouse Center Advocate.

Although you do not need an attorney to go to court and get a PPO, and there are no filing fees, the forms may prove challenging. Contact your SafeHouse Center advocate and they will assist you with completing and filing the forms.

You may keep your home address confidential on the PPO petition, however, as the court will need an address where you can receive mail, you will be asked to fill out a separate form for court records only.

The petition is used to give the judge important information they need to decide whether to give you the order you want. As best you can, explain what the assailant has done to you and how you have been harmed. Try to remember the dates or times of year the events happened. You don't have to have police reports or other documents to get a PPO, but if you do have them you can attach them to your petition. They can help the judge understand what has happened to you.

You might be afraid the assailant will harm you if you don't get a PPO right away. You might be afraid the assailant will harm you if they find out you are asking for a PPO. If so, you can ask for an emergency order called an "ex-parte" order. If you get an ex-parte order, you won't have to wait for a hearing to get your order. With an ex-parte order, the assailant won't know you're asking for a PPO until after you get your order.

If you do not request an ex-parte order in your petition, the court will schedule a hearing to decide whether to give you a PPO. Or, if the judge denies your petition for an ex-parte order, there will be a hearing if you request one within 21 days. In either of these situations, you must have a copy of the petition and a notice of hearing delivered to the assailant. The assailant will have the opportunity to attend the hearing and respond to the information in your petition. In this situation, the abuser will know you are asking for a PPO before you are protected by an order.

At the PPO hearing, you and the assailant will each have the chance to speak. You may also be able to call witnesses and show the judge other evidence.

In effect vs. enforceable

The PPO goes into effect immediately after the judge signs it. However, the order cannot be violated unless there is proof that the order was served to the assailant.

- If the PPO has 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 them with the PPO (if the assailant has not left the scene). If your assailant

continues to violate the order after being notified by the police, they can arrest them.

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

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 certified 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 speak to your SafeHouse Center advocate.

After being served a PPO, the assailant has the right to object to the PPO and may request a hearing. If your assailant asks for a hearing on the PPO, contact a SHC advocate to discuss your options.

Your Actions and a PPO

You do not "invalidate" or "nullify" a PPO by your own behavior (for example, by inviting the assailant into your home). The PPO is a court order prohibiting 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 them into your house.

Modifying or Canceling the PPO

If you decide you want to modify the PPO or cancel it, you must file a motion to modify, extend or terminate the PPO. The petitioner will schedule a hearing on this motion. At the hearing the Judge may ask questions to ensure that you are not being forced or coerced into modifying or canceling the PPO.

Sanctions for violating a PPO

A violation of a PPO can potentially be handled both as a civil matter and as a criminal matter. Any sanctions levied will depend on which court handles the violation. You may pursue one or both matters at the same time.

In order to pursue a violation of the PPO as a civil matter, you must file a motion for a “show cause” hearing. This motion will need to be signed in front of a notary. The Judge will then schedule a hearing on this motion for both parties to appear. Possible sanctions include a verbal warning, a fine and/or jail time.

In order to pursue a violation of the PPO as a criminal matter, you must file a police report which will be reviewed by the Prosecutor’s Office for possible charges. Possible sanctions depend on whether charges are authorized and penalties associated with those charges.

SafeHouse recommendations:

Always carry a copy of the PPO order with you. If possible, you may also want to save a copy to your phone.

Share the PPO with your employer, school personal and friends as needed.

Moving with a PPO

There are specific laws in place that ensure that a PPO issued in one jurisdiction should be honored in another jurisdiction. However, it is usually easier to get a protection order enforced in the place where it was issued so if you are moving you may want to consider applying for a new PPO in your new place of living.

SafeHouse recommends either speaking with your SafeHouse advocate or contacting a DV service provider in your new location for assistance.

section 4.12 » **CIVIL LEGAL MATTERS: EARLY LEASE TERMINATION**

If you move out of a rented home before the lease ends you’ll probably have to pay the rent through the end of the lease. If you want to move because of incidents of domestic violence, stalking, or sexual assault, Michigan law lets you end your lease early to move to a safe location. You can do this without having to pay rent through the end of the lease. Please note that your release is not effective until you move out and that you should discuss with your landlord what rent may be owed.

In order to end your lease early, you should submit a written notice to your landlord. Your notice should state that you need to end your lease and may also include supporting documents that shows you or your child are at risk if you stay in your home mailed the letter.

Any of the following documents are acceptable:

- A personal protection order (PPO) against the person you fear (or a similar protection order from another state)
- An order in a child protection case removing the person you fear from your home
- An order that says the person you fear can't have contact with you, such as a probation order, a conditional release order, or a parole order
- A police report, if charges were filed against the person you fear no more than 14 days before you send the notice to your landlord
- If it has been more than 14 days since the charges were filed, a police report and a report from a qualified third party confirming the present danger to you

OR

- A report from a qualified third party

A **qualified third party** can be one of the following:

- A sexual assault or domestic violence counselor
- A licensed health professional, such as a doctor, a nurse, or a psychiatrist
- A mental health professional, such as a counselor, a therapist, or a psychologist
- A clergy member affiliated with a tax exempt religious institution that's listed in a telephone book

If you need assistance with requesting early lease termination, please contact your SafeHouse advocate and they may be able to assist.

CHAPTER 5: RESOURCES

Below is a limited list of local, state and national resources that may be of interest. If you are looking for a specific resource, please call our HelpLine for assistance or speak to your assigned advocate. You may also call United Way 211 for a more comprehensive guide to local community resources.

Local resources:

Ozone House

Provides crisis Intervention and ongoing therapy for youth aged 10-20, as well as shelter services for youth. Drop in Center Monday-Friday.

Phone: 734-662-2222

Website: www.ozonehouse.org

Catholic Social Services

Provides family, couple, and individual mental health assessment and short-term therapy; Catholic religious affiliation not necessary to receive services.

Phone: 734-926-0155

Website: <https://csswashtenaw.org>

Washtenaw County Child Advocacy Center (Catholic Social Services program)

Provides counseling for children who have been sexually abused

Phone: 734-544-2925

Website: <https://csswashtenaw.org>

Community Mental Health

Provides mental health services to adults with mental illness, children with emotional disturbance, and individuals with a developmental disability.

Phone: (734) 544-3050

The Women's Center of Southeast Michigan

Provides access to therapists, job coaches, divorce specialists, family law attorney, and financial advisors.

Phone: 734-973-6779

Website: <https://womenscentersemi.org/>

Housing Access for Washtenaw County (HAWC)

Provides assistance with move-in costs and/or referrals to local shelters or housing options.

Phone: 734-961-1999

Website: www.housingaccess.net

Jim Toy Community Center

Provides information, education, social events, and advocacy by and for the Queer and Ally community.

Phone: (734) 995-9867

Website: www.jimtoycenter.org

**Eastern Michigan University Lesbian, Gay, Bisexual
and Transgender Resource Center**

Provides a comprehensive range of education, information, and advocacy services including support groups for EMU students and staff.

Phone: 734-487-4149

Website: www.emich.edu/dci/lgbtrc

University of Michigan Spectrum Center

Provides support, resources, and advocacy for LGBTQIA+ students and community members.

Phone: (734) 763-4186

Website: www.spectrumcenter.umich.edu

SAPAC

Provides support to University of Michigan students, staff and faculty who have experienced sexual assault.

24-hour Crisis Line: (734) 936-3333

Website: www.sapac.umich.edu

State resources:

Michigan Domestic Violence Hotline

Phone: 866-864-2338

TTY: 517-898-5533

SMS: Text 1-877-861-0222

Chat: <https://mcedsv.org/hotline-domestic-violence/hotline-chat-2>

Michigan Sexual Assault Hotline (voices4)

Phone: 855-864-2374

Text: 866-238-1454

Chat: www.mcedsv.org/hotline/hotline-chat/

Website: www.michigan.gov/voices4/

National resources:

LGBT National Help Center

Provides confidential peer-support and information

www.glbtnationalhelpcenter.org

National Domestic Violence Hotline

Phone: 800-799-7233 (24-hour)

TTY: 800-787-3224

Text: - text "START" TO 88788

Online Chat/Info: www.thehotline.org

Rape, Abuse, and Incest National Network (RAINN)

Phone: 800-656-4673 (24-hour)

Online Chat/Info: www.rainn.org

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SafeHouse Center can help.

24 hour HelpLine
734-995-5444

Business Line
734-973-0242



For good. For ever.



United Way
of Washtenaw County