

What Is Domestic Violence?

Domestic Violence is about one person getting and keeping power and control over another person in an intimate relationship. It is a pattern of abusive behavior where one partner uses physical violence, coercion, threats, intimidation, isolation and emotional, sexual or economic abuse to control and change the behavior of the other partner. Domestic violence happens to people of all ages, ethnicities, religions, income levels and backgrounds.

Cycle of Violence

The first step in the prevention of domestic violence is to *break the silence*. Victims and children deserve to be given a voice that is heard, recognized and respected by their families, friends and community. Research shows that violence can be prevented or reduced through changing public attitudes, general public education and allowing authorities to intervene. Tell your children that violence is never right, even when someone they love is being violent. Tell them that neither you nor they are at fault or cause the violence, and that when anyone is being violent, it is important to keep safe. Call the police if you see or hear violence in progress, and if you are a victim of domestic violence, **break the cycle – ask for help**.

Civil Protection Orders

A protection order is a written court order that is designed to prohibit violence and harassing behavior, and to protect you and your family from the abuser. In 1988 Idaho passed the Domestic Violence Crime Prevention Act (Idaho Code 39-6302), which expanded the ability of the courts to assist victims of domestic violence by providing a legal means for victims of domestic violence to seek protection orders and prevent further incidents of abuse. It stresses the enforcement of the laws to protect the victim, and communicates the attitude that violent behavior in the home is criminal behavior and will not be tolerated.

How Do I Get One?

A protection order may be obtained AT NO COST and WITHOUT an attorney. Applications, called “petitions,” are available from the clerk of the

magistrate or district court in the county where you live, are temporarily living, or where the respondent (the person the victim needs protection from) is living. Tell the clerk you need protection from domestic violence. Filing a petition for a protection order is filing for the temporary order. If the judge issues a protection order at the first (ex parte) hearing, it will be for up to 14 days.

The domestic violence agencies in your area and/or court staff may be able to answer some of your questions or help you fill out the necessary court forms. If you need assistance, please contact one of the programs listed on the back of this pamphlet.

How Do I Fill Out The Forms?

Don't let the form scare you. A lot of information is required by the law to seek protection. Carefully answer the questions as completely as you can in your own words explaining how you were hurt.

BE SPECIFIC about violent acts or threats. Include dates, places, injuries, if children were present, how you were hit, where on your body you were hit, and how many times. Use descriptive language – slapping, hitting, grabbing, choking, threatening, etc., that fits your situation. If a weapon was used, include what kind and what other weapons the abuser may possess. Include the two most recent incidents of violence, the two worst incidents of violence and whether the abuser has threatened to physically hurt or kill you. Write down everything you can about this abuse. THIS IS IMPORTANT. The judge will use what you write to decide if you need help or not.

Do not be afraid to ask for help if you need it. Remember, the petition is a legal document. It is important to understand that you are under oath and have to tell the truth when filling out the document. *Do not sign the petition until you have shown it to a clerk, as the form may need to be notarized or signed in the presence of court personnel.*

What Happens Next?

The clerk will forward the petition to a judge. The judge may ask you questions as he or she reviews your application. The judge will decide whether or not to issue the temporary order.

If the temporary order is approved and issued, you need to return to the court clerk's office to get your copy. The judge may issue a temporary protection order at that time, and will set a hearing date within 14 days to decide whether to issue a full 90 day “Protection Order.” YOU MUST COME TO THIS HEARING. Follow through! The clerk will tell you when and where the hearing will be held.

The respondent must be served with a notice of the hearing and with any protection orders a judge has granted you. *The order is not enforceable until it has been served.* Usually law enforcement personnel will attempt to serve the respondent in person.

It is very important you read the entire protection order. Any errors must be pointed out to the clerk immediately.

Always Keep A Certified Copy Of Your Protection Order With You

Deliver copies to your employers, your child's daycare or school and everyone else who needs to know about this order. Keep a certified copy to show to the law enforcement officer if you need help. You must be vigilant in enforcing the order's provisions by reporting every violation to the police or the court. Many batterers obey protective orders, but some do not and it is important to build on the things you have already been doing to keep yourself safe. Advocates at local resource centers can assist you in designing a safety plan and can provide other forms of support. This is a court order.

Extending The Protection Order

Permanent protection orders can be renewed for longer periods. You must go to the court and request an extension BEFORE your first order expires. There will be another hearing where you will have to demonstrate to the judge why you need the order extended. If the abuser does not object to the renewal, then you will not have this hearing.

If you move, your order must be given full faith and credit in any other state, territorial or tribal court (18 U.S.C. Secs. 2265 and 2266). This means your order will be enforced wherever you go. Be sure to re-register at your new location.

Violations

Once a judge has issued a protection order to you and the respondent is served with notice, it is then against the law to violate any part of the protection order. If the abuser violates the order call the police or sheriff immediately, no matter how minor the violation. Gather any information you can to assist the officer, including the name and number of any witnesses. It is a good idea to write down the name of the responding officer(s) and their badge number in case you want to follow up on your case. Make sure a police report is filled out, even if no arrest is made. If you have legal documentation of all violations of the order, it will help you have the order extended or modified.

Do not have false hopes that the protection order is all you need to be safe, especially if a violent level of force is used. For some abusers, the protection order is only a piece of paper. Your safety comes first. Do not depend upon the protection order as your only source of safety. Safety planning should be a top concern for you and your family. Contact your local domestic violence shelter to find out about laws and other resources available to you before you have to use them during a crisis.

Victim Compensation

You may be eligible for reimbursement for related medical and counseling expenses incurred during the abuse. Call (800) 950-2110 for further information.

Child Support

If you need child support call your local Department of Health and Welfare and ask for the child support enforcement office. You may be able to receive financial help (Idaho Code 32-706).

General Domestic Violence Information

The resources available in Idaho for information related to domestic violence and places of safety and shelters are listed in this brochure. Shelters provide food, shelter, and clothing and referral services in a supportive atmosphere. Safe homes provide similar services with a volunteer family in the community. In some areas of Idaho, motels

provide emergency housing and those with longer shelter needs are referred to nearby shelters.

Emergency medical help is available from your local doctor, hospital or clinic. Call your local domestic violence program for phone numbers of nearby medical service providers.

Criminal No Contact Orders

If someone has hurt you and is arrested, he or she may be issued a criminal *No Contact Order* as a condition of their release from jail. This can order the abuser to stay away from you, your home, your workplace or your school and stop contacting you. You should not attempt to contact the arrested person.

When the abuser does something the court has ordered him or her not to do, or fails to do something the court has ordered the *No Contact Order* has been violated. Violation of the order is a misdemeanor, and the violator may be arrested without a warrant. When arrested under this circumstance, the violator will not be permitted to bond out of jail prior to seeing a judge.

As a victim you have the right to request a change to the No Contact Order. If you wish to modify or terminate the order, you must file a written request with the clerk of the court where you originally filed the request. These forms are available from the clerk. The court must provide a hearing within 14 days of the request, and will notify you of the hearing date. You have the right to be present at all court hearings.

**Idaho Domestic Violence Programs
Idaho Statewide 24-Hour Hotline
1 (800) 669 3176**

ICDVVA Funded Programs with a 24-Hour Crisis Line

Blackfoot Bingham Crisis Center	208-681-8712
Boise Hays Shelter Home Terry Reilly Health Services Women's and Children's Alliance	208-322-3905 208-323-9600 208-343-7025
Bonnars Ferry Boundary County Youth Crisis & DV Hotline	208-267-5211
Caldwell Hope's Door	208-459-4779
Cascade ROSE Advocates	208-414-0740
Coeur d'Alene North Idaho Violence Prevention	208-664-9303
Council ROSE Advocates	208-414-0740
Driggs Family Safety Network	208-354-7233
Emmett ROSE Advocates.	208-414-0740
Hailey The Advocates	208-788-6070
Idaho Falls Domestic Violence & Sexual Assault Center	208-235-2412
Lewiston YWCA of Lewiston/Clarkston	208-746-9655
Malad Oneida Crisis Center	208-766-3119
McCall ROSE Advocates	208-414-0740
Moscow Alternatives to Violence	208-883-4357

Nampa Hope's Door	208-459-6279
Payette ROSE Advocates	208-414-0740
Pocatello Family Services Alliance	208-251-4357
Post Falls OASIS Victim Services Program	208-773-1080
Rexburg Family Crisis Center	800-962-5601
Salmon Lemhi Crisis Intervention	208-940-0600
Twin Falls Crisis Center of Magic Valley	208-733-0100
Weiser ROSE Advocates	208-414-0740
Wallace Shoshone County Women's Resource Center	208-556-0500

EMERGENCY

**If you are in a life threatening situation or need
to report a crime, call: 911**



Domestic Violence is a Crime

A Civil Protection Order Can:

- Deter the person from harming you and/or your children
- Deter the person who has been hurting you from entering your home, school or where you work
- Require the person who hurt you to get help with counseling
- Require the abuser to leave the household
- Keep the children in your care

YOU HAVE THE RIGHT TO BE SAFE!

If you are a victim of domestic violence, you can file a report with the police. Then the city or county prosecuting attorney can file a criminal complaint. You also have the right to file a petition in magistrate court requesting an order of protection from domestic abuse – a protection order. If the person who hurt you is arrested, they may be issued a No Contact Order when released. This pamphlet explains the protection order and the No Contact Order.

Violations of Protection Orders and No Contact Orders are Crimes!

A violation of any provision of a protection order or a No Contact Order is a new crime and carries potential penalties for the offender.

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