

Are you a victim of Domestic Violence?

Does your partner...

Embarrass you with bad names and put-downs?

Look at you or act in ways that scare you?

Control what you do or where you go?

Stop you from seeing or talking to friends?

Prevent you from getting or keeping a job?

Take your money?

Make you ask for money?

Refuse to give you money?

Make all the decisions?

Tell you you're a bad parent?

Threaten to take your children away?

Act like the abuse is no big deal?

Act as if the abuse is your fault?

Deny the abuse happen?

Destroy your property?

Threaten to hurt or kill your pets?

Intimidate you with guns other weapons?

Shove you, slap you, and hit you?

Force you to drop criminal charges?

Threaten to hurt or kill your children?

Threaten to commit suicide if you leave?

Threaten to kill you?

If you checked yes for even one question, you may be in an abusive relationship! Please call this free confidential hotline - 1-800-799-SAFE (7233)

SAFETY PLAN: What you need when leaving

- Personal Identification
- Divorce, paternity, custody papers
- Birth certificates for you and your children
- Lease/rental agreements, house deed
- Social Security Cards
- Current unpaid bills
- School and medical records
- Money (cash, checkbook, credit cards)
- Address book
- Keys to house, car, and/or office
- Pictures, jewelry, items of sentimental value
- Vehicle registration and insurance information
- Children's favorite toys, blanket, etc (limited amounts)
- Medications
- Copy of Order of Protection
- INS documentation (green card, work permit, passport)
- Formula and diapers

When the Abuser is there:

- Stay out of rooms with no exit
- Avoid rooms that may have weapons (ex. - the kitchen)
- Select a code word that alerts friends and children to call the police
- Leave a suitcase and checklist items with a friend

When the Abuser has moved out:

- Obtain an Order of Protection
- Change the locks on doors and windows
- Install a peephole in the door
- Change telephone number, screen calls, block Caller ID
- Install/increase outside lighting
- Inform landlord/neighbor of situation and ask them to call the police if they see the abuser

Protecting your children:

- Plan and rehearse an escape route
- Teach them how to call 911 and a code word when they should call 911
- Teach them how to use a public telephone
- Make school aware who the children can be released to
- Give school personnel a photo of the abuser
- Request school not to divulge address or telephone number

For assistance in developing your personalized safety plan, please contact

The Avondale Crime Victim Services Unit at 623-333-7219

Or the Arizona Coalition Against Domestic Violence at 602-279-2900

Order of Protection:

Filing for an Order of Protection is based on a two-fold test. The first is your relationship with the defendant and second is whether or not a domestic violence crime has been committed: If both do not apply, then you would file an Injunction Against Harassment.

Relationships Include:

- Your current or former spouse
- Someone with whom you live or have lived
- One party is pregnant by the other party or someone whom you have a child in common
- Your relative, or your current spouse's relative
- **Previously or currently in a romantic or sexual relationship as defined by A.R.S. code 13-3601.**

Domestic Violence Includes:

- Assault
- Aggravated Assault
- Child or Vulnerable Child Abuse
- Criminal Damage
- Criminal Trespass - first, second, third degree
- Crimes Against Children
- Custodial Interference
- Disorderly Conduct
- Endangerment
- Kidnapping
- Threatening & Intimidation
- Unlawful Imprisonment

You must tell the Court if there are any Court proceedings regarding the defendant's conduct toward you or any other court orders in effect. It does not matter if the Court proceedings are going on now, or if they happen in the past; tell this Court about them all.

What is an Injunction Against Harassment?

If you are asking the Court to issue the Injunction Against Harassment without giving the defendant a chance to be heard first, you must show that great or irreparable harm will result if the Injunction Against Harassment is not issued until after the defendant has been given notice and a chance to be heard.

Harassment is a series of acts which:

- Can be spread over a long or short period of time
- Must show a continuity of purpose
- Must be directed at specific person
- Must seriously alarm, annoy, or harass the victim without serving a legitimate purpose

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- Must be such as would cause a reasonable person to suffer substantial emotional distress
- Must actually cause the victim to suffer substantial emotional stress

You must be specific about how the defendant has harassed you. Just because the defendant annoyed or alarmed you does not mean you have been harassed in the legal sense. According to the law, harassment must involve a series of acts. A single incident, no matter how much it may bother you, does not constitute legal harassment. People cannot be prevented from taking legal action against you and injunctions cannot resolve landlord-tenant disputes.

You must tell the Court if there are any other Court proceedings regarding the defendant's conduct towards or any other injunctions in effect. It does not matter if the Court proceedings are going on now, or if they happened in the past; tell the Court about all of them.

What effect does an Order of Protection or an Injunction Against Harassment have?

The Judge has the authority to:

- Order one party not to commit acts of domestic violence
- Grant one party exclusive possession of residence (Order of Protection only)
- Order one party to not go near the residence, place of employment, school or other specified locations
- Order other relief as necessary to protect the alleged victim or other persons

The Judge **does not** have the authority to render custody orders, order parties to obtain counseling, resolve property disputes, or fashion an Order of Protection affecting any visitation rights. **These types of relief are appropriate for review by the Superior Court.**

Order of Protection

Once an Order of Protection, or Injunction against Harassment has been served, it will be in effect for one (1) year.

The Order of Protection or Injunction Against Harassment is not in effect until it has been legally served on the defendant.

The defendant may request a hearing on the order one time during the one-year period in which it is in effect. A hearing will be held within 10 days from the date requested unless the Court finds compelling reasons to continue the hearing. If the Plaintiff has been granted exclusive use of the residence, the hearing will then be held within 5 days.

If during the period of time your order is in effect your circumstances change, you must appear in person to request a possible modification to the Order of Protection or the Injunction Against Harassment.

If a petition for dissolution or separation of marriage is filed, you must notify the Court immediately and the proceedings will be transferred to Superior Court.

Violation of the Order of Protection or Injunction Against Harassment is a criminal offense.

If the defendant violates the Order of Protection or Injunction Against Harassment, you should call 9-1-1 for all emergencies or if you want to file a police report, call the Avondale Police Department at 623-333-7000.

Do not call the Court or the Prosecutor to report violations.

The decision to file criminal charges is made by the Avondale City Prosecutor, not by the Court or the Police.

How do I file?

You must complete the paperwork provided to you by the Court staff. An Order of Protection or Injunction Against Harassment can only be issued against one person. Each person you want to file against requires a separate petition. You must provide the Court with the following:

- The defendant's name
- A list of all specific acts of domestic violence or harassment that the defendant has committed within the past year
- Your address and phone number. This can be kept confidential at your request
- An address at which the defendant can be legally served

After you complete the paperwork, you will appear before the Judge who will review your petition. The Judge will determine if the Order of Protection or Injunction Against Harassment should be issued.

How is the defendant served?

The defendant must be served within one year after the Order of Protection or the Injunction Against Harassment is issued by the Court.

You may use a private process server or the local police department to serve the defendant. Some police departments will only serve Orders of Protection and not Injunctions Against Harassment.

If you use a private process server, you are responsible for delivering the defendant's copy of the order to the process server and for paying the service fee and mileage.

If you do not know where the defendant is, or do not have an accurate address, you should keep the certified copy of the order. As soon as you learn where the defendant is, you can contact a private process server or the police, so that they may attempt to serve the defendant. The order must be served within one (1) year of being issued.

If the defendant is in jail, the police will serve the order on the defendant.

In an emergency situation, call 9-1-1. Any police officer can serve your order, and you will be billed for that service.