

DOMESTIC VIOLENCE and THE LAW

A Practical Guide for Survivors

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**Experiencing domestic violence can be frightening and
confusing. It can also make people feel very alone.
If you have a boyfriend, girlfriend, or spouse that is abusive,
there are people who want to help.**

**This booklet can help explain your legal rights
If you need help right now, you may need to read this
book later after you are out of immediate danger.**

**Try not to solve this problem on your own and always
try to put your safety first.**

What to do RIGHT NOW:

- **CALL 911.**

If you are in danger right now, call the police. You do not need to decide whether a crime has been committed to call them for help. They can drive you to somewhere safe and provide you with information. You can also call them if you need medical attention.

- **CALL someone to HELP and SUPPORT you.**

If you have a friend or family member to help you through this, consider confiding in them. There is an agency in almost every county in North Carolina that can help you. All of them have 24 hour hotlines where you can call for information and help. These agencies are listed, by county, at the back of this book.

During a fight. . .

- Avoid small rooms where you could get trapped, and rooms that contain weapons such as kitchen knives or garage tools.
- Protect your face and head by curling into a tight ball and going into the nearest corner.
- Teach your children to stay away from the fighting so they won't get hurt.
- Make up code words to alert friends or family members that you are in danger.
- If you can confide in your neighbors, ask them to call for help if they hear the abuse or see a pre-arranged signal (for example, your porch light is on or blinking during the daytime).

Planning to leave. . .

- Think about a place you can go where your partner will not find you: a shelter, church/synagogue/mosque/temple, friend's home, hotel, etc.
- Pack an emergency bag including medication, a change of clothes, basic hygiene items, money, spare car, house & office keys, bus pass, and diapers, bottles & formula if necessary (hide the bag in a place ONLY you can easily access such as: your car trunk, shed, garage, office or neighbor's house).
- Collect and hide outside your house originals or copies of documents such as marriage & birth certificates, passports, your and your partner's social security & drivers license numbers, bank account numbers, ATM card, and home & car titles.
- Be cautious about telling your children about your escape plan, to insure they will not accidentally reveal your arrangements.

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Introduction

Domestic violence under the law is physical abuse done by family members and other people that live in the same house. It can include slapping, punching, beating, kicking, or threats to hurt you. It can include forcing you to have sex.

Violent behavior towards anyone is wrong no matter who does it.

What is Domestic Violence Under North Carolina Law?

Emotional abuse without physical violence or threats is not covered by the law at this time, but such abuse can be a sign of future physical abuse. Those organizations listed in the back of this booklet can help you no matter what type of abuse you have suffered.

1. Physical Abuse Under the Law.

The legal definition of domestic violence in North Carolina is physical violence and threats. Physical violence includes kicking, beating, grabbing, using a weapon against you (like a knife, gun or a hammer), slapping, pushing, pulling your hair, throwing you (on the floor, down stairs, etc.) or throwing something at you or near you in order to scare you.

Physical Abuse may also be:

- forced sex;
- destruction of your possessions to make you believe you might get physically hurt (like ripping your clothes or destroying your personal items); and
- threatening behavior. For example, if someone lets you know that if you get up from a chair or leave a room, you will be hurt physically.

2. Threats Under the Law.

The legal definition of domestic violence includes placing someone in fear of imminent serious bodily harm by threat of force. This may include threats of violence and statements like "I will hit you," "If you leave, I will hurt you," or "If you tell anyone, I will kill you." Domestic violence does not include threats to take custody of the children or to leave the home.

3. Child Abuse Under the Law.

The legal definition of domestic violence also includes violence against your children, such as actions that cause marks or bruises on your children. Domestic violence may also include sexual abuse of children, such as fondling or rape.

4. Stalking.

Domestic Violence can be stalking, which is defined as "harassment to the level of emotional distress." Stalking includes following someone around either

on foot or in a vehicle. The person being followed would feel threatened or intimidated because he or she is being followed. This also includes harassing or threatening telephone calls, letters, or other communication made with the intent to terrorize someone or put the person in fear of his or her safety.

Domestic Violence Under the Law is

- 1. Physical Abuse.**
- 2. Threats.**
- 3. Child Abuse.**
- 4. Stalking.**

How Can a Victim of Domestic Violence Get Help?

1. CALL THE POLICE.

If you are a victim of domestic violence, you can call the police or county sheriff for help. **BE READY TO PROTECT YOURSELF FROM HARM FOR AT LEAST A SHORT WHILE.** The police are only required to respond to your call as soon as practicable.

The law requires the police to provide you with:

- INFORMATION**

Law enforcement officers are trained to know and be able to tell you where the closest shelters for domestic violence victims are located. If you are hurt, in need of food, clothing or counseling, the police can direct you to a place for help.

- TRANSPORTATION**

Law enforcement officers should take you where you need to go to get help, whether it be the home of a friend or family member, shelter or hospital. The police can also take you to the magistrate's office if you want to file a criminal

complaint. If you can do it safely, leave the house and take your children, pets, and important things with you.

- **EMERGENCY ASSISTANCE**

Law enforcement officers are authorized by law to do whatever is reasonable to protect you from harm. The police can arrest your abusive partner if they have good reason to believe that your partner has hurt you. They can also arrest your abusive partner if they believe he has violated a court order by hurting you or coming to your house.

- **COLLECT EVIDENCE THAT YOU HAVE BEEN BEATEN OR THREATENED.**

When the police arrive, give them torn or bloody clothing, pictures or any other evidence of an attack (if you have any). Be sure to give the police names and phone numbers of any witnesses to your attack. If there is a court order that your partner has violated, give the police a copy of it so they can arrest him for violating the order. You should also give the police a copy of separation, divorce or custody papers, if there are any.

- **ASK THE POLICE TO MAKE A REPORT OF WHAT HAPPENED.**

Ask the police to take pictures of your injuries and any damage to your home or belongings and to conduct an investigation. You may ask for the police officer's name and badge number so that the officer can be a witness for you in any civil or criminal proceeding you may bring against your abusive partner. Write this information down so you can report it to the district attorney if you sign a criminal complaint.

If you do not press criminal charges against your abusive partner, the police may be less likely to help you in the future and your abusive partner may believe that he or she can get away with hurting you.

2. USE THE COURT SYSTEM.

To get started with the court system, you can contact:

- **MAGISTRATE.** If the police officer does not file criminal charges against your abusive partner, you can go to the local magistrate and sign a criminal complaint. Look in your local phone book in the blue pages for the telephone number and location of the magistrate's office.

- **CLERK OF COURT.** You can go to your local clerk of court's office to

file a request for a civil complaint and motion for a domestic violence protective order. A local domestic violence assistance agency should be able to assist you in preparing these forms.

- **DOMESTIC VIOLENCE PROGRAM.** You can contact your local domestic violence agency. The phone numbers are listed at the back of this booklet.

- **AN ATTORNEY.** You can contact an attorney for legal advice. If you cannot afford an attorney, then you can contact your local legal services organization for assistance. The phone numbers are listed at the back of this booklet.

3. PROTECT YOUR CHILDREN'S SAFETY.

If you leave the residence, take your children with you. Do not leave them with your abusive partner. If you have left the house and can come back to get the children safely, do so. If you can take your pets safely and have somewhere for them to stay, take them with you too. It is better to talk to an attorney before you move with your children out of North Carolina.

How Can You Get Help?

- 1. Call the Police**
- 2. Use the Court System**
- 3. Protect Your Children's Safety**

How Does the Law Protect People Against Domestic Violence?

You have two distinct options: criminal court and civil court. You can file and pursue actions in both courts at the same time.

1. You can bring CRIMINAL CHARGES if:

- You have suffered violence in an abusive relationship, regardless of whether

you are married to or living with the abuser.

2. You can and should file a CHILD ABUSE COMPLAINT if:

- You suspect or know about abuse of any child. Reports of child abuse go to your county Department of Social Services. Their phone number is listed in the blue pages of your phone book under the county section.

3. You can file for CIVIL RELIEF (a "Protective Order") in the civil courts if:

- You are currently married to the person abusing you;
- You used to be married to the person abusing you;
- You are currently living with or have previously lived with the person abusing you;
- You and the person who is hurting you are related as parents or grandparents. You can not get an order against a child under 16;
- You are dating or used to date the person who is abusing you and you are different sexes;
- You and the person abusing you have a child in common.

How Does a Victim of Domestic Violence Start a Criminal Case?

1. REPORT THE CRIME AS SOON AS POSSIBLE

If you can get to a telephone, call the police immediately. If the police witness an assault, they are required by law to make an arrest on the spot. You should never remain in a place of danger in order to allow the police to witness the violence. They can make an arrest even if they don't witness it if they have enough evidence to believe an assault occurred. This is called "probable cause."

2. BE PREPARED TO TELL WHAT HAPPENED

If the police do not witness the assault, and do not find "probable cause," you may have to go to the magistrate's office to file charges. You will need to describe to the magistrate what happened to you and take along with you any witnesses to the domestic violence and any evidence of injury or abuse, including pictures, torn or blood-stained clothes and medical reports. Upon hearing your sworn testimony, the magistrate should issue a criminal summons or a

warrant, even if you do not have physical evidence of abuse.

3. MOST COMMON DOMESTIC VIOLENCE CRIMES

- **RAPE AND SEXUAL OFFENSE**

A person is guilty of raping you if they have vaginal intercourse with you by force and against your will. If the person that rapes you uses or displays a dangerous weapon, causes serious personal injury on you, or is aided in the crime by one or more other persons, the crime is first degree rape and the abuser may be sentenced to life imprisonment. A person is guilty of a sexual offense against you if they force you to have sexual activity (other than vaginal intercourse) by force and against your will.

- **ASSAULT (can be either a misdemeanor or a felony)**

Misdemeanor assault is an act or an attempt, with force and violence, to do immediate physical injury to you and to put you in fear of immediate bodily harm. The assault will result in a more serious penalty if the victim is a child younger than 12, or, if a male older than 18 assaults a female. These crimes are called "assault on a child" and "assault on a female." Felonies are more serious crimes usually resulting in stiffer penalties. A felony assault is one in which a weapon is used with the intent to kill or cause serious injury to someone. Also, strangulation is a common form of domestic abuse, and when strangulation results in injury, it can be charged as a felony.

- **DOMESTIC CRIMINAL TRESPASS**

First, domestic criminal trespass happens only when you and your former partner live in different homes.

A person is guilty of domestic criminal trespass if he or she is a former partner and comes to your residence after your separation and after you have asked him or her not to come to your residence, or, if he or she refuses your request to leave your residence after your separation.

- **COMMUNICATING THREATS**

A person is guilty of communicating threats against you if, without lawful authority, he or she threatens to physically injure you or damage your property, the threat is spoken or in writing, and is made in such a way that it would cause a reasonable person to believe that it is likely to be carried out (and you actually believe that the threat will be carried out).

- **STALKING**

The offense of stalking occurs when a person willfully and continually follows you or is in your presence without legal purpose and with the intent to cause emotional distress to you by placing you in reasonable fear of death or bodily injury. To be illegal, the stalking must occur on more than one occasion.

Stalking may also include threatening telephone calls or other forms of threatening communication which is made for the purpose of terrorizing the victim or placing the victim in fear of his/her personal safety.

- **HARASSING PHONE CALLS**

Using profane, indecent or threatening language against you over the telephone or on your answering machine is illegal. This includes annoying or harassing you by making false statements over the telephone or by repeated calling.

TIPS AND POINTERS FOR THE CRIMINAL TRIAL

- **Attend the Trial**

You will need to be present in court to testify about what happened. You will be contacted by the District Attorney's office with the court date and/or you may contact their office. Their phone number is listed in the blue pages of the phone book.

- **The District Attorney is Your Attorney**

You may contact the district attorney's office before the trial date to discuss the case and the evidence that you will be able to present. If there are any witnesses to the domestic violence that was committed against you, you should let the district attorney know as soon as possible and request that they be subpoenaed to appear at the trial. If you do not think that you can attend the trial, let the district attorney know immediately.

- **Expect Continuances**

Criminal cases are often continued for many different reasons. It is important to keep track of the date on which the case is scheduled to return and, once again, to go to court at the appropriate time and day.

- **Convictions and Punishment**

If the person abusing you (the defendant) is found guilty, the punishment will be decided by the judge. The punishment can be influenced by the type of crime and the abuser's criminal history.

- If you do not appear on the day scheduled for trial, your case may be dismissed. Also, you may be ordered to pay court costs.
- Be present and ready to have all witnesses available on short notice. Cooperate with the district attorney and tell him or her everything you can remember about the domestic violence against you.
- If the abuser attacks you again (after he or she has been found guilty),

you can take out another warrant for the abuser's arrest and should report the attack to his or her probation officer.

- 1. Report the Crime Immediately**
- 2. Explain What Happened Clearly and Thoroughly**
- 3. Know the Court Date. Show up on time!**
- 4. The District Attorney is YOUR attorney. Cooperate with him or her.**

How Does a Victim of Domestic Violence Use the Civil Justice System?

What can the Judge order?

A Domestic Violence Protective Order can provide some or all of the following relief:

- the abuser may not assault, threaten, harass or contact you
- the abuser may not follow you or go to your home, work, school, or other places that you normally go
- possession of the residence so that the abuser cannot return there and/or an order that the abuser leave the residence
- suitable housing other than the former residence
- law enforcement assistance in evicting the abuser from the residence and/or in returning you to it
- temporary custody of the minor children. (You may be asked to show that the children are in danger of violence or abuse)
- temporary child support
- temporary payments for your support if you and the abuser are married (most judges will not award this immediately unless you are handicapped or unless other very special and compelling circumstances exist)
- possession of a vehicle

- possession of your furniture and other household goods
- possession of certain other items of personal property (for example, the tools you use for your work or your child's wheelchair)
- your attorney's fees for the civil case to be paid for by the abuser
- temporary visitation rights
- that the abuser be prohibited from purchasing a firearm
- that the abuser attend and complete an approved abuser treatment program if it is within a reasonable distance.

Getting Your Domestic Violence Protective Order

Step One: Prepare and File the Forms

The Clerk of Court at your local county courthouse should be able to give you the appropriate forms to get started. Ask for a "*Complaint and Motion for Domestic Violence Protective Order*" and a "*Civil Summons*." When you describe the domestic violence against you on the complaint form, start with the most recent act of violence first; then go back in time and describe each violent act. Be thorough and add extra sheets if you need to. If the violence has caused any injuries such as bruises, knots or wounds, include that information in the appropriate place on the complaint. Also, be prepared to tell the judge about your injuries and any injuries to your children. If your abusive partner is violent while using alcohol and illegal drugs, tell the judge in the complaint and remind him or her of it in court. **It is very important to show the judge on paper why you are afraid now.** The judge will read your complaint and may ask you more questions in the courtroom. In the complaint, remember to ask for *all* the kinds of relief you want, particularly custody of the children.

Step Two: The Ex Parte Hearing

If you are in serious, immediate danger, you should ask the judge to issue a temporary or *ex parte* order. *Ex parte* means that the order will be issued without your abusive partner being notified of or going to the hearing. The order protects you while the summons and complaint are being served by the

sheriff to your abusive partner and before he has the chance to come before the judge. The order is only good for ten (10) days and the *ex parte* hearing usually takes place within 24 hours of filing the complaint. Take steps to protect yourself during this time, especially if you think your abusive partner will hurt you because of the actions you are taking to protect yourself.

Step Three: Service on the Abuser

The law requires that the abuser receive a copy of the complaint and motion by personal delivery from your local sheriff. This process is called "service." The judge cannot go to Step Four, the 10-day hearing, until the defendant-abuser has been served. You can give the documents to the sheriff and he or she will attempt service quickly. Give the sheriff as many addresses and phone numbers to reach the abuser that you can gather. It is also helpful to give a full description of the abuser and to complete a form called "Identifying Information about Defendant," which you can get from the clerk's office.

Step Four: The 10-Day Hearing

A full hearing with you, your witness, the abuser and the judge will take place ten days after the summons is issued and the complaint is filed, assuming the abuser has been served with your complaint. Be sure you bring with you to the courtroom any witnesses to the domestic violence against you and all evidence you can gather, such as pictures, medical reports, answering machine messages, and/or torn clothing. If you do not have any evidence, do not worry. They are not required, but they do help the judge believe you. Be prepared to describe to the judge in detail what the abuser has done to you and why you are still afraid of him or her now. Tell the judge about the most recent and most violent episodes first. Be aware that your abuser can ask you questions in court. Keep calm, if you can.

Your abuser is also going to have a chance to tell his side of the story. Do not get upset if the abuser contradicts what you say. Judges have seen many cases of domestic violence and will expect contradictions in the testimony. If the judge believes you are truthful, he or she should give you some form of domestic violence relief.

If the papers are not served on the abuser by the date of the 10-day hearing, the judge may issue another temporary, *ex parte* order or extend your original *ex parte* order until the next court date. You will have to return on later dates until the abuser has been served.

Ask the Judge for Relief

Be certain that you tell the judge exactly what relief you want. You may find it helpful to make a list before you go to court so you do not forget anything. If your circumstances have changed or if you have changed your mind since you filed the complaint, you can change the type of relief you ask for. The judge has the final decision about what kind of relief you will get although the judge will ask for your opinion.

Step Five: Keep Your Court Order with You at All Times

The local law enforcement authorities must keep copies of these orders on file, but you should keep a copy in your purse or other safe place near you so that you can show the police or magistrate that you have a domestic violence order should the abuser violate it.

Step Six: Extensions after the First Year

Your Domestic Violence Protection Order will only last for one year at most. You can get the order extended beyond one year if the abuser continues to be a threat to your physical safety. You must apply for the extension before your original order expires. Forms are available at the clerk of court's office. Again, you must write specifically what the abuser did that was in violation of the order, or why you think that you need to be protected for a longer time, there will be another hearing and you will need to explain your reasons to the judge. The judge may extend your original court order or any succeeding order for up to one year.

Frequently Asked Questions

1. What happens if the Abuser Violates the Order?

a) You can call the police. A violation of a domestic violence court order is a criminal offense and you can contact the magistrate's office or the police and have the abuser arrested immediately. The police should arrest the abuser if you show them you have a court order and they reasonably believe that the abuser has violated it. Also, if you have to flee a state due to the actions of the abuser, the abuser may have committed a federal crime and you can call your local U.S. attorney's office (look for the phone number in the blue pages of the phone book).

b) You can file a "motion for entry of contempt." Your safety may depend on showing the abuser that you intend to enforce your legal rights. You can

contact an attorney to file a motion for entry of contempt or you can file a motion yourself. The forms are available at the clerk of court's office. Again, you must write specifically what the abuser did that was in violation of the order, and you and the abuser must appear before a judge. The judge may tell the abuser that if the abuser violates the order, he or she will be jailed; or the judge may find that the order has already been violated and sentence the abuser to jail or order that he or she pay a fine.

2. What happens if you contact the abuser?

If the judge has ordered the abuser not to contact you, try to refrain from any telephone or personal contact with the abuser. Although you are not violating the law, the judge may be less likely to enforce the order. If you have let the abuser into your home (even if you have started living together again), you can reapply for relief if further domestic violence occurs, but the abuser may be less likely to take a second court order seriously. More importantly, the court may begin to question your credibility and concern for protecting your own safety.

3. What if my abuser's actions make me move?

If you have a valid protective order from another state, it will be enforced by North Carolina law enforcement agencies. Also, other states will enforce your North Carolina order and it is a good idea to get a "certified" copy from the clerk before you move.

4. How does moving affect my child custody rights?

If you relocate with or without your children because of an act of domestic violence, the court is not allowed to use that fact against you in determining custody or visitation. In custody decisions, the court will consider acts of domestic violence, the safety of your child and safety of either party from domestic violence by the other party. The court may:

- designate a time and place for the exchange of children away from the abused party;
- order the participation of a third party; or
- require supervised visitation.

5. What if my abuser has an attorney that comes with him to the ten day hearing?

You should also get an attorney if your abuser is represented. You may ask the court for a continuance to find an attorney. If the court allows the continuance, the ex parte order will also be in effect until the new court date.

If you cannot afford an attorney, you should contact the nearest Legal Aid or Legal Services office as soon as possible. You can find a list of those services at the back of this booklet.

6. What if my abuser's attorney wants me to settle or dismiss the case?

Sometimes, it may be better to reach a settlement and not have a formal hearing, but this decision should only be made thinking about what is right for you. This is your choice to make, and you do not have to agree to anything offered by your abuser's attorney. If you can, talk to an attorney about any documents or settlement before you sign anything. These settlement documents are usually called consent orders. If you cannot find your own attorney, make sure that any documents you sign have protective provisions that you can use if you need to call the police.

7. What if my abuser wants me to agree to a mutual protective order?

A mutual protective order is one in which both you and the defendant are ordered to stay away from each other, not call each other, etc. The court cannot issue (and you do not have to agree to sign) a mutual protective order (that is, an order that you might be violating) unless:

- the defendant has also filed a complaint against you; and
- the court finds that both you and the defendant acted as aggressors (and not in self-defense).

8. What can I do to cope with my feelings after being abused?

You may find it helpful to talk with someone outside of your circle of family and friends. Seek counseling from volunteers at a shelter or other domestic violence assistance program and get any documents or reports from your visit for use in court later. Counseling may be important to your recovery from the domestic violence against you, and may help you sort out your feelings. A list of domestic violence agencies are listed at the end of this booklet.

9. What if it is not safe for me to stay in my home?

If you do not think it is safe for you to stay in your home, stay with friends or relatives. In cases where staying with friends or relatives may not be

safe, consider going to a shelter. Most counties have emergency temporary shelters for victims of domestic violence and their children. A list of those programs are at the back of this booklet.

10. What do I do about my money and important things after I have left my home?

After you are in a safe place, get money out of bank accounts to which your abuser also has access. Collect important personal belongings after you leave the house, if you can safely. Remember, the police can and should escort you back to your home to get your belongings. Also, you can ask the judge for a provision in your protective order allowing you to get the household goods and other personal things you need.

Immigrant North Carolinians

If you are not a U.S. citizen or permanent resident (have your "green card") and have been abused, you may be eligible to continue staying in this country. If your abuser is your spouse or your parent, you do not have to rely on the abuser to support your petition for a green card.

If you are not married to your abuser, you can file for a "U-visa," which allows you to stay in this country for three years. After three years, you may be eligible to receive a green card.

If you were abused in your home country and are afraid of going back to your home country because your abuser is still in that country, you may qualify as a refugee or asylum seeker.

If someone promised you a job and a visa to come to this country, but you were actually forced to have sex to pay off your debts, you may be eligible for a "T-visa." T-visa holders can remain in this country for three years and then may be eligible to receive a green card.

If you have been abused and are not a citizen or permanent resident, you should talk to an immigration attorney. Although not all Legal Aid and Legal Services offer immigration services, they will have names of attorneys in the area that are willing to help.

American Indian North Carolinians

Some of the information provided here applies to all North Carolinians. In some cases, however, there are differences for American Indian North Carolinians. If either you or the person who abused you are members of the Cherokee Indian tribe, the proper place to file criminal and civil charges is the Tribal Court. Even if you are not Cherokee, if you live on the reservation, you should file papers with the Tribal Court.

There are a few things to know about how the Cherokee Tribal Court works. There are advocates who can help explain the process to you and make sure you are not alone. You can call the domestic violence agency listed in the table that follows for help. In order to reach the Tribal Court, call (828) 497-7874 or (828) 497-7720. If you have access to the Internet, you can read the Cherokee Tribal Rules for the NC Eastern Band of Cherokee by going to the following internet address: <http://www.tribalresourcecenter.org/ccfolder/eccodetoc.htm>.

The following is a list of organizations and tribes located around the state that will give information and referrals to American Indians. Help is available.

Cumberland County

Cumberland County Association for
Indian People
(910) 483-8442
Email: ccaip@onp.wdsc.org

Guilford County

Guilford Native American Association
(336) 273-8686
Email: warbnash@yahoo.com

Halifax-Warren County

Haliwa-Saponi Tribe
(252) 586-4017
Email: jor@coastalnet.com

Person County

Indians of Person County
(336) 599-5020
Email: sapony@starpower.net

Wake County

Triangle Native American Society
(919) 661-2515

Statewide Advocacy

The North Carolina Commission
of Indian Affairs
[www.doa.state.nc.us/doa/cia/indian.h
tm](http://www.doa.state.nc.us/doa/cia/indian.htm)
(919) 733-5998

Help Is Available

Almost every county in North Carolina has a domestic violence service provider. These agencies are designed to assist victims of domestic violence by providing information, support and emergency response, like emergency shelter and confidential hotlines.

You may also need an attorney. To see if you are eligible to receive the services of an attorney, you should call the legal services office in your area (see table below).

ALAMANCE COUNTY

Family Abuse Services*
Burlington
Crisis line: (336) 226-5985
Office: (336) 226-5982

ALEXANDER COUNTY

Domestic Violence Resource Center*
Taylorsville,
Crisis line: (828) 635-8881
Office: (828) 635-8850

ALLEGHANY COUNTY

Domestic Abuse is Not Acceptable
(DANA)
Sparta
Crisis/Office: (336) 372-3262

ANSON COUNTY

Anson Co. DV Coalition*
Wadesboro,
Crisis line: (704) 690-0362
Office: (704) 694-4499

ASHE COUNTY

A Safe Home for Everyone (A.S.H.E.)
West Jefferson
Crisis: (336) 219.2600 (Sheriff's
Office)
Office: (336) 982-8851

AVERY COUNTY

Acada, Inc.*

Newland,
Crisis: 828-733-3512
Office: (828) 733-3512

BEAUFORT COUNTY

Options to Domestic Violence*
Washington
Crisis line: (877)-723-8390
Office: (252) 946-3219

BERTIE COUNTY

(See Hertford County)

BLADEN COUNTY

Families First, Inc. (Satellite Office)
Whiteville
Crisis Office: (910) 862-2534

BRUNSWICK COUNTY

Hope Harbor Home, Inc.*
Supply
Crisis line: (910) 754-5856
Office: (910) 755-7248

Sunshine Transitional Programs, Inc.

Shalotte
Office: (910) 579-5908

BUNCOMBE COUNTY

Helpmate*
Asheville
Crisis line: (828) 254-0516
Office: (828) 254-2968

Interlace
Asheville
Office: (828) 252-1155

BURKE COUNTY
Options*
Morganton
Crisis/Office: (828) 438-9444

CABARRUS COUNTY
CVAN- Women's Program*
Concord
Crisis line: (704) 788-2826
Office: (704) 788-1108

CALDWELL COUNTY
Shelter Home of Caldwell County*
Lenoir
Crisis/Office: (828) 758-0888

CAMDEN COUNTY
(See Pasquotank County)

CARTERET COUNTY
Carteret Co. DV Program*
Morehead City
Crisis line: (252) 728-3788
Office: (252) 726-2336

CASWELL COUNTY
Caswell Family Violence Prevention*
Yanceyville
Crisis/Office: (336)-694-5655

CATAWBA COUNTY
First Step Domestic Violence Program*
Hickory
Crisis/Office: (828) 322-1400 or 911

CHATHAM COUNTY
Family Violence & Rape Crisis
Services*
Pittsboro
Crisis line : (919) 545.0224

Office: (919) 542-5445

Coalition for Family Peace*
Siler City
Crisis Line: (919) 545-0224
Office: (919) 742-7320

CHOWAN COUNTY
(See Pasquotank County for main
office)
Hopeline - Satellite Office
Office: (252) 482-9918

CHEROKEE COUNTY
Task Force on Family Violence/
REACH, Inc.*
Murphy
Crisis line: (828) 837- 8064
Office: (828) 837-2097

CLAY COUNTY
REACH of Clay County
Hayesville
Crisis/Office: (828) 389-0797

CLEVELAND COUNTY
Abuse Prevention Council, Inc.*
Shelby
Crisis line: (704) 481-0043
Office: (704) 487-9325

COLUMBUS COUNTY
Families First, Inc.*
Whiteville
Crisis line: (910) 641-0444
Office: (910) 642-5996

CRAVEN COUNTY
Coastal Women's Shelter*
New Bern
Crisis line: (252) 638-5995
Office: (252) 638-4509

CUMBERLAND COUNTY
CARE- Family Domestic Violence
Program
Fayetteville
Crisis/Office: (910) 323-4187

CURRITUCK COUNTY
(See Pasquotank County)

DARE COUNTY
Outer Banks Hotline, Inc.*
Manteo
Crisis line: (252) 473-3366
Office: (252) 473-5121

DAVIDSON COUNTY
Family Services of Davidson Co*
Lexington
Crisis line: (336) 243-1934
Office: (336) 243-1628

DAVIE COUNTY
Davie Domestic Violence and Rape
Crisis Services*
Mocksville
Crisis line: (336) 751-4357
Office: (336) 751-3450

DUPLIN COUNTY
Sarah's Refuge, Inc.*
Warsaw
Crisis line: (910) 293-3206
Hotline: 1-877-299-8111
Office: (910) 293-3467

DURHAM COUNTY
Durham Crisis Response Center
Durham
Crisis: (919) 403-9425
Office: (919) 403-6562

EDGECOMBE COUNTY
My Sister's House*
Rocky Mount

Crisis line: (252) 459-3094
Toll-free Crisis: (888) 465-9507
Office: (252) 462-0366

FORSYTH COUNTY
Family Services, Inc.*
Winston-Salem
Crisis line: (336) 723-8125
Office: (336) 723-8173

Family Services Shelter*
Winston-Salem
Phone: 336-724-3979

FRANKLIN COUNTY
Safe Space*
Louisburg
Crisis line: (919) 497-5444
Office: (336) 724-3979

GASTON COUNTY
Shelter of Gaston County*
Gastonia
Crisis: (704) 852-6000
Office: (704) 866-3826

GATES COUNTY
(See Pasquotank County)

GRAHAM COUNTY
Hope For Families
Robbinsville
Crisis line: (828) 479-4332
Office: (828) 479-4612

GRANVILLE COUNTY
Families Living Violence Free
Oxford
Crisis: (919) 693-2324
Office: (919) 693-2662

GREEN COUNTY
(See Lenoir County)

GUILFORD COUNTY

Family Service of the Piedmont
High Point
Crisis line: (336) 889-7273
Office: (336) 889-6161

Greensboro Location:
Office: (336) 387.6105

HALIFAX COUNTY

Hannah's Place*
Roanoke Rapids
Crisis line: (252) 535-5946
Office: (252) 537-2882

HARNETT COUNTY

SAFE of Harnett Co.*
Lillington
Crisis/Office: (910) 893-7233

HAYWOOD COUNTY

REACH of Haywood County, Inc.*
Waynesville
Crisis/Office: (828) 456-7898

30th Judicial District DV-SA Alliance,
Inc.
Waynesville
Office: (828) 456-4409

HENDERSON COUNTY

Mainstay*
Hendersonville
Crisis/Office: (828) 693-3840
Hispanic Hotline: (828) 674-5099

HERTFORD COUNTY

Roanoke-Chowan SAFE*
Ahoskie
Crisis line: (252) 332-1933
Office: (252) 332-4047

HOKE COUNTY

Hoke Co. Youth and Family Services

Raeford
Crisis: (910) 875-4494
Office: (910) 875-8989

HYDE COUNTY

(See Beaufort County)

IREDELL COUNTY

Fifth St. Shelter Ministries*
C/O My Sister's House
Statesville
Crisis line: (704) 872-3403
Office: (704) 872-4045

JACKSON COUNTY

REACH of Jackson County*
Sylva
Crisis line: (828) 586-1911
Office: (828) 631-4488

JOHNSTON COUNTY

Harbor*
Smithfield
Crisis line (toll-free): (877) 934-0233
Office: (919) 934-0233

JONES COUNTY

(See Onslow County)

LEE COUNTY

Haven*
Sanford
Crisis/Office: (919) 774-8923

LENOIR COUNTY

SAFE in Lenoir County*
Kinston
Crisis/Office: (252) 523-5573

LINCOLN COUNTY

Lincoln Co. Coalition Against D.V.*
Lincolnton
Crisis line: (704) 736-1224
Office: (704) 736-0112

MACON COUNTY

REACH of Macon County*
Franklin NC
Crisis/Office: (828) 369-5544

MADISON COUNTY

Helpmate of Madison County*
Marshall
Crisis (toll-free): (888) 765-3441
Office: (828) 649-2582

MARTIN COUNTY

(See Beaufort County)

McDOWELL COUNTY

Family Services of McDowell Co*
Marion
Crisis line: (828) 652-6150
Office: (828) 652-8538

MECKLENBURG COUNTY

UFS- The Shelter for Battered Women*
Charlotte
Crisis/Office: (704) 332-2513

UFS-Victim Assistance*

Charlotte
Crisis line: Shelter for Battered Women
(704) 332-2513
Office: (704) 336-4126

Mecklenburg Women's Commission

Charlotte
Office: (704) 336-3414

MITCHELL COUNTY

SafePlace*
Spruce Pine
Crisis line: (828) 765-4044
Office: (828) 765-4015

MONTGOMERY COUNTY

Crisis Council*
Troy

Crisis line: 910-572-3747
Office: (910) 572-3749

MOORE COUNTY

Friend To Friend*
Carthage
Crisis/Office: (910) 947-3333

NASH COUNTY

(See Edgecombe County)

NEW HANOVER COUNTY

Domestic Violence Shelter & Services*
Wilmington
Crisis (toll-free): (800) 672-2903
Office: (910) 343-0703

NORTHAMPTON COUNTY

(See Halifax County)

ONSLOW COUNTY

Onslow Women's Center*
Jacksonville
Crisis/Office: (910) 347-4000

ORANGE COUNTY

KIRAN, Inc.
Chapel Hill
Crisis Office: (919) 865-4006

Family Violence Prevention Center of

Orange County*
Chapel Hill
Crisis Line: (919) 929.7122
Office: (919) 929-FVPC(3872)

PAMLICO COUNTY

(See Craven County)

PASQUOTANK COUNTY

Albemarle Hopeline*
Elizabeth City
Crisis line: (252) 338-3011
Office: (252) 338-5338

PENDER COUNTY

Safe Haven Pender County*
Burgaw
Crisis line: (910) 259-9410
(only in Burgaw area call (800) 259-8887)
Office: (910) 259-8989

PERQUIMMANS COUNTY

(See Pasquotank County)

PERSON COUNTY

Safe Haven Person County*
Roxboro
Crisis line: (336) 599-7233
Office: (336) 597-8699

PITT COUNTY

Family Violence Program of
Pitt Co., Inc.
Greenville
Crisis line: (252) 752-3811
Office: (252) 758-4400

POLK COUNTY

Steps To Hope, Inc.*
Columbus
Crisis (toll free): (888)UHAVEHOPE
Office: (828) 894-2340

RANDOLPH COUNTY

Family Crisis Center*
Asheboro
Crisis line: (336) 629-4159
Office: (336) 626-5040

RICHMOND COUNTY

Womenfolk Unlimited*
Rockingham
Crisis line: (910) 995-1872
Office: (910) 997-4840

ROBESON COUNTY

Southeastern Family Violence Center*

Lumberton

Crisis line: (910) 739-8622
Office: (910) 739-8622

ROCKINGHAM COUNTY

HELP Inc.: Center Against Violence*
Wentworth
Crisis/Office: (336) 342-3331

ROWAN COUNTY

Rape, Child & Family Abuse Crisis
Council of Salisbury-Rowan, Inc.*
Salisbury
Crisis/Office: (704) 636-4718

RUTHERFORD COUNTY

Family Resources of Rutherford Co*
Forest City
Crisis/Office: (828) 245-8595

SAMPSON COUNTY

U-CARE*
Clinton
Crisis/Office: (910) 596-0931

SCOTLAND COUNTY

Dom. Violence & Rape Crisis Center*
Laurinburg
Crisis Line: (910) 276-6268
Office: (910) 276-5505

STANLY COUNTY

(See Montgomery County)

STOKES COUNTY

Stokes Family Violence & Services*
Danbury
Office: (336) 593-9323

SURRY COUNTY

Surry Domestic Violence Program*
(Asso. w/Yadkin Co.)
Mount Airy
Crisis line: (336) 786-6155, 911
Office: (336) 367-7251

SURRY COUNTY

Surry Women's Shelter*
Dobson
Crisis Line: (336) 386-8078
Office: (336) 386-9657

SWAIN COUNTY

Swain/Qualla SAFE*
Bryson City
Crisis line: (828) 488-6809
Office: (828) 488-9038

TRANSYLVANIA COUNTY

SAFE of Transylvania County*
Brevard
Crisis/Office: (828) 885-7233

UNION COUNTY

Turning Point Union County*
Monroe
Crisis line: (704) 283-7233
Office: (704) 283-9150

VANCE COUNTY

Heart's Haven
Henderson
Crisis: (252) 436-2401
Office: (252) 492-8231

WAKE COUNTY

Interact*
Raleigh
Crisis line: (919) 828-7740
Office: (919) 828-7501

WARREN COUNTY

Helping Hands*
Warrenton
Crisis/Office: (252) 257-6781

WASHINGTON COUNTY

See Beaufort County)

WATAGUA COUNTY

OASIS*
Boone
Crisis: (828) 262-5035 or for area
codes: 828,336,423 call (800) 268-
1488
Office: (828) 264-1532

WAYNE COUNTY

The Lighthouse of Wayne County*
Goldsboro
Crisis/Office: (919) 736-1313

WILKES COUNTY

SAFE, Inc.*
Wilkesboro
Crisis line: (336) 838-SAFE(7233)
Office: (336) 838-9169

WILSON COUNTY

Wesley Shelter*
Wilson
Crisis/Office: (252) 291-2344

YADKIN COUNTY

Yadkin Co Family Domestic Violence
Program*
Yadkinville
Crisis line: (336) 679-2500
Office: (336) 679-2070

YANCEY COUNTY

Family Violence Coalition of Yancey *
Burnsville
Crisis line: (828) 682-0056
Office: (828) 682-5655

Legal Aid/Legal Services

Legal services offices serve victims of domestic violence regardless of how much money you make. Most offices can only help with domestic violence protective orders. The following list contains the name, location and phone numbers of legal services offices in North Carolina.

Domestic Violence Initiative of Legal Aid of North Carolina (statewide): (919) 856-2142

LEGAL AID OF NORTH CAROLINA OFFICES And counties served

Legal Aid of NC - Ahoskie Office
610 East Church Street
Ahoskie NC 27810
252-332-5124 or 800-682-0010
Counties served: Bertie, Camden,
Currituck, Dare, Gates, Halifax,
Hertford, Northhampton, Pasquotank,
Perquimans

Legal Aid of NC - Asheville Office
184 East Chestnut
Asheville NC 28801
828-236-1080 or 877-439-3480
Counties served: Buncombe,
Henderson,
Madison, Polk, Rutherford, Transylvania

Legal Aid of NC - Boone Office
171 Grand Boulevard
Boone NC 28607
828-264-5640 or 800-849-5666
Counties served: Alleghany, Ashe,
Avery,
Watauga, Wilkes,

Legal Aid of NC - Charlotte Office
1431 Elizabeth Avenue
Charlotte NC 28204
704-971-2621
Counties served: Mecklenberg

Legal Aid of NC - Concord Office
133 Union Street South
Concord NC 28025
704-786-4145 or 877-439-3480
Counties served: Cabarrus, Stanly,
Union

Legal Aid of NC - Durham Office
The City Center
201 West Main Street
Durham NC 27702
919-688-6396 or 800-331-7594
Counties served: Durham, Franklin,
Granville
Person, Vance, Warren
Legal Aid of NC - Fayetteville Office
157 Gillespie Street
Fayetteville NC 28302
910-483-0400 or 800-824-5340
Counties served: Cumberland, Hoke

Legal Aid of NC - Gastonia Office
111 East Third Avenue, Suite 200
Gastonia NC 28052
704-865-2357
Counties served: Gaston

Legal Aid of NC - Greensboro Office
122 North Elm Street, Suite 700
Greensboro NC 27401
336-272-0148 or 800-951-2257

Counties served: Davidson, Guilford, Montgomery, Randolph, Rockingham, Rowan

Legal Aid of NC - Greenville Office

301 S. Evans Street
P O Box 7283
Greenville NC 27835
252-758-0113 or 800-682-4592
Counties served: Pitt, Martin, Hyde, Washington, Tyrrell

Legal Aid of NC - Goldsboro Office

102-A South William Street
Goldsboro NC 27530
919-731-2800 or 800-682-7902
Counties served: Greene, Lenoir, Wayne

Legal Aid of NC - Monroe Office

100 West Jefferson Street
Monroe NC 28110
704-283-2172 or 877-439-3480
Counties served: Buncombe, Mitchell, Henderson, Polk, Yancey, Rutherford, Madison, Transylvania

Legal Aid of NC - Morganton Office

211 East Union Street
Morganton NC 28655
828-437-8280 or 800-849-5195
Counties served: Alexander, Burke, Caldwell, Catawba, Cleveland, Lincoln, McDowell

Legal Aid of NC - New Bern Office

213 Pollock Street
P O Box 1167
New Bern NC 28563
252-637-9502 or 800-672-8213
Counties served: Beaufort, Carteret, Craven, Jones, Pamlico

Legal Aid of NC - Pembroke Office

101 East Second Street
Pembroke NC 28372
910-521-2831 or 800-554-7852
Counties served: Cumberland, Hoke, Robeson, Scotland

Legal Aid of NC - Pittsboro Office

959 East Street , Suite A & B
Pittsboro NC 27312
919-542-0475 or 800-672-5834
Counties served: Chatham, Orange, Lee, Richmond, Alamance

Legal Aid of NC - Raleigh Office

219 Fayetteville Street Mall
One Exchange Plaza, Suite 810
P O Drawer 1731
Raleigh NC 27602
919-828-4647
Counties served: Harnett, Johnston, Lee, Sampson, Wake

Legal Aid of NC - Rocky Mount Office

148 South Washington Street Mall, Suite 105
Rocky Mount, NC 27802-0388
252-442-0635 or 800-682-7902
Counties served: Edgecombe, Nash

Legal Aid of NC - Sanford Office

133 South Homer Boulevard, Suite 8
Sanford NC 27330
919-774-6241
Counties served: Lee

Legal Aid of NC - Smithfield Office

312 South Third Street
Smithfield NC 27577
919-934-5027 or 800-682-1016
Counties served: Harnett, Johnston, Sampson

Legal Aid of NC - Sylva Office
1286 West Main Street
Sylva NC 28779
828-586-8931 or 800-458-6817
Counties served: Cherokee, Clay,
Graham, Haywood, Jackson, Macon,
Swain, Qualla Indian Boundary

Legal Aid of NC - Wilmington Office
201 North Front Street, Suite 1002
Wilmington NC 28402
910-763-6207 or 800-672-9304
Counties served: Bladen, Brunswick,
Columbus, Duplin, New Hanover,
Onslow, Pender

Legal Aid of NC - Wilson Office
409 North Goldsboro Street
P O Box 2688
Wilson NC 27894
252-291-6851 or 800-682-7902
Counties served: Wilson

Legal Aid of NC - Winston-Salem Office
Liberty Plaza, 102 Liberty Street,
Suite 305
Winston-Salem, NC 27120-0188
336-725-9162 or 866-472-4243
Counties served: Davie, Forsyth,
Iredell,
Stokes, Surry, Yadkin

LANC STATEWIDE PROJECT:

Domestic Violence Initiative
224 S. Dawson Street
Raleigh NC 27611
919-856-2142
Counties served: Statewide

NON LANC FUNDED PROGRAMS

Legal Aid Society of Northwest North Carolina
216 W. Fourth Street
Winston-Salem NC 27101
336-725-9166 or 800-660-6663
Counties served: Davie, Forsyth,
Iredell, Stokes,
Surry, Yadkin

Legal Services of Southern Piedmont
1431 Elizabeth Avenue
Charlotte NC 28204
704-971-2622
Client line: 704-376-1600
Counties served: Mecklenberg, West
Central Counties

Pisgah Legal Services
89 Montford Avenue
Asheville NC 28802
828-253-0406 or 800-489-6144
Counties served: Buncombe,
Henderson, Madison,
Polk, Rutherford, Transylvania

You may also contact your local social services office for further information. They are listed in the phone book in the blue pages in the county section.

Glossary of Terms Used in This Booklet

- Accused:** A person or persons formally charge but not yet tried for committing a crime.
- Affidavit:** A written, sworn statement in which the writer swears that the information stated therein is true.
- Alleged:** The term used to modify any fact or charge not yet proven true.
- Arrest:** The taking into custody of a person suspected of a crime for the purpose of charging him with committing a specific offense.
- Arrest warrant:** A document issued by a judicial officer which directs a law enforcement officer to arrest a person who has been accused of an offense.
- Assault:** An attempt, with unlawful force, to inflict bodily injury upon another, along with the current ability to succeed in the attempt unless prevented from doing so. No physical contact is necessary.
- Assault by Pointing a Gun:** Pointing a gun or pistol at someone, whether loaded or not.
- Assault on a Female:** An assault on a woman by a man at least 18 years of age.
- Battery:** The infliction of physical contact with force by one person against another.
- Charge:** A formal allegation that a specific person(s) has committed a specific offense; also referred to as "pressing charges."
- Communicating a Threat:** Willfully threatening to injure someone or damage the property of another, which the person threatened believes will be carried out.
- Contempt of Court:** Failure to obey a judge's order. The judge may find a party in criminal or civil contempt.
- Continuance:** A delay or postponement of a court hearing; the case is said to be "continued" when it has been delayed or postponed.
- Conviction:** The judgment of the court, based either on the decision of a jury or on the guilty plea of the accused, that the defendant is guilty of the crime for which he has been tried.
- Custodial parent:** The party to whom the court has awarded custody of her children and who is usually entitled to receive child support from the non-custodial parent on behalf of the children.
- Defendant:** In criminal law, a person who has been formally charged with committing a crime and against whom a criminal proceeding is pending. In civil law, a person who has been sued by the plaintiff.
- Dismissal:** A decision by a judicial officer to end a case for legal or other reasons without a determination of guilt or innocence.

Docket: The list of cases to be heard on a given day.

Domestic Violence Protective Order: A civil order that grants immediate relief to victims of domestic violence by enjoining batterers from further acts of abuse.

Evidence: Testimony and objects (such as photographs, medical records) used to prove or corroborate the statements made by the victim, the accused or other witnesses.

Ex-parte: In Latin, this means "from one side." A temporary order issued by a judge who hears from only one party in the dispute and without the other party being present is an ex parte order.

Magistrate: An officer of the District Court whose duties include accepting guilty pleas, entering judgment of certain misdemeanors and issuing search and arrest warrants.

Plaintiff: The person filing a complaint in a civil proceeding.

Pro Bono: When an attorney takes a case agreeing to represent the party for no fee.

Pro se: Acting as one's own attorney in any legal proceedings: representing oneself.

Prosecutor: An attorney for the county employed by a government agency whose official duty it is to represent criminal defendants who are unable to hire their own attorneys.

Public Defender: An attorney for the county employed by a government agency whose official duty it is to represent criminal defendants who are unable to hire their own attorneys.

Rape: Unlawful sexual intercourse or attempted sexual intercourse by a male with a female by force or without legal or factual consent. A spouse can be charged with rape.

Separation Agreement: A legal contract between parties that covers issues such a division of property, financial matters, custody and visitations. This is NOT the equivalent of a court order and therefore the court does not have powers of contempt over the parties if the agreement is breached.

Sexual assault: Broadly, any sexual act or attempted sexual act in which the victim is forced to participate by the threat or use of force.

Temporary Restraining Order: See Domestic Violence Protective Order. A Temporary Restraining Order is also a separate civil remedy that a party can seek if she does not meet the requirements of a domestic violence protective order.

Testimony: Statements made in court by witnesses or parties who have sworn to tell the truth.