

# Domestic Violence

Domestic violence is defined as any physical abuse, harassment, intimidation, interference with personal liberty, or willful deprivation between family members, people in a dating relationship, household members, or caregivers. Legal services are available to protect victims of domestic violence, and the state provides several legal remedies and protections through the Domestic Violence Act (DVA).

Here's an outline of the process and legal services involved for victims of domestic violence in San Luis:

## 1. Obtaining an Order of Protection

An Order of Protection (OOP) is a legal order issued by the court that prohibits the abuser from engaging in harmful behavior. The process typically includes:

- **Filing a Petition:** The victim (or their attorney) can file a petition for an OOP in civil court or as part of a criminal case. This can also be done through legal aid services.
- **Emergency Order of Protection:** If the situation is urgent, the victim can request an emergency OOP, which can be granted without notifying the abuser. It lasts up to 21 days.
- **Plenary Order of Protection:** This is a longer-term order issued after a hearing where both parties can present their case. It can last up to two years and be renewed.

## 2. Court Process

- **Filing the Petition:** The petition can be filed in any civil court, family court, or as part of a divorce or child custody case. Legal aid organizations help victims navigate this process.
- **Hearing:** The court will schedule a hearing where both the victim and the accused abuser can present evidence. Legal representation for the victim is often provided by legal aid services.
- **Judicial Decision:** The judge will decide whether to issue an OOP based on the evidence provided. If issued, it may include provisions for the abuser to stay away from the victim's home, workplace, or school, and may address child custody, support, and property matters.

### 3. Types of Relief Available in an Order of Protection

The court can provide various protections, including:

- **No Contact Orders:** Prohibiting the abuser from contacting the victim.
- **Stay-Away Orders:** Requiring the abuser to stay a certain distance away from the victim.
- **Custody and Support:** Granting temporary custody of children and ordering child support.
- **Exclusive Possession of Residence:** Granting the victim the right to stay in the shared home while the abuser is removed.
- **Counseling Orders:** Requiring the abuser to attend counseling.
- **Firearm Restrictions:** Ordering the abuser to surrender any firearms.

### 4. Enforcement of Orders

- Violating an OOP is a criminal offense. Victims can report violations to the police, and the abuser may face arrest and criminal charges. Legal services can assist in ensuring that orders are enforced and provide support during criminal proceedings.

### 5. Additional Legal Remedies

- **Divorce and Custody:** Victims of domestic violence may seek legal assistance in divorce and child custody proceedings. Courts consider domestic violence when determining custody arrangements.
- **Criminal Charges:** In addition to civil remedies, victims can press criminal charges against their abusers. Prosecutors can file charges, and the victim can participate in the criminal case.
- **Victim Compensation:** Victims may be eligible for compensation through the Crime Victim Compensation Program, which can cover medical costs, lost wages, and other related expenses.

### 6. Support Services

- **Legal Aid:** Numerous organizations provide free or low-cost legal services to domestic violence victims. These organizations help with filing protection orders, representation in court, and navigating the legal system.

- **Shelters and Counseling:** Victims can access emergency shelters and counseling services through local domestic violence organizations. These services often work closely with legal aid providers.

## 7. How to Access Legal Services

- **Legal Aid Organizations:** Many organizations provide free legal help for victims of domestic violence.
- **Hotlines and Advocacy:** Domestic violence hotlines that can connect victims with legal services and support.

## 8. Post-Judgment Services

Legal aid organizations continue to assist with enforcing court orders, modifying OOPs as needed, and supporting victims with other family law matters. They also provide referrals to social services, counseling, and safety planning resources.

This process ensures that victims of domestic violence can access the legal protections they need while also receiving support through the various stages of legal action.