



**DOMESTIC VIOLENCE:  
A PRACTICAL GUIDE  
FOR NAVIGATING THE  
LEGAL SYSTEM IN  
ARKANSAS**

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## INTRODUCTION

This Handbook is a self-help guide for survivors of domestic violence that explains a survivor's legal rights and how to get help from the legal system. No one has the right to frighten, hit or injure you. It is against the law. There are many laws in place in Arkansas that are designed to protect survivors of domestic violence. This Handbook will provide you with up-to-date information about the legal system in Arkansas and a general explanation of your legal rights. It will help you decide if you want to use the legal system and, if so, how to do so.

More specifically, this Handbook will provide you with information on:

1. How to determine if you are in an abusive relationship;
2. How to assess your risk of death;
3. How to obtain an order of protection;
4. How to request a restraining order;
5. How to request a no contact order in a criminal case;
6. Paternity, custody, and divorce;
7. Ideas and ways to help you put together a safety plan;
8. Telephone numbers to call if you need shelter, advocacy services, counseling, and/or a support group;
9. How to navigate through the criminal system; and
10. Additional resources available to you.

The terms “victim” and “survivor” are used interchangeably throughout this handbook to refer to the person in the relationship who is being abused. The legal system often uses the word “victim” to refer to these individuals, but we also use the word “survivor” to emphasize the fact that those who have survived domestic violence are strong and courageous individuals. Additionally, there may be some sections of this handbook that refer to a survivor as being female; however, it is important to know that survivors of domestic violence can be either male or female.

Domestic Violence is the use of power and control within an intimate relationship that threatens a person's well-being. A domestic abuser uses threats of or actual physical violence, sexual violence, and emotional violence to maintain control over his/her victim. Each abuser's pattern of behavior is different, but the hallmark of all is a pattern of intimidation.

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the victim's life and circumstances.<sup>1</sup>

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<sup>1</sup> National Center on Domestic and Sexual Violence,  
<http://www.ncdsv.org/images/PowerControlwheelNOSHADING.pdf>.

The Power & Control diagram,<sup>2</sup> shown below, is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his/her partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



**DOMESTIC ABUSE INTERVENTION PROJECT**

202 East Superior Street  
Duluth, Minnesota 55802  
218-722-2781  
www.duluth-model.org

<sup>2</sup> <http://www.domesticviolence.org/violence-wheel/>.

## **HOW DO I KNOW I AM WITH AN ABUSER?**

There are several signs of battering personality. Some of these signs include:

1. Jealousy and possessiveness towards anyone or anything with which you spend time;
2. Controlling behavior, such as requiring you to get permission to do things;
3. Moving quickly into commitment before you have a chance to figure out his/her abusive behavior;
4. Unrealistic expectations, such as expecting you to read his/her mind and know exactly what he/she wants;
5. Isolation by keeping you from seeing or talking to friends and family, picking fights with your loved ones, or demanding you choose between your friends/family and him/her;
6. Blaming others for problems and feelings;
7. Hypersensitivity;
8. Cruelty to animals or children;
9. Verbal abuse, such as name-calling, and devaluing anyone or anything that is important to you;
10. Threats of violence and intimidation;
11. Unpredictable mood swings;
12. Insensitive or unwanted force during sex; and
13. A history of battering other partners.

It is important to understand that there are different levels of abuse. Abuse does not just go away. Instead, it escalates over time becoming more severe and more dangerous. The risk of death becomes greater as the abuser uses more severe violence.

Are you unsure whether you are in an abusive relationship? Consider the following questions. If you answer yes to any of these questions, you may be in an abusive relationship.

1. Do you apologize all the time?
2. Do you “walk on eggshells,” watching every word you say?
3. Do you rehearse what you will say to your partner to avoid triggering a reaction?
4. Do you give up interests, activities, and people that were once important to you?
5. Does your partner act jealous or possessive toward you?
6. Does your partner restrict your contact with your family or friends?
7. Does your partner check up on you constantly through emails, phone calls or texting?
8. Does your partner blame others?
9. Does your partner belittle you?
10. Does your partner control what you do, who you see or talk to or where you go?
11. Does your partner get too serious too fast?
12. Does your partner refuse to accept breaking up?
13. Does your partner pressure you for sex?
14. Does your partner mistreat animals or children?

15. Does your partner scare or threaten you or others?
16. Does your partner take your money, make you ask for money or refuse to give you money?

Aside from the questions above, consider the following four questions. If you answer yes to any of these questions, please refer to the Lethality Screening section of this Handbook.

1. Does your partner use firearms to threaten or attack you?
2. Does your partner strangle (choke) you?
3. Does your partner threaten to kill himself/herself or you?
4. Does your partner sexually assault you?

### **LETHALITY SCREENING**

It is impossible to predict whether a relationship will escalate to lethality, but there are some common factors.<sup>3</sup> Just because some of these factors are not present in your relationship, this does not mean that your relationship will not become lethal in the future. Arkansas law enforcement officers and domestic violence advocates are being trained to initiate a Lethality Assessment if they identify that you are in an abusive relationship.

Effective July 2015, Arkansas' Victim's Bill of Rights was outlined in the Arkansas Victim Rights Act of 1997 and Laura's Card Act 873 to provide crime victims with their rights and resources to enable them to make the best decision for their safety.

Consider the following questions law enforcement or an advocate might ask you. Answering "yes" to any of these questions indicates that you are in a very dangerous situation. As a result, law enforcement will contact a local shelter which will then provide you with a domestic violence advocate who can help you create a safety plan (See Section I, Safety Plans) and provide you with resources, including information on how to get to a shelter if you feel that is needed.

1. Has your partner ever used a weapon against you or threatened you with a weapon?
2. Does your partner have a gun or have easy access to one?
3. Has your partner ever threatened to kill you or your children?
4. Do you think your partner would try to kill you?

Although not asked during the lethality assessment, there are additional threats to consider when making a decision of whether to leave the relationship:<sup>4</sup>

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<sup>3</sup> Campbell JC, Webster D, Glass N. (2009). *The Danger Assessment: Validation of a Lethality Risk Assessment Instrument for Intimate Partner Femicide*. *Interpers Violence*. 24:653-74.

<sup>4</sup> Morgan, Rachel E. Ph.D., BJS Statisticians, Truman, Jennifer L. Ph.D. (2014, April). *Nonfatal Domestic Violence 2003-2012*. Retrieved from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

1. Has the physical violence increased in frequency or severity over the past six months?
2. Does your partner consume a large amount of alcohol or get drunk every day or almost every day?
3. Have you ever been beaten while you were pregnant?

It is important to consider the following factors and statistics in making an informed lethality assessment:<sup>5</sup>

A. Threats of Suicide or Murder:

1. In the vast majority of cases where women are killed, the perpetrator has first threatened her life or his own. A suicide threat should be taken very seriously. In many cases, men murder their wives and children, and then commit suicide.
2. The more specific a threat, the more seriously it should be viewed.<sup>6</sup>

B. Availability of Weapons:

1. A risk of lethal violence has also been associated with the abuser's possession of or access to weapons, the use of weapons or threats of such use in prior incidents, and escalation of the violence in frequency or severity.
2. Nineteen percent of domestic violence involves a weapon.<sup>7</sup>

C. Gun or Firearms:

The presence of a gun in a domestic violence situation increases the risk of homicide by 500%.<sup>8</sup>

D. Strangling:

Legal professionals have identified the abuser's prior "strangling" (also often incorrectly referred to as "choking") of the victim as an indicator of extreme danger.

E. Controlling and Jealous Behavior:

A risk of lethal violence is associated with an increase in controlling or jealous behavior. Such behavior can include following you, demanding to know where you are at all times, or restricting your movement.

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<sup>5</sup> Frederick, Loretta. (1997. November 4-6). *Lethal and Extremely Dangerous Behavior*. Retrieved from <http://www.stopvaw.org>.

<sup>6</sup> Morgan, Rachel E. Ph.D., BJS Statisticians, Truman, Jennifer L. Ph.D. (2014, April). *Nonfatal Domestic Violence 2003-2012*. Retrieved from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

<sup>7</sup> Morgan, Rachel E. Ph.D., BJS Statisticians, Truman, Jennifer L. Ph.D. (2014, April). *Nonfatal Domestic Violence 2003-2012*. Retrieved from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

<sup>8</sup> Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A. Laughon, K. (2003). Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study. *American Journal of Public Health, 93*(7), 1089-1097.



F. End of the Relationship:

1. Research indicates that the most dangerous time for a victim is after he/she ends the relationship. In the United States, research indicates that survivors who leave their abusers are at a 75% greater risk of being killed by their abusers than those who stay.<sup>9</sup>
2. It is very important for survivors to make their own decisions regarding whether or not to leave a relationship because they are in the best position to assess the potential danger.

G. Employment:

Although you may be asked about your employment in addition to your abuser's, it is your abuser's lack of employment that may increase lethality.

H. Escalation of Violence:

Studies also indicate that escalation of the violence in frequency or severity can indicate the single most important factor in a dangerous relationship.

I. Use of Drugs and Alcohol:

Alcohol does not cause the violence in your relationship, but it can have an effect on the severity of the abuse. This is a common excuse of abusers in order to justify their actions.

J. Domestic Violence during Pregnancy:<sup>10</sup>

Intimate partner violence affects approximately 1.5 million women each year and affects as many as 324,000 pregnant women each year.<sup>11</sup>

It must be extremely terrifying to imagine your partner killing you or your children, but you know better than anyone just how dangerous he/she can be. If you are unsure or not yet convinced your partner is dangerous, lethality assessments are conducted to help you realize the severity and to help you realize that you are not alone.

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<sup>9</sup> Morgan, Rachel E. Ph.D., BJS Statisticians, Truman, Jennifer L. Ph.D. (2014, April). *Nonfatal Domestic Violence 2003-2012*. Retrieved from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

<sup>10</sup> Robinson, Katherine. (2013, July 23). *How to Stay Safe for Your 9 Months*. Retrieved from <http://www.thehotline.org/2013/07/pregnancy-and-abuse-how-to-stay-safe-for-your-9-months/>.

<sup>11</sup> Morgan, Rachel E. Ph.D., BJS Statisticians, Truman, Jennifer L. Ph.D. (2014, April). *Nonfatal Domestic Violence 2003-2012*. Retrieved from <http://www.bjs.gov/content/pub/pdf/ndv0312.pdf>.

## **SAFETY PLANS**

Danger typically increases for survivors of domestic violence during the time they leave their abusive partners or seek assistance from law enforcement or other public service workers. Whether or not you feel ready and able to leave your abusive partner, there are things you can do to keep you and your family safe. Before you make the decision to leave or take the next steps in ensuring your safety, you should create your own personalized safety plan.

You are an expert on your situation and have been using your skills to survive so far. Only you can decide what will work for you and your family. You probably know more safety planning and risk assessment than you realize. Being in a relationship with an abusive partner and surviving requires skill and resourcefulness. Any time you do or say something in a specific way to protect yourself and your children, you are assessing your risk and enacting a safety plan.

Safety plans can be made and used for a variety of situations. For example, they can be used when dealing with an emergency, for continuing to live with or to date an abusive partner, or for protecting yourself after you have ended a relationship with an abusive partner. Make sure to plan ahead. You do not have to wait for an emergency before asking for help. Talk to friends and family members and find out who can help you and what they are willing to do before there is a crisis. Doing so will allow you to know in advance if you have a safe place to stay, a source of financial assistance, or a safe person to keep copies of important documents. It may also be helpful to practice calling a domestic violence provider in order to speak with a domestic violence advocate.

The following safety plan chart can be used as a tool to help you identify and evaluate your options and create a personalized safety plan to reduce your risk of being further harmed by your abusive partner. Use the chart as a guide, but know that there is no right or wrong way to develop a safety plan.

It is not necessary that you have a written safety plan. Only you can decide whether it is safe to have a written plan in place. If you do decide to keep a written safety plan, make sure to find a safe place to keep it where your abusive partner will not find it. Regardless of whether you decide to keep a written safety plan or not, it is still important for you to make one.

### A. How to Protect Myself at Home

#### 1. Safety if staying:

- a. I can tell \_\_\_\_\_ (i.e., mom, sister, neighbor, or friend) about the violence and request they call the police under certain circumstances.
- b. I can teach my children how to use the telephone or dial 911 to contact the police or fire department and/or how to contact a safe neighbor for help. I will make sure my children know our address.

- c. I will use \_\_\_\_\_ as the code word with my children or my friends so they will call for help if needed.
- d. If I have to leave my home, I will go to \_\_\_\_\_ (i.e. a friend's house my abuser does not know). If I cannot go there, I can go to \_\_\_\_\_.

2. Safety if leaving:

- a. I will leave money and an extra set of house keys, car keys, garage keys with \_\_\_\_\_ (i.e. a safe neighbor) so I can leave quickly. I will also leave an extra set of clothes with this person.
- b. I will make copies of all of the important papers and documents I might need and keep them with \_\_\_\_\_ (i.e. a friend I can trust).
- c. I can open a post office box and have personal mail and bills sent there.
- d. I can open a safe deposit box at my bank and place duplicates of important documents and any emergency funds in it.
- e. I will ask \_\_\_\_\_ and \_\_\_\_\_ to see who would be able to let me stay with them or lend me some money.
- f. I can increase my independence by opening a bank account and getting credit cards in my own name and/or by taking classes or getting job skills.
- g. I can rehearse my escape plan and, if appropriate, practice it with my children.
- h. I can call the local domestic violence provider and discuss my escape plan with the domestic violence advocate.
- i. If it is not safe to talk openly, I will use \_\_\_\_\_ as the code word or signal to my children that we are leaving, or to my family or friends that we are coming.
- j. I can keep my purse and car keys ready and put them \_\_\_\_\_ so I can leave quickly.
- k. I will create a worksheet to help calculate my monthly expenses in the event I need to set up residence in another location.
- l. If my abuser and I are going to have an argument, I can try to move to a space that is lowest risk, such as \_\_\_\_\_. (Try to avoid the bathroom, garage, kitchen, rooms with weapons, or rooms without access to an outside door.)

3. Items to consider taking if leaving:
  - a. Identification of myself
  - b. My and my children's birth certificates
  - c. My and my children's Social Security cards
  - d. School and vaccination records
  - e. Money, checkbook, ATM cards, cash
  - f. Credit cards
  - g. Medication and medical supplies
  - h. Keys – house, car, work
  - i. Driver's license and car registration
  - j. Insurance papers
  - k. Public assistance ID/Medicaid cards
  - l. Passports
  - m. Marriage license
  - n. Divorce or separation papers
  - o. Lease, rental agreement or house deed
  - p. Car/mortgage payment book
  - q. Children's toys, security blankets, stuffed animals
  - r. Pictures of injuries I may have gotten from my abuser
  - s. Any evidence that might help police investigating my case, such as threatening letter or phone message tapes
  - t. My personalized safety plan (if written down)
4. If my abusive partner and I are no longer living together:
  - a. I can buy rope ladders to be used for escape from second-floor windows.

- b. I can install smoke detectors and put fire extinguishers on each floor in my room.
- c. I can provide my onsite property manager and/or trusted neighbors with a picture of my abuser and ask them to notify the police if they see him/her near my home.

**B. How to Protect Myself in Public**

- 1. I can obtain an order of protection (See Domestic Violence in the Civil Context in this Handbook for more information on how to obtain an order of protection).
- 2. If I suspect I am in imminent danger, I will drive to the nearest police station.
- 3. I can document my abuser's actions and keep it in a safe place. If it is safe to do so, this may include taking photos of destroyed property/vandalism, saving answering machine messages, keeping letters/notes.
- 4. I can change my daily patterns by avoiding stores, restaurants, banks, doctor's appointments and other places where my abuser might find me based on my regular schedule.
- 5. When I am out of the house, I will try not to travel alone and will try to stay in public areas.

**C. How to Protect Myself at Work**

- 1. I can inform my supervisor, co-workers, and security guard, if available, about my situation and have them screen my calls, put up security cameras, etc.
- 2. I will have my co-workers or security guard, if available, walk me to and from my car.
- 3. I will not go to lunch alone.

**D. How to Protect My Children**

- 1. I can teach my children who to call for help.
- 2. I can teach my children how to make a collect call to me if they are concerned about their safety.
- 3. I can teach my children not to get in the middle of a fight, even if they want to help.

4. I can give the principal at school or the daycare center a copy of any court order I receive and tell them not to release my children to anyone without talking to me first. I will also be sure to give a photo of my abuser to the principal.
5. I can make sure the school knows not to give our phone number or address out to anyone.
6. I can make sure the children know whom to tell at school if they see my abuser.
7. I can change my regular travel habits.
8. I can tell my children's caretakers who has permission to pick them up and make sure caretakers know how to recognize those people.
9. I will make sure my children have someone safe to talk to about the abuse.
10. I will make sure my children are provided with counseling and any other services they may need.

E. Safety with an Order of Protection

1. I can keep my order of protection \_\_\_\_\_. (Always keep it on or near you. If you change purses, be sure that the first thing into the new purse is the protection order.)
2. I can inform \_\_\_\_\_ and \_\_\_\_\_ that I have an order of protection in effect.
3. If my abuser destroys my order of protection, I can get another copy from \_\_\_\_\_ or the \_\_\_\_\_ County Circuit Clerk's office at \_\_\_\_\_.

F. Safety While Using Technology

1. If it seems that your abuser knows too much about your activities, then it is possible you are being monitored through the use of technology. There are numerous ways an abuser can use cell phone technology, email and internet to track your activities.
2. Use of cell phones:
  - a. I can turn off my cell phone when not in use; however, I know that although my cell phone is turned off, some tracking devices can still be used to track my whereabouts.

- b. I can check the settings on my phone and turn off the GPS function to avoid my abuser being able to track my location.
  - c. I can call my phone company and change passwords or pin numbers to prevent my abuser from gaining access to my phone records.
  - d. I can contact a local hotline or shelter to ask about phone donation programs or prepaid phone cards.
3. Use of computers and internet:
- a. I can use a safe computer, such as at a library, community center, or school, when looking for help, a new place to live, legal options, etc.
  - b. I can open a new email account with non-identifying information. I will use this account for all of my sensitive activities. I will not check this email on any device my abuser has access to, including my phone.
  - c. I understand that having social media accounts can be both helpful and dangerous at the same time and will assess my situation accordingly. If I feel that keeping social media accounts can be used in my defense to know and understand my abuser's thoughts, feelings, whereabouts, etc., then I will keep them active. If I feel that having social media accounts will only further anger my abuser, I will delete them.
  - d. I will search for my name on the internet and, when possible, take steps to remove any identifying information from websites.
  - e. I will get a P.O. box so that my physical address is not in public databases.
  - f. I will consider making my password difficult to figure out. I will not use birth dates, street addresses, names, etc.

G. Safety and my Emotional Health

- 1. I can try to use positive self-talk with myself and be assertive with others. I can tell myself that I do not deserve to be beaten whenever I feel others are trying to control or abuse me.
- 2. I can read \_\_\_\_\_ to help me feel stronger.
- 3. I can call \_\_\_\_\_ and \_\_\_\_\_ as other resources to support me.

## H. Important Telephone Numbers

1. Police department nearest to my home: \_\_\_\_\_.
2. Police department nearest to my school: \_\_\_\_\_.
3. Police department nearest to the office: \_\_\_\_\_.
4. Domestic violence crisis hotline: \_\_\_\_\_.
5. Shelter: \_\_\_\_\_.
6. Other: \_\_\_\_\_.

## **KNOWING YOUR RIGHTS**

At all times, you have the right to be treated with dignity and respect. This means you have the rights:

1. To have your own thoughts and feelings;
2. To trust your gut and say “no” when something does not feel right;
3. To decide what is best for you;
4. To be independent and self-reliant;
5. To seek and gain education and employment;
6. To be proud and enjoy your accomplishments;
7. To have your own income and bank account;
8. To have and maintain family ties and friendship independent of your romantic relationship;
9. To enjoy safety within your own home;
10. To not have your daily activities monitored;
11. To end relationships;
12. To not be harassed or stalked;
13. To call law enforcement if you feel threatened;



14. To seek medical attention;
15. To file for an order of protection; and
16. To seek out and ask for help.

This section will discuss your rights as you navigate through the legal system. The legal system provides two ways to seek remedy for wrongful acts. First, through the criminal system: the state represented by the prosecutor's office seeks to hold the person who committed a criminal act accountable. Second, through the civil system: a private party either hires an attorney to represent his or her interests or represents himself/herself and seeks to hold the person who committed a wrongful act against him/her accountable.

#### **A. Through the Criminal Court System**

As a victim of a crime, you are entitled to specific information about the criminal case and the legal process involving the criminal case. To be sure you receive all the rights you are entitled to receive, you must ask for them. This means whether you are speaking with law enforcement, the victim witness assistance coordinator in the prosecutor's office, the prosecutor, or the judge, you must know and request your rights at every stage of the criminal legal process. If for some reason you are unable to request and exercise these rights, a family member or an appointed advocate may make the requests in your place. You also have the right to request a printed version of your rights. You may make this request through the victim witness assistance coordinator in the prosecutor's office and/or through the law enforcement agency handling the criminal investigation. **It is your responsibility to make sure you request these rights.**<sup>12</sup>

Once a call is made to law enforcement to report a crime involving domestic abuse, the responding officer must complete several tasks with you. First, the officer must secure the location and be sure there is no longer danger. Next, the officer must assess the situation. This means law enforcement must decide whether to call for additional emergency personnel – other law enforcement officers, paramedics, and/or firefighters. The officer will also collect evidence of the crime. This means the officer will conduct interviews with any witnesses, examine any physical evidence at the crime scene – including the parties involved, and if possible, will interview you and your abuser.

Once the officer makes a determination that the domestic abuse is intimate partner violence, he/she will conduct a danger assessment and call the domestic violence hotline. At that time, the officer may offer you an opportunity to speak with the domestic violence hotline advocate. Once the officer has completed the investigation, he/she will provide you with the police report file number, his/her contact information, and a copy of Laura's Card. This officer may also offer to provide you with a safe escort to a shelter or alternate location, allow you or your abuser to obtain personal property, arrest your abuser or escort your abuser away from property. This officer will also inform you of the location nearest to you to file for an order of

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<sup>12</sup> These rights are fully outlined through the Arkansas Crime Information Center's *A Crime Victim's Guide to The Justice System in Arkansas*. Also, for a complete reading of your legal rights please see *Arkansas Victim Rights Law: Act 1262 of 1997*.

protection and the address of the prosecuting attorney, where you will be able to speak with a victim witness assistance coordinator. Depending on your location, advocates at the circuit clerk's office, the prosecuting attorney's office, or your local domestic violence shelter may be available to assist you with properly completing the order of protection petition and affidavit. (See Domestic Violence in the Civil Context, Orders of Protection in this Handbook for more information on how to obtain an order of protection).

Next, a designated prosecutor will review the police report along with any additional information he/she requests to complete the investigation. After review, the prosecutor will decide whether to proceed with a criminal case against your abuser. If during this review period you have concerns about the status of the case, you may contact law enforcement and/or the prosecuting attorney for updates.

If your abuser is arrested, he/she will be required to appear in court for a formal reading of the charges and be expected to enter a plea. This is either called a first appearance or arraignment hearing, and here, the judge will decide whether your abuser can be released prior to trial. At this time the prosecutor may request and the judge may place certain conditions on your abuser while the state and your abuser gather additional evidence and prepare for trial. These conditions may include maintaining employment, attending domestic violence classes, submitting to alcohol and/or drug screenings, submitting to monitoring via a global positioning device and abiding by a no contact order. A no contact order may require your abuser to stay away from all locations you frequent, not attempt to communicate with you through third parties or friends and family, and not attempt to intimidate you or your witnesses. If your abuser is released and violates the no contact order, you have the right to contact law enforcement, make another police report and pursue additional charges through the prosecutor's office.

The assigned prosecutor will communicate with you or request the victim witness assistance coordinator to communicate with you regarding the case. Please note that it is your responsibility to keep in contact with the victim witness assistance coordinator, for notifications of court dates and hearings will be sent to you from this office. It is also important that you notify the prosecutor's office of any changes in your contact information including changes in your physical address, your telephone numbers, and your email address. They cannot keep you informed if they do not have accurate contact information on file.

It is important to note that criminal charges are filed independent of your wishes and depend on the investigation and the prerogative of the prosecuting attorney. Each designated prosecutor's office will review the police reports and all other evidence gathered and available to decide whether or not to pursue criminal charges against your abuser. If the prosecutor decides not to pursue charges, he/she will inform you of his/her reasons. If, on the other hand, the prosecutor chooses to pursue charges, you have the right to know the following before, during and after any criminal proceedings. The prosecuting attorney's office will inform you of the notification process and explain how to sign up for automated notifications.

1. Before criminal proceedings you have the right to:
  - a. Be informed of your case/file number;
  - b. Be provided with contact information for the prosecuting attorney and investigator assigned to your case;
  - c. Be listened to and your wishes taken into consideration;
  - d. Be informed of all criminal hearings where you are the victim;
  - e. Be informed by the victim witness assistance coordinator or the prosecuting attorney of the criminal process and proceedings;
  - f. Be notified of the incarceration status of your abuser;
  - g. Be safe going to and from all criminal hearings;
  - h. Participate in the investigation and meet with the prosecuting attorney without your employment being jeopardized; and
  - i. Be given information on restitution for lost wages and medical expenses not covered by other sources.
  
2. During criminal proceedings you have the right to:
  - a. Be present during the criminal proceedings;
  - b. Provided it does not interfere with your abuser's rights, you may bring someone to be present in the courtroom with you to provide emotional support;
  - c. Be provided with a separate waiting area away from your abuser;
  - d. Have your address remain confidential and not be made available even through the Freedom of Information Act; and
  - e. Make an impact statement in person or in writing detailing how the crime against you has affected your life.
  
3. Once the criminal proceeding is finished, you have the right to:
  - a. Have any personal property returned to you if it was taken as part of the investigation and is no longer needed; and
  - b. Have a post-conviction no contact order.

4. If your abuser is found guilty and the judge's sentence includes incarceration, you have the right to:
  - a. Be informed in writing, email, or automated phone call 30 days prior to the release, parole, furlough, pardon, plea, bail, or at the time of escape through notification programs such as VINE (Victim Information and Notification Everyday);
  - b. Extend your order of protection if another violent or threatening act has occurred; and
  - c. Have your address remain confidential and not be made available even through the Freedom of Information Act.

## **B. Through the Civil Court System**

There are numerous remedies available in the civil court system for survivors of domestic violence. As a survivor of domestic violence, you may seek an order of protection against your abuser, use the civil court system to seek a divorce from your abuser, seek child custody and child support, ask the judge to protect your children by limiting your abuser's visitation, and/or ask that your abuser be ordered to compensate you for harm that was caused by the violence.

Below you will find a list of rights and responsibilities organized by the type of case filed in the civil court system. You will also find a corresponding heading to begin your request for remedy.

1. Petition for an Order of Protection
  - a. Rights:
    - i. To file an order of protection;
    - ii. To file in the county where you live, where the abuse occurred, or where the abuser may be served;
    - iii. To file an order of protection on behalf of yourself, any adult family member or household member including minors;
    - iv. To file regardless of whether there is any pending litigation between yourself and your abuser;
    - v. To file a petition for order of protection even if you leave the home you share with your abuser to avoid abuse;
    - vi. To not be required to pay any initial filing fees or service costs;

- vii. To ask that your abuser have no contact with you;
- viii. To ask that your abuser not be allowed at your home, work or school;
- ix. To ask for custody of your children;
- x. To ask for child support and/or alimony;
- xi. To not disclose your home and business address;
- xii. To ask for reasonable attorney's fees if the order of protection is granted; and
- xiii. To ask for a fixed period of time (90 days to 10 years) for the order of protection to remain in place.

b. Responsibilities:

- i. To provide law enforcement and the circuit clerk's office with accurate physical address or contact information for your abuser;
- ii. To notify the circuit clerk/court if either party requires interpreter services;
- iii. To show up to all scheduled court hearings;
- iv. To bring all evidence of the abuse to the court hearings including witnesses, printed photographs, medical documentation, police reports, and printed emails, texts, and social media messages (See Reporting and Documenting Injuries in this Handbook);
- v. To notify the court of any other pending court matters;
- vi. To abide by the terms of the granted order;
- vii. To carry a file-marked copy of the order of protection with you wherever you go; and
- viii. To call or notify law enforcement every time your abuser violates the order of protection.

c. An example of the heading for an Ex Parte Order of Protection:

<h1>Ex Parte Order of Protection</h1> <input type="checkbox"/> Amended Order	Case No. <input type="text"/>
	Court: <input type="text"/> Div. <input type="text"/>
	County: <input type="text"/> , Arkansas
<b>Petitioner/Plaintiff</b> <input type="text"/> <small>First                      Middle                      Last</small> <input type="text"/> <input type="text"/> <input type="text"/> <small>Petitioner's Date of Birth (mm/dd/yyyy)                      Race                      Sex</small>	<b>This Order is Effective Until:</b> <input type="text"/>  <div style="border: 1px solid black; padding: 5px; text-align: center;"> <i>Pursuant to Federal law, this Order shall be enforced by law</i> </div>

2. Divorce Complaint

a. Rights:

- i. To ask for a temporary order before a final hearing;
- ii. To ask for custody;
- iii. To ask for child support (including medical, school, and extracurricular expenses);
- iv. To ask for alimony;
- v. To ask for supervised or restricted visitation;
- vi. To ask that your abuser not harass you;
- vii. To ask to relocate;
- viii. To ask that your property and debts be divided; and
- ix. To ask for half of your abuser's pension or retirement.

b. Responsibilities:

- i. To lay out the grounds for divorce according to Arkansas law;
- ii. To identify any minor children born during the marriage;
- iii. To identify any party that is currently a member of the military;

- iv. To serve the other party with the complaint;
- v. To bring a witness to court;
- vi. To meet filing deadlines;
- vii. To contact the clerk/court to schedule hearing dates;
- viii. To attend all court hearings;
- ix. To bring a divorce decree to the final hearing;
- x. To keep a copy of the signed and file-marked decree for your records; and
- xi. To follow the order of the judge.

c. An example of a heading for a divorce complaint:

<b>IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS</b>		
<b>DOMESTIC RELATIONS DIVISION</b>		
		<b>PLAINTIFF</b>
<b>VS.</b>	<b>NO.</b> _____	
		<b>DEFENDANT</b>
<b><u>COMPLAINT FOR DIVORCE</u></b>		
COMES NOW the Plaintiff, _____, and for his/her cause of action against the		
Defendant, states:		

### 3. Paternity Complaint

a. Rights:

- i. To ask for a paternity test to establish parent/child relationship;
- ii. To ask for child support;
- iii. To ask for custody;
- iv. To ask for supervised or restricted visitation schedule and parenting plan; and

- v. To ask that payments be directed through either the clerk of court or through the Arkansas child support clearinghouse.
- b. Responsibilities:
- i. To provide the court with a copy of the child’s birth certificate;
  - ii. To make yourself and the child available for paternity testing;
  - iii. To identify any party that is currently a member of the military;
  - iv. To serve the other party with the complaint;
  - v. To meet filing deadlines;
  - vi. To attend all court hearings;
  - vii. To bring a paternity decree to the final hearing; and
  - viii. To follow the order of the judge.
- c. An example of a heading for a paternity complaint:

<b>IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS</b>		
<b>DOMESTIC RELATIONS DIVISION</b>		
_____		<b>PLAINTIFF</b>
<b>VS.</b>	<b>NO.</b> _____	
_____		<b>DEFENDANT</b>
<b><u>PATERNITY COMPLAINT</u></b>		
COMES NOW the Plaintiff, _____, and for his/her cause of action against the		
Defendant, states:		

4. Complaint for Assault and Complaint for Battery

- a. Rights:
- i. To be free of harmful and offensive bodily contact;
  - ii. To be free of fear of harmful or offensive contact;



- iii. To be free of confinement;
- iv. To be free of emotional distress;
- v. To ask for monetary damages for injuries sustained;
- vi. To ask for monetary damages to cover medical expenses; and
- vii. To ask for monetary damages to punish your abuser for wrongful acts.

b. Responsibilities:

- i. To lay out grounds for the complaint;
- ii. To preserve and provide evidence to the court (including medical records; printed photographs; printed texts, emails, and messages; witnesses; recordings; and phone messages);
- iii. To serve the other party with the complaint;
- iv. To meet all filing deadlines;
- v. To attend all court hearings; and
- vi. To abide by the ruling of the court.

5. Response/Answer to Petition/Complaint

a. Rights:

- i. To file a response or answer to a petition or complaint;
- ii. To file a counterclaim;
- iii. To appear in court;
- iv. To present evidence (including medical records; printed photographs; printed texts, emails, and messages; witnesses; recordings; and phone messages);
- v. To ask questions of your abuser and your abuser's witnesses; and
- vi. To testify.

- b. Responsibilities:
  - i. To provide the other party with a copy of your response/answer (counterclaim);
  - ii. To meet all filing deadlines;
  - iii. To appear at all court hearings; and
  - iv. To abide by the ruling of the court.
- c. An example of a heading for this type of case:

<b>IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS</b>	
<b>DOMESTIC RELATIONS DIVISION</b>	
	<b>PLAINTIFF</b>
<b>VS.</b>	<b>NO.</b> _____
	<b>DEFENDANT</b>
<b><u>COMPLAINT FOR</u></b> _____	
COMES NOW the Plaintiff, _____, and for his/her cause of action against the	
Defendant, states:	

The above-listed rights and responsibilities are not exhaustive and not everything listed may pertain to your specific case or situation. Although you have a right to represent yourself in court, you are highly encouraged to seek the assistance of an attorney, if one is available for you. For a list of resources to help you in navigating the legal process, please refer to the Resource section at the end of this guidebook.

### **REPORTING AND DOCUMENTING INJURIES**

As a survivor of domestic violence, it is understandable if you are confused and uncertain of what steps to take next. If you are in an abusive relationship and are thinking about taking legal action against your abusive partner, documentation is an important component.<sup>13</sup>

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<sup>13</sup> Robinson, Katherine. (2014, May 12). *Building Your Case: How to Document Abuse*. Retrieved from <http://www.thehotline.org/2014/05/building-your-case-how-to-document-abuse/>.

Please consider documenting the following:

1. Verbal testimony from you or your witnesses;
2. Medical reports of injuries from the abuse;
3. Pictures (dated) of any injuries;
4. Police reports of when you or a witness called the police;
5. Household objects torn or broken by your abuser;
6. Pictures of your household in disarray after a violent episode;
7. Pictures of weapons used by your abuser against you; and
8. A personal diary or calendar in which you documented the abuse as it happened.

Now that we have established what types of things should be documented, please consider the following ways in which you can document your injuries:

1. Your **doctor or other medical professionals** can document your injuries safely.
2. Your **friends, family, or co-workers** can keep a calendar with notes or take pictures of your injuries. They might even be willing to hold your journal and important documents as you develop a safety plan (See Safety Plans in this Handbook).
3. Use a disposable camera for taking **pictures** of your injuries.
4. Getting law enforcement involved can be valuable in order to develop a paper trail of **police reports** showing the violence.
5. Consider keeping a **stalking log**, which can be helpful in documenting what is happening to you.
6. If your abusive partner repeatedly calls you, do not answer the call. Let it go to **voicemail** and save it.
7. Save all **digital evidence**. If you have a smartphone and have the “take-a-screenshot” option, take a screenshot of missed calls, threatening text messages, and threatening emails. However, it is important to remember that these screenshots get saved in your images folder, so remember to send them on to a friend and delete them. If your partner sends threatening emails, don’t respond to them, but save them in case you need to use them as evidence later.

8. Additionally, there are resources available to you through the National Center for Victims of Crime’s Stalking Resource Center.

Remember that you are the expert of your situation and if you are unsure about reporting or documenting injuries, go with your gut feeling and do what you feel is safest.

## **DOMESTIC VIOLENCE IN THE CIVIL CONTEXT**

### **Orders of Protection, Restraining Orders, No Contact Orders**

Arkansas passed the Domestic Abuse Act of 1991 to address the issue of domestic violence within the state.<sup>14</sup> When the Act became law, it created a mechanism for survivors of domestic violence to seek protection from their abusers. Specifically, survivors could petition the court for orders of protection. These orders prevented abusers from having any contact with their victims and carried criminal penalties for violating the orders. The following sections provide important information regarding orders of protection.

#### **A. Orders of Protection**

##### **1. What is an Order of Protection?**

An order of protection is a civil court order that is designed to prevent your abuser from continuing to harass, threaten, stalk, or engage in acts of violence against you. Specifically, the order prevents your abuser from having any contact with you or another family or household member whom he or she has previously harmed or threatened to harm. As the person who requests the order, you are called the “Petitioner,” and your abuser, as the person who is restricted by the order, is called the “Respondent.”

There are two types of protection orders: temporary and permanent. A temporary order of protection, also known as an *ex parte* order of protection, is an emergency order designed to provide you and your family with immediate protection from your abuser. Your abuser does not get prior notice that you are requesting the order from the court. Instead, you petition the court for an order of protection and the judge may issue a temporary order that same day if he/she believes you are in immediate danger or if your abuser is scheduled to be released from prison within 30 days, at which time you will be in danger.<sup>15</sup> “Ex parte” means that the order is issued without your abuser being present or having any input.

When issuing the temporary order of protection, the judge will also schedule a full court hearing to take place within the next 30 days.<sup>16</sup> You and your abuser may both appear at this hearing and tell your side of the story. The judge will then determine whether to grant you a permanent order of protection. A permanent order offers all the same protections as a temporary order, but it lasts longer and can only be issued after a full court hearing. The permanent order

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<sup>14</sup> Ark. Code Ann. § 9-15-207.

<sup>15</sup> Ark. Code Ann. § 9-15-206(a).

<sup>16</sup> Ark. Code Ann. § 9-15-204(a)(1).

can last anywhere from 90 days to 10 years, depending on the severity of abuse, the likelihood of future abuse, and how long you request that the judge make the permanent order.<sup>17</sup>

## **2. Who Can Get an Order of Protection and for What Reasons?**

Survivors of domestic abuse are eligible for orders of protection. “Domestic abuse” is defined by Arkansas law as “physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members.”<sup>18</sup> It also includes any sexual conduct between family or household members, whether minors or adults, that constitutes a crime in Arkansas.<sup>19</sup>

In Arkansas, “family or household members” has a very broad definition. The term can include spouses, former spouses, parents and children, people related by blood within four degrees, any children living in the home, people who live together or used to live together, people who have had a child together, and people who are in a dating relationship or who used to be in a dating relationship with one another.<sup>20</sup>

Family or household members who have experienced domestic abuse may file for orders of protection. While minors cannot directly file for orders of protection on their own, any adult family or household member or any employee or volunteer at a domestic violence shelter or organization may file on their behalf.<sup>21</sup> This means that you can file for an order of protection on behalf of your minor children if they have experienced domestic violence. If you and your children have all experienced domestic violence at the hands of the same abuser, you can file for an order of protection for yourself and ask for your children to be included on that same order. Upon a finding that domestic abuse has occurred, the court may issue a protection order. Note that if domestic violence has not been directly perpetrated against your children but they have witnessed domestic violence, some judges will include them on the order while others will not.

## **3. Why is it Important to Get an Order of Protection?**

While no piece of paper can absolutely guarantee your safety, an order of protection may deter your abuser from perpetrating further abuse and harassment. An order of protection can order your abuser not to communicate with you or use a third party to do so; to stay away from your home, workplace, or school; and to stay away from your kids’ school if they are included on the order. Permanent orders of protection may address other issues as well. For example, a permanent order of protection might establish temporary custody or visitation rights for any minor children that you and your abuser share; order temporary child or spousal support; award custody or care of your pet; order your abuser to attend a batterer’s intervention program; or order your abuser to pay your attorney’s fees.<sup>22</sup> Whether a judge orders any or all of the above remedies depends on the particular facts of your case.

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<sup>17</sup> Ark. Code Ann. § 9-15-205(b).

<sup>18</sup> Ark. Code Ann. § 9-15-103(3)(A).

<sup>19</sup> Ark. Code Ann. § 9-15-103(3)(B).

<sup>20</sup> Ark. Code Ann. § 9-15-103(4).

<sup>21</sup> Ark. Code Ann. § 9-15-201(d).

<sup>22</sup> Ark. Code Ann. § 9-15-205(a).

If your abuser violates a protection order, he/she can be arrested and face criminal charges for the violation. In Arkansas, a violation of an order of protection is a Class A misdemeanor, carrying a penalty of up to one year in jail and up to \$1000 in fines.<sup>23</sup>

#### 4. What are the Steps for Getting an Order of Protection?

##### a. Filing the Petition

The first step in applying for an order of protection is to fill out a petition for an order of protection and an affidavit. These forms may be obtained from the circuit clerk's office at the local county courthouse, and they are free. There are no costs associated with filing an order of protection.<sup>24</sup> Some clerks' offices have domestic relations specialists or victim advocates, who can guide you through the process. In some counties, there may also be domestic violence shelters, legal aid programs, or advocacy groups that can provide assistance throughout the filing process (See the Resources section of this Handbook for more information on shelters and advocacy groups that provide assistance). The petition for an order of protection must be filed either in the county where you live, where your abuser lives, or where the abuse occurred.<sup>25</sup> There are no time limits for this residency requirement. This means, for example, that if you flee an abusive relationship and go stay at a shelter in another county, you can file for an order of protection in that county without waiting a set amount of time.

When you fill out the petition, you will need to provide an accurate description of your abuser, his/her date of birth, an address where he/she can be found, and some identifying information about yourself. However, if you wish that your home or work address be kept confidential, you may leave that information blank and note that that information is "unknown to the respondent."<sup>26</sup> If your abuser is in jail, you should write this on the petition so that he/she may be served in jail. **You must remember to bring some form of identification, such as a driver's license, to show the clerk that you are who you say you are. If you fail to provide identification, you may not be able to get an order of protection.**

The petition and affidavit will also ask why you are requesting an order of protection. This is your opportunity to tell the judge what has happened and why you are afraid. You should describe, in detail, specific incidents of abuse that occurred, starting with the most recent event, and working your way backwards. The judge will mainly be interested in the most recent events (those that occurred within the past year), but that does not mean you cannot mention events that occurred earlier, especially if they were particularly violent. If you are filing for an order of protection on behalf of a minor or are requesting that your minor children be included on your order of protection, you will need to let the judge know about any physical abuse or threats towards the children and during which incidents of abuse the children were present.

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<sup>23</sup> Ark. Code Ann. § 9-15-207(b)(1).

<sup>24</sup> Ark. Code Ann. § 9-15-202(a).

<sup>25</sup> Ark. Code Ann. § 9-15-201(b).

<sup>26</sup> Ark. Code Ann. § 9-15-203(c)(1)(a).

As you are writing about the abuse, you must be specific. For example, do not say, “My spouse abused me.” Instead, you would use words that specifically describe what your spouse did, such as “slapped,” “strangled,” “punched,” “threatened,” “dragged,” etc. If you sustained any injuries, include that in the petition as well. If your abuser called you names, you should write exactly what he/she called you, even if the language is vulgar. Use exact dates as much as possible. If you cannot remember a date, do not make a date up. Instead, estimate approximately when the event occurred, such as “sometime last August.”

Once you have finished filling out the petition and affidavit, you will need to wait to sign it until you are in front of the clerk or clerk’s deputy, since he or she will need to notarize it for you.

### **b. Giving the Petition to the Judge**

Once you have finished filling out the petition and affidavit, the next step is for the clerk’s office to assign a judge to the case and for the judge to read what you have written. You may be required to take the forms directly to the judge’s chambers, or someone in the clerk’s office may take them for you. The clerk’s office will inform you of how they handle the process.

After the judge reads through your paperwork, he/she will determine whether or not to grant you a temporary order of protection. If the judge believes that you are in immediate danger of abuse, or if your abuser is scheduled to be released from prison within 30 days, at which time you will be in danger, you will be granted a temporary order of protection.<sup>27</sup> The temporary order will go into effect as soon as your abuser is served. The judge will also schedule a full court hearing within the next 30 days to determine whether or not you should be granted a permanent order of protection.<sup>28</sup>

Even if you are not entitled to a temporary order of protection, the judge will still give you a date for a full court hearing, which will take place within the next 30 days.<sup>29</sup>

### **c. Serving the Petition**

In order for the temporary order of protection to take effect, and in order for there to be a full court hearing (regardless of whether or not you receive a temporary order), your abuser must be served. This means that your abuser is given papers informing him/her of your allegations, stating the date and time of the full court hearing, and instructing him/her to have no contact with you or anyone else included on the temporary order of protection.

After you receive your papers back from the judge, the clerk will make copies of the papers and sign and stamp them. One copy will be for you to keep for your records, and the others will need to be delivered to the local sheriff’s office so that they can serve your abuser. Someone from the clerk’s office may drop off the papers for you, or you may need to drop off the papers yourself.

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<sup>27</sup> Ark. Code Ann. § 9-15-206(a).

<sup>28</sup> Ark. Code Ann. § 9-15-204(a)(1).

<sup>29</sup> Ark. Code Ann. § 9-15-204(a)(2).

If your abuser does not live in the county where you filed the order, the order will still need to be delivered to the local sheriff's office. They will then forward the papers to the sheriff's office in the county where your abuser lives so that he/she can be served there. The sheriff's office usually asks if you would like to be notified when your abuser is served. If you would, you can give your contact information to their office and they will notify you when service is complete.

#### **d. Preparing for and Attending the Hearing**

**It is very important for you to attend the hearing.** The hearing provides an opportunity for you and your abuser to each tell your side of the story and present evidence to the judge. It is also the date on which your temporary order, if you have one, is set to expire. This means that the extra protection granted to you by the temporary order will not remain in effect unless you obtain a permanent order. If you do not appear, you will not be granted a permanent order of protection, and some courts may assess court costs.<sup>30</sup> If you absolutely cannot attend the hearing, you must contact the court clerk immediately.

You are not required to have an attorney represent you at the hearing, but having an attorney can be very helpful and can increase your chances of being granted a permanent order of protection. You may qualify to receive free legal representation if there is a legal aid office in your area. You can check the Arkansas Legal Services Partnership directory at <http://www.arlegalservices.org/directory> to see if there is a legal aid office near you.

To prepare for the hearing, you must first decide what kind of relief you would like. You can ask for the judge to extend the order anywhere from 90 days to 10 years.<sup>31</sup> If your situation has changed, you may also tell the judge that you do not wish for the order to be extended.

If your abuser has been properly served but does not appear at the court hearing and you wish for the order to be extended, the judge will grant you a permanent order of protection. If your abuser does not contest making the temporary order a permanent order, there will not be a trial, and the judge will grant you a permanent order of protection.

If your abuser has not been properly served by the day of the court hearing, you can ask the judge to extend the temporary order of protection and set a new court date to allow additional time for service. It is within the judge's discretion to do this. If the judge does decide to continue the case, you will be given a new court date.<sup>32</sup>

If, however, you would like for the temporary order to be made a permanent order and your abuser shows up to the hearing but does not agree to a permanent order, there will be a trial. As the petitioner, you will be able to put on your case first. This means that you can tell the judge about the abuse that has occurred and that you can put on evidence. If you decide to tell your story to the judge, this is called "testifying" or "giving testimony." In order to testify, you

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<sup>30</sup> Ark. Code Ann. § 9-15-202.

<sup>31</sup> Ark. Code Ann. § 9-15-205(b).

<sup>32</sup> Ark. Code Ann. § 9-15-204(b)(2).



must first “swear or affirm” to the court that you will “tell the truth, the whole truth, and nothing but the truth.”

In addition to testifying, you may want to put on other forms of evidence. For example, you can call witnesses to the stand to testify on your behalf. You can also present photos of your injuries or threatening messages your abuser has sent you. You can even present objects as evidence, such as torn or bloody clothing. Just remember that if you represent yourself in court, you will still have to follow the same rules of civil procedure and evidence that an attorney would have to follow. The Arkansas Rules of Civil Procedure can be found at <https://courts.arkansas.gov/rules-and-administrative-orders/rules-of-civil-procedure>, and the Arkansas Rules of Evidence can be found at <https://courts.arkansas.gov/rules-and-administrative-orders/arkansas-rules-of-evidence>.

Your abuser or your abuser’s attorney will have an opportunity to cross-examine you and your witnesses on the stand. If this happens, stay calm, do not argue, and answer only what is asked. Once you have finished presenting all of your evidence to the court, it will be your abuser’s turn to put on his/her case. You will then have an opportunity to cross-examine your abuser and his/her witnesses.

The judge will consider all of the testimony and evidence presented before the court and will determine whether or not to grant you a permanent order of protection. If the judge does issue a permanent order of protection, it will last anywhere from 90 days to 10 years.<sup>33</sup> At the judge’s discretion, he/she may make additional orders as well, such as ordering temporary custody, visitation, or child support.<sup>34</sup>

#### **e. What Happens if the Order of Protection is Violated?**

**A violation of an order of protection is a crime.** If your abuser violates the order of protection, you should call law enforcement immediately, even if you think the violation is a minor one. Tell the police about the order of protection and have your copy of the order ready to show them when they arrive. The police can arrest your abuser for violating the order. You might have to testify in court about what your abuser did to violate the order. If convicted, he/she could face up to one year in jail and/or be fined up to \$1000.<sup>35</sup>

### **B. Restraining Orders**

A restraining order is a civil order that is usually issued in the context of a divorce case. There are two types of restraining orders: temporary and permanent.

#### **1. Temporary Restraining Orders**

A judge usually issues a temporary restraining order at the beginning of a divorce or other domestic relations case to keep the parties from bothering each other and to maintain the

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<sup>33</sup> Ark. Code Ann. § 9-15-205(b).

<sup>34</sup> Ark. Code Ann. § 9-15-205(a).

<sup>35</sup> Ark. Code Ann. § 9-15-207.

status quo with respect to property, among other things, until the divorce is finalized. Typically, the temporary restraining order will prohibit the parties from disposing of marital property and from removing the children from the court's jurisdiction (Arkansas). It will also order the parties to obey the law and not harass, molest, or criticize each other or their children. In some counties, the judges automatically issue these temporary restraining orders at the beginning of a divorce or other domestic relations case. In other counties, you or your attorney must request that the judge issue such an order.

## 2. Permanent Restraining Orders

A permanent restraining order is issued at the end of a divorce or other domestic relations case. It is usually incorporated into the final order, the divorce decree, or the paternity order. It orders the parties not to harass, molest, or criticize each other even after the case is closed. These orders are not automatic, and they are usually only issued in instances where there have been violations of the temporary restraining order or where the judge believes one or both parties are at risk of harassment when the lawsuit ends.

**If you are being physically harmed or threatened with harm, a restraining order is not an adequate form of protection.** Violating a restraining order is not a criminal offense. If your abuser violates the restraining order, police will not be able to arrest him/her. Instead, you will have to file a motion for contempt with the court, and there will be a hearing to determine whether the abuser violated the restraining order and what penalties, if any, should apply.<sup>36</sup>

## C. No Contact Orders

### 1. 9.3 No Contact Order

Unlike a protection order or a restraining order, a no contact order is usually issued as part of a criminal case and is thus not something that you can file for. Instead, a judge will often issue a no contact order as a condition of your abuser's pretrial release after he or she has pled "not guilty" at arraignment (the stage of the criminal proceeding where he/she is formally charged). This order, which is sometimes called a "9.3 no contact order," might prohibit your abuser from having any contact with you, your family, or any witnesses who may testify against your abuser.<sup>37</sup> It may also prohibit your abuser from contacting his/her kids if they live with you or if they witnessed the abuse.

Because this order is issued as part of a criminal proceeding, it only lasts until the conclusion of the criminal case, at which time it will expire. A judge can also lift a no contact order while the case is still pending. For example, if you as the victim request for the no contact order to be lifted, and the prosecutor's office does not object, a judge might agree to lift the order.

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<sup>36</sup> Ark. Code Ann. § 16-10-108.

<sup>37</sup> Ark. R. Civ. P. 9.3.

If a defendant violates a no contact order, thus violating a condition of his or her release, he/she may be arrested and taken back into custody.<sup>38</sup>

## 2. § 9-15-212 No Contact Order

Sometimes at an order of protection hearing, the victim and the abuser will agree to be bound by a mutual no contact order in lieu of having a hearing. The no contact order will prohibit the parties from “making contact, directly or through an agent, except under such conditions as may be provided in the order.”<sup>39</sup> There are several reasons the parties might agree to do this. For example, the victim might find this compromise appealing if there isn’t a lot of evidence of the abuse, and there’s a good chance that the judge might not grant a permanent order of protection. Additionally, it eliminates the stress of testifying in court. A mutual no contact order might appeal to your abuser because it keeps his/her name out of the Arkansas Crime Information Center, and your abuser avoids being subjected to certain limitations that accompany protection orders, such as the restriction on possessing a firearm or ammunition.<sup>40</sup>

If you are considering agreeing to a mutual no contact order, you should weigh the pros and cons of such an order. While your abuser will still be prohibited from making contact with you, the penalty for violating such an order is not a crime, and you will have to go back to court to ask for your abuser to be held in contempt for violating a court order. Additionally, the mutual no contact order applies equally to both parties, meaning that you can face the same penalties as your abuser for violating the order, unlike a protection order or a 9.3 no contact order, which only carry penalties for violations by your abuser.

## Domestic Relations Matters

### A. Divorce

Every divorce starts with one person (the **plaintiff**) filing a complaint asking the court to grant a divorce decree. The person who the divorce is filed against is the **defendant**.

#### 1. To file for a divorce in Arkansas:

- a. You must have lived in Arkansas for 60 days before filing.
- b. You must state grounds. General indignities and separation for 18 months are the most commonly used grounds for divorce because they are the easiest to prove. Separation for 18 months is the only “no fault” ground. General indignities means that the defendant has treated the plaintiff so badly that he/she can no longer remain married to him/her.
- c. The grounds must have happened within the last five years.

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<sup>38</sup> Ark. R. Civ. P. 9.5.

<sup>39</sup> Ark. Code Ann. § 9-15-212.

<sup>40</sup> Ark. Code Ann. § 9-15-207(b)(3).

If your spouse does not want the divorce, then you have to prove each of these things in court and bring a witness or a written affidavit to prove your testimony about the grounds and residency at the final hearing.

## **2. Service of process:**

You must tell the defendant about the divorce and give the defendant a chance to respond. You must follow the Arkansas Rules of Civil Procedure when telling the defendant about the divorce. The Arkansas Rules of Civil Procedure set forth the following requirements:

- a. A process server or deputy sheriff may personally give the summons and complaint to the defendant or the defendant may be served by certified mail, restricted delivery.
- b. If the address of the defendant is unknown, service can be made by warning order published in a newspaper.
- c. There are specific rules for serving a defendant who is in prison or serving in the military.

Once the defendant is served, he/she has 30 days to file a written response unless the defendant is incarcerated. If the defendant is incarcerated, he/she has 60 days to file a written response. If the defendant does not file an answer, the court can grant the divorce without the defendant.

## **3. General Information:**

Many cases are settled by agreement of the parties. If the parties cannot agree, the judge will decide. These are some of the issues decided in divorce cases:

- a. Which parent will the children live with?
- b. How often will the children be able to visit with the other parent?
- c. Will the children be able to move from the state?
- d. Who will pay for the children's medical/other expenses beyond child support?
- e. How should property and debts acquired during the marriage be divided?

The amount of child support is determined by the Arkansas Family Support Chart (See <http://www.dfa.arkansas.gov/offices/childSupport/resources/Pages/childSupportCharts.aspx>). Alimony/spousal support may be awarded based on the spouse's need, the other spouse's ability to pay, and the specific facts of the case.

**Getting a divorce in Arkansas takes a minimum of 30 days from the date a complaint is filed.**

If there are several issues to be decided by the judge, the divorce may take much longer. Once the judge signs the final divorce decree and it is filed with the circuit clerk, you cannot get the terms changed just because you do not like one or more of them or you change your mind about something you agreed to. In order to change the final decree, a party must show that a material change in circumstances has happened since the filing of the decree. Only the judge can change the decree.

The divorce decree lists the rights and responsibilities of each person. If a party does not follow the decree, the other party may file a motion for contempt to enforce the orders in the decree.

**B. Paternity**

**1. Custody for a Child Born Out of Marriage:**

When a child is born to an unmarried woman, the mother of the child automatically has legal custody of that child and does not need a court order to prove that she has custody. However, if the child was born outside of the marriage, paternity must be proven before the judge will enter an order to obtain child support.

If both parents agree to sign an affidavit of acknowledgment of paternity, there is a presumption that the person listed in the affidavit is the child's parent, and they do not have to go to court to establish paternity. If one parent is unwilling to sign the affidavit, a judge will decide paternity based on genetic testing, testimony of the mother, or other evidence.

**If you are in a situation where the father of your child has taken your child without your permission**, and the police say they must have a court order proving that you have custody of the child before they can act, try giving them the following Arkansas statute number: Ark. Code Ann. § 9-10-113. The law clearly states that the mother has custody of a child born outside of the marriage.

**2. Frequently Asked Questions:**

**a. Why is it important to establish paternity?**

Both parents and the child have the right to a parent and child relationship. Everyone deserves a chance to develop, enjoy, and grow in the relationship. The father has the right to contribute to the success of his child's future. By establishing paternity, the father is providing his child with rights and privileges such as:

- i. The emotional benefits of knowing both parents
- ii. Emotional and financial support from both parents

- iii. Access to family medical records
- iv. Inheritance protections
- v. Veterans' and Social Security benefits
- vi. Medical and life insurance
- vii. Legal documentation of who his/her parents are

**b. Should parents planning to marry sign the affidavit acknowledging paternity?**

If the parents are not married to each other when the child is born, the man is not the **legal** father, even if the parents are living together. One way to establish a legal relationship between father and child is for the father to sign the affidavit that acknowledges his paternity.

**c. What if the mother is married to someone else?**

If the mother was married when she became pregnant or at the time of the birth of the child, the husband is the legal father.

If the husband/ex-husband is not the biological (natural) father of the child, the mother and the husband/ex-husband must complete, in front of a notary, the section (Denial of Husband's Paternity) on the back of the affidavit acknowledging paternity. If this section has been completed and the affidavit is given to the hospital staff before the birth certificate is filed, the biological (natural) father will be listed as the father on the birth certificate so long as the biological father acknowledges paternity and completes the affidavit acknowledging paternity.

If the affidavit is not submitted before the birth certificate is filed, the husband/ex-husband will be listed as the father, and a court order will be required to remove the husband/ex-husband's name from the birth certificate.

**d. How is paternity acknowledged?**

When your baby is born the hospital staff is required to ask for information to complete the baby's birth certificate. They will also have the paternity acknowledgment form for the mother and father to sign saying that he is the biological father.

**e. What if we are not sure who the father is?**

If either parent is unsure, do not sign the paternity acknowledgment form. You should have a paternity test, which is sometimes called a DNA or genetic test.

**f. What will the genetic test show?**

The genetic test will show if a man is NOT the biological father of a child. Or, the test may show that it is almost certain, 95% or more, that a man is the father of the child.

**g. If we sign the affidavit acknowledging paternity now, can we have the paternity test later?**

Yes, subject to the following time limits. A person who has signed an acknowledgment may rescind within 60 days after signing. After the 60-day period, and up to three years, a motion to set aside the acknowledgment may be filed, only based on allegations that the acknowledgment was obtained by fraud, duress, or material mistake of fact. Fraud, duress, or material mistake of fact means that one of the parents lied to or threatened the other parent, or a mistake was made. Then the judge may direct the mother, the child, and the presumed father to submit to scientific testing for paternity as provided by Ark. Code Ann. § 9-10-108.

**h. Will the father's name be on the baby's birth certificate?**

If unmarried parents sign the affidavit acknowledging paternity form at the hospital when the baby is born, the father's name will be shown on the baby's birth certificate. The parents must tell the hospital staff what name they want for their child. If the mother agrees, the baby can have the father's last name.

**i. If we did not sign the acknowledgment form at the hospital, what can we do?**

If paternity is not established prior to leaving the hospital, parents can take the form with them and sign it later. They can acknowledge paternity for any child under the age of 18 who was born in Arkansas. However, the father's name will not appear on the birth certificate without an order from a judge.

**j. If the Office of Child Support Enforcement (OCSE) helps me establish paternity, will child support or other government benefits begin automatically?**

No. After you make application to OCSE for child support, that office will file a lawsuit asking that the father of your child be established as his/her legal father. The father may ask for DNA testing. If DNA testing shows a biological relationship or the father does not respond, he will be found to be the legal father and ordered to pay child support based upon his take home pay. You can also file your own lawsuit to have paternity established, or have an attorney do it for you. After paternity is established, you can apply for Transitional Employment Assistance (TEA, formerly AFDC), ARKids First insurance or Medicaid at the Department of Human Services.

**k. Do I have to cooperate to establish paternity?**

Some government assistance programs require the mother to cooperate in establishing paternity to qualify for benefits. The mother must cooperate with OCSE to establish paternity in order to qualify for TEA. The mother must cooperate to qualify for some Medicaid benefits.

Until recently, the mother was required to cooperate in establishing paternity before her child could qualify for ARKids First insurance. Cooperation is no longer a condition of eligibility for ARKids A or ARKids B.

**l. If we sign the affidavit acknowledging paternity, does the father have the right to visit or ask for custody?**

Signing the affidavit acknowledging paternity does not automatically give the father the right to visitation or custody. The father may use the form to ask the judge to award custody or establish visitation rights.

If the parents are in agreement, either parent may ask the judge for an order to establish their rights to visitation and/or custody. Parents should ask their attorney about the law. Ark. Code Ann. § 9-10-113(b) and (c) state that before a man can be awarded custody he must first establish paternity, petition the court and prove that he is a fit parent to raise the child, prove that he has provided child support, care, supervision, and protection to the child, and prove that it is in the best interest of the child that custody be given to him.

**m. What does it cost to establish paternity?**

There is no charge to parents who voluntarily acknowledge paternity. The affidavit acknowledging paternity is available at the OCSE, county health units, or the hospital where the child was born.

If both parents do not voluntarily sign the affidavit acknowledging paternity, they may contact an attorney, or ask the OCSE to petition the court to establish paternity. The OCSE will charge for services to establish paternity, including genetic testing, court costs, and attorney's fees, unless the applicant is eligible for free services.

**C. Child Custody and Visitation**

The custody section of your divorce decree or paternity order says who will have responsibility for day-to-day decisions concerning your child. The law assumes divorcing couples are both the child's parents if the child was born during the marriage. Paternity may be determined during the divorce if a child was born prior to marriage and either the husband or wife have doubts that the husband is the father of the child, or either the husband or wife says the husband is not the father of the child.



## 1. Joint Custody

The parents may request or the judge may order joint custody, sometimes called “friendly parent provisions” or shared custody. Under joint custody orders, each party usually has equal rights to custody and care of the child. The judge may order that the child live with one parent part of the time and the other parent part of the time. It is becoming more common that the judge will order that the parents will share in making decisions on important issues concerning the child. A recent Arkansas law states that joint custody is preferred in this state, and more judges are now entering custody orders that state the child will spend equal time with each parent.

Joint custody works best when the mother and father can cooperate and agree on their child’s upbringing. If you want joint custody, you should ask that the divorce decree or paternity order require both parties to live in the same state, and share equally in all expenses for the child since child support is usually not ordered when the parents have joint custody.

## 2. Contested Custody (Best Interest of the Child)

If you cannot agree who will have custody of the child, then custody becomes **contested**, which means that you cannot agree on who will have custody, visitation, etc. This means you will have to prove to the judge whether you or the other parent should have custody of your child. The judge decides who will get custody of the child, and bases this decision on the **Best Interests of the Child Standard**.

Arkansas law considers both parents equally when deciding who will get custody. The judge cannot favor the mother for custody just because she is the mother. The court considers many factors when deciding the best interests of the child. The following questions are some issues that the judge uses to help determine what is in the “best interests” of the child.

- a. **Continued Contact** — Who will most likely provide continued contact with the other parent and encourage the relationship between the parent and the child?
- b. **Caring** — The judge is more likely to grant custody or visitation if you show that you can (and will) provide love, affection and guidance for your child.
- c. **Domestic Abuse** — Has there been *any* abuse against a family member or in front of the child? Family member means spouses, former spouses, parents and children, people related by blood within four degrees, any children living in the home, people who live together or used to live together, people who have had a child together, and people who are in a dating relationship or who used to be in a dating relationship with one another. Ark. Code Ann. § 9-15-103(4). Arkansas law states that if a spouse is proven to be guilty of domestic abuse, that spouse should not be given custody of the child.

- d. **Character** — Is the spouse requesting custody an honest person? Does he/she have a caring attitude, stable work, and a good reputation? Does that person have a history of alcohol abuse, drug use, or a criminal record? Does that person already have a new boyfriend or girlfriend? Judges generally will not award custody to a parent who has already exposed the child to another person he or she is romantically involved with, and a parent who hopes to be awarded custody of his or her child **cannot** be living with a new romantic partner.
- e. **Environment** — The judge may order that a “home study” be performed on the residence of each party, which can be expensive. The judge may order each party to pay half of the cost of the home study. Again, the judge will consider a live-in boyfriend or girlfriend as an extremely bad decision, and is likely to order both parties not to have overnight guests of the opposite sex, unless related, if the child is in the home.
- f. **Economics** — The judge will want to know if the parent seeking custody has enough money and other resources to provide for the child’s food, clothing, shelter, medical care, and other basic needs without assistance from others. The judge should not, however, compare your financial condition to your spouse’s.
- g. **Child’s Preference** — The judge may consider the child’s wishes, but the judge does not have to do what the child wants. Some judges allow an older child to state who he/she wants to live with (often alone with the judge and court reporter, and without the presence of either parent), but others may not.
- h. **Keeping Children Together** — The judge will try to keep the children together with one parent, instead of splitting them between the parents. The judge may separate the children, however, if it is in their best interest. If the children are separated, many judges order that the children will spend every weekend together for visitation with each other.

### 3. Additional Information

#### a. Attorney ad Litem

The judge may appoint an *attorney ad litem* to act as the attorney for the child, and represent his or her best interest. Each parent is usually ordered to pay half of the attorney’s fees. The attorney will try to find out what is best for the children. The attorney will usually talk with each parent, and with the child, alone, in his or her home. The attorney will also usually visit with the child at school, away from either parent. The attorney ad litem may talk to other people, such as teachers or doctors. The attorney ad litem makes a recommendation to the judge about who should get custody, based on the information gathered. The judge almost always orders what the attorney ad litem recommends.

**b. Mediation and Parenting Classes**

The judge may make the parents take parenting classes and/or go to mediation to talk about parenting, custody, and visitation issues. A mediator is a third party trained in helping parents find issues they agree on. The mediator may or may not be an attorney.

**c. Custody by a Third Person**

The judge must give custody to a parent unless the parent is proven to be “incompetent or unfit.” If the parent is “incompetent or unfit,” then the judge may give custody to another person, like a grandparent or other relative. The judge will decide based on what is in the best interests of the child.

**d. Visitation**

If the parents can work together, the court may grant what is called “liberal” visitation. This means it is up to the parents to work together to decide when, where, and how long the visitation will take place. If you can show that you will cooperate with the parent who has custody, then you are more likely to get visitation rights. The judge will always order visitation unless it is proven that a parent is a danger to the child, or has harmed the child in the past. A noncustodial parent with visitation rights has the right to see his/her child’s school grades and medical records.

If the parents cannot work together, then a visitation schedule should be included in the final custody order. Some judges have visitation guidelines that they follow. A “standard visitation schedule” usually includes visitation every other weekend from Friday evening until Sunday evening, alternating holidays, and an extended period of time during the summer.

If a specific visitation schedule is in the court’s order, the start date for the visitation will be in the order, too. This helps the police in figuring out whether or not a noncustodial parent is supposed to have visitation if a disagreement arises.

Visitation may be restricted when it is in the best interests of the child. If it is proven that a noncustodial parent has hurt the child in the past, the judge may order supervised visits. This means that the noncustodial parent can visit with the child, but only under certain circumstances, such as being in the presence of another adult (e.g., a relative), or that the visitation can only happen in a certain place, or both.

**e. Visitation and Child Support**

Visitation and child support do not depend on each other. They are isolated issues that are decided separately. The noncustodial parent **must still pay child support** even if he/she is not being allowed to visit. If the custodial parent is not receiving child support, he/she **cannot deny visitation**.

#### **f. Enforcing an Existing Order**

If one party is not doing what the judge has ordered him/her to do, the other party can ask the judge to enforce the court orders by filing a **motion for contempt**. The party who petitions for enforcement of a court order must prove that the other parent did not follow the custody, visitation or child support orders in the divorce decree or custody order. The party who files the petition asks the court to find the offending party “in contempt of court.” If the judge agrees that the other party is in contempt, the judge has many ways to make the party obey. Some of the ways include a fine, being put in jail, or changing the custody or visitation orders to punish the offending party.

#### **g. Modifying Custody**

To get an order changed, the party asking for the change must prove that a *material change in circumstances* has occurred since the date of the original order. A material change in circumstances means that something has changed in the home of the parent having custody. Some examples of a material change of circumstances are: medical, education or some other type of neglect of the child; physical abuse to the child; substance abuse issues developing in the home; etc. A petition must be filed to reopen the original case, and a hearing must be held. There is a \$50 fee to re-open a case.

#### **h. Modifications When Parties Move**

The county where the divorce took place, or paternity was established, will continue to hear requests to change the divorce decree or paternity order as long as at least one of the parents still lives in the state, even if the custodial parent moves to another state. This means if both parents move to another state, the case might be moved to that state and changes in previous court orders would be made by the judge in the new state.

Some divorce decrees or custody orders require that the custodial parent get permission from the judge before relocating to another state. Even if that is not an order made by the judge, if the custodial parent moves far away and the visitation orders can no longer be followed, the custodial parent could be held in contempt for not following the visitation orders.

### **D. Juvenile Court**

If someone believes a child is being abused or neglected, the child abuse hotline or law enforcement may be called for an investigation. A person neglects a child when he/she does not do something, and a child is harmed as a result. A person abuses a child when a person does something on purpose, and a child is harmed as a result. If the investigator, usually from the Arkansas Department of Human Services (DHS), finds that a child is in danger, an action may be filed in juvenile court. The purpose of the juvenile court is to keep children safe and help families have safe homes for their children.

Domestic violence can be the reason children are removed from the home, either because the parent has failed to protect the children from emotional or physical abuse from the other parent or partner, or because a child has actually been hurt during discipline or during a domestic violence incident between the parents or another person.

The juvenile judge can order the family to get help to make the home safe again for the children. Therapy (mental health, substance abuse, etc.), anger management classes, and parenting classes are among the things the judge may tell the parent to do before the children can come home. The judge can also order that the parent or partner who is physically and/or mentally abusive to other family members leave the home so the children can be safely returned. The parent from whom the children are removed can have an attorney appointed to represent him or her, if that parent has little or no income.

If possible, the juvenile judge will allow the children to remain in the home if they are safe and protected from harm. If they are not safe or protected from harm, the juvenile judge will take the children from the home and temporarily place them in a foster home or shelter. This means that, for the time being, DHS is legally responsible for the child. The juvenile judge will decide when the children can return home and what the parent needs to do to have the children returned.

The family will have one year to change the things that caused the child to be removed from the home. DHS is required to assist the family to make those changes and follow the juvenile judge's orders. If the family is not able to make the changes, the juvenile judge can terminate the parental rights of one or both parents. This means that the child may be adopted or placed in the permanent custody of someone else.

If the child is adopted, it is very unlikely the child can ever be returned to the parents. The parents would have to adopt the child from the adoptive parent(s), which would likely require the consent of the adoptive parent(s). If the child is just placed in the custody of someone else, the parent can file a lawsuit to ask that the child be returned to him or her. The parent will have to show that everything has been corrected that caused the child to be removed in the first place.

If the juvenile judge finds that a parent has abused or neglected one of his or her children, his or her name will be placed on the child maltreatment central registry.

## **E. Child Maltreatment and Central Registry**

The child maltreatment central registry is maintained by the DHS. It is a list of people who have abused or neglected a child. If your name is on the list, your employment may be affected, and in some cases, it may affect your custody or visitation rights.

When someone tells DHS about an incident of child abuse and neglect and DHS investigates and finds that the incident is true, your name may be placed on the registry. A DHS investigator interviews the accused and other people important to the investigation. At the end of the investigation, the investigator can make a true finding of abuse or neglect. A true finding of

abuse or neglect means that DHS thinks there is enough evidence to show that the abuse or neglect happened and that the accused person is responsible for it. **A true finding means that your name will be put on the registry unless you appeal and win at the administrative hearing.** If you disagree with the DHS finding, you must file an appeal. You have **30 days** to appeal a true finding.

After filing an appeal, DHS will schedule a hearing before an Administrative Law Judge (ALJ). The hearing is an opportunity for you to present your side of the story, and have witnesses testify for you to disprove DHS' finding of neglect or abuse. You are allowed to have someone (including an attorney) represent you at the hearing.

The first thing you or your representative should do is request a copy of the investigative file from DHS. The investigative file includes all the information DHS used to make its true finding against you. Read through this file carefully to see who DHS interviewed and what those persons said about what happened. You should then have witnesses at the hearing who can tell the judge the things the investigator did not find out, or how the event happened differently.

Your name will be automatically removed from the registry one year from the incident if your name was placed on the registry for less harmful acts, such as educational or environmental neglect, inadequate clothing, food or shelter. If you are not eligible for automatic removal, you may ask DHS to remove your name if at least one year has passed since your name was placed on the registry, DHS has not made another true finding of abuse or neglect against you in the past year, and you were not found guilty or pled guilty or no contest in criminal court. There are certain acts for which your name will remain permanently on the registry; however, the determination of which acts will qualify you for permanent placement on the registry is based on a complex evaluation made by DHS.

## **F. Immigration Remedies for Victims of Crime**

Undocumented victims of domestic violence are often further victimized by threats from a spouse or partner that government authorities will be notified and he or she will be deported. This type of threat is even more terrorizing if there are children involved who were born in the United States and are United States citizens. The threat of deportation without one's children is a powerful tool used by perpetrators of domestic violence.

### **1. Methods of control by an abuser include:**

- a. Emotional (lying about the victim's immigration status or the abuser's ability to assist the victim in obtaining status, intimidation, hiding or destroying identity documents, threatening shame to the family, minimizing abuse, misrepresenting U.S. laws and their application);
- b. Isolation (not allowing him/her to learn English or associate with individuals who speak his/her native language);

- c. Using children (claiming U.S. courts would not award custody to an undocumented immigrant);
- d. Using Citizenship or Residency (instilling fear in victim by claiming that the police would be more interested in the victim’s immigration status than in the crime against him/her if the police were called, and that ultimately the victim will be deported);
- e. Coercion and Threats (threatening to not file or to withdraw a petition for immigration status);
- f. Sexual (stating U.S. laws require the sexual submission of wives; referring to her as a “prostitute”); and
- g. Economic (forcing him/her to work “illegally” or refusing to allow him/her to work, threatening to report him/her to immigration).

There are several types of visas available to undocumented victims of domestic violence. The purpose of these visas is to provide relief to victims who are suffering domestic abuse, and to prevent abusers from using U.S. immigration law to further their abuse.

In order to be eligible to receive a visa, the abuser must be a United States Citizen (USC) or Legal Permanent Resident (LPR), the USC or LPR battered or subjected the visa applicant to extreme cruelty, or the applicant and abuser lived together at some point. The relationship must have begun in good faith, and the applicant must have good moral character.

Findings of family violence, sexual assault or stalking demonstrate that the applicant is a victim of a qualifying crime. A Violence Against Women Act (VAWA) self-petition requires proof that the applicant is a victim of family violence. A valid Protective Order is a persuasive element of the survivor’s case, and the inclusion of that finding can be evidence of the “battery or extreme cruelty” element of the VAWA self-petition.

Besides the self-petition under the VAWA, there are the U Visa and the T Visa. Victims of qualifying crimes, including family violence, sexual assault and stalking may apply for a U Visa. Victims of human trafficking may apply for a T Visa.

**2. The following persons may file a VAWA self-petition:**

- a. An abused spouse of a USC or LPR;
- b. An abused child of a USC or LPR (unmarried, under 21 years old);
- c. A non-abused spouse of a USC or LPR whose child is abused by the USC or LPR spouse; or
- d. An abused parent of a USC son or daughter (21 years or older).

# **DOMESTIC VIOLENCE IN THE CRIMINAL CONTEXT**

## **Navigation of the Criminal System**

The criminal justice system can be very intimidating and difficult to understand. This section is written to help you understand what to expect, who will likely be involved and the terminology you might hear.

When an arrest is made and law enforcement completes their investigation, their file is sent to a prosecutor who can also be called a deputy prosecuting attorney. The prosecutor does not represent you, but instead represents the state and the laws of the state. The file consists of the report from the officer(s) present at the scene, interviews, photographs and witness statements, if any, and any other information that is important. In most jurisdictions, the police report is not released to anyone other than the prosecutor and other personnel that will help with the case. When the file is received, there is usually some form of data entry for the purpose of keeping track of the case and the people involved. Once that is completed, the paper work is “file marked” which means there is now a court file for the Judge to use and that information is available to the public.

Depending on several factors, the case can be charged as either a misdemeanor or a felony. When an arrest is made, law enforcement has the responsibility to make that decision based on severity of the crime, previous criminal history and other factors. Once the information is received by the prosecutor, that person is responsible for deciding what formal charges will be filed and ultimately will make the recommendation for punishment.

In most counties, there are victim advocates or staff designated to keep you and other survivors informed of the court proceeding, offer support and refer you to resources that can help you. The victim advocate is the best resource for staying informed of the case progress, of plea negotiations, and whether you have to plan for a trial. If a victim advocate is not available to you, the prosecutor or their staff should be able to answer your questions and keep you informed.

### **A. MISDEMEANORS**

A misdemeanor falls into three categories with different punishment ranges:

1. Class A - one year in jail and/or up to \$1,000.00 fine
2. Class B - 90 days in jail and/or up to \$1,000.00 fine
3. Class C - 30 days in jail and/or up to a \$500.00 fine

Misdemeanors are typically assigned to the *District Court*. District Court Judges hear only cases involving misdemeanor charges and city violations. When a person is arrested for a misdemeanor offense, he/she is given a date to appear in court in front of the judge. This is called an *Arraignment*.



In a misdemeanor offense, your abuser, also known as the offender, can plead guilty or not guilty at that appearance. If he/she pleads guilty, the judge can impose a sentence at that time. If he/she pleads not guilty, the next court date is set which is called *Plea/Discovery*. It is important to know that at *Arraignment*, the prosecutor is generally not present and does not have any information on the case. At *Plea/Discovery*, the prosecutor is present and can make an offer at that time for your abuser to plead guilty. If your abuser does not want to plead guilty, the judge will then set a date for a trial.

As a victim, you may be subpoenaed to appear for trial to testify. A *subpoena* is a court order that requires you to be present for the trial. They can be sent out and served in a relatively short amount of time, sometimes only a few weeks before the trial. Court personnel or law enforcement personnel can call you or bring the paper to you in person. Once you receive the call or the paper, you are considered “served” and **must** appear on the day and time scheduled. Because of a lack of court personnel and high volume of cases, you may not be contacted by the prosecutor until trial is set.

If you have questions regarding the court case, contact the district court clerk in the area of authority that your abuser was arrested. The clerk can refer you to the prosecutor working on the case. As a survivor, you have the right to ask for information about the case including court dates, the plea offer, and final judgment. You also have the right to reasonable accommodation to ensure your safety. If you feel unsafe from your abuser, you must inform the court personnel.

## **B. FELONIES**

A felony is a more serious charge that carries with it punishment that can include a prison sentence.

### **1. Felony Classes:**

In Arkansas, there are five classes of felony charges:

- a. Class Y felony punishable by 10-40 years in prison or Life
- b. Class A felony - 6-30 years in prison
- c. Class B felony - 5-20 years in prison
- d. Class C felony - 3-10 years in prison
- e. Class D felony - 0-6 years in prison

There are fines that can be imposed in all felony charges in addition to prison time. All classes of felony have certain sentencing guidelines, which means a person can serve a portion of that sentence and then be eligible for parole. Parole is the release of a prisoner before the completion of a sentence, with a contract of certain conditions, on the promise of good behavior and supervision by a parole officer. Depending on the charges, some felonies can be eligible for

alternative sentencing which means it can include a combination of jail time and probation. Probation, which is similar to parole, is the release of an offender from detention with supervision by a probation officer. The probation officer will ensure your batterer completes all requirements of the probation period. This type of punishment is allowed if there is a plea agreement.

## **2. Arraignment:**

In the felony, or circuit court system, the first appearance your abuser makes is the *Arraignment*. A person charged with a felony offense must appear with an attorney. Because of the seriousness of the penalty in a felony, your abuser, now called the *defendant*, has to be represented by an attorney to defend the charges and report to the court on behalf of the defendant. Your abuser can only speak to the judge when spoken to or given permission to speak. Otherwise, the attorney is there to speak for your abuser and counsel him/her as to court proceedings. The prosecuting attorney cannot speak to your abuser, and all business related to the charges is conducted between defense attorney and prosecutor.

It is important to know that the defense attorney can and usually will contact you and talk to you about the case. You can speak to the defense attorney; however, know that the defense attorney is working on behalf of your abuser and does not have your best interests in mind. As the victim, you have the choice whether to talk to a defense attorney or not.

## **3. Pre-Trial Statute Hearing:**

Once your abuser has appeared for *Arraignment*, the next court date that can be set is called an *Omnibus* or *Evidentiary* hearing. It can also be referred to as a *Pre-Trial Status Hearing*. Those are all fancy words that simply mean the prosecutor has to tell the judge that the state's file is "open" and all evidence that it contains is being shared with the defense attorney. At this appearance, the defense attorney can make motions to the court to ask for a hearing for a specific reason. The motions might be to ask for a hearing for the judge to decide if certain evidence can be brought out or any number of things a defense attorney feels can impact his/her client's case.

A common request is for a *Mental Evaluation*. This evaluation is used to determine if your abuser understands the processes involved in his/her representation and if he/she can assist in completing these processes. Also, this evaluation can be used to check if, when the crime was committed, your abuser suffered from a mental disease or defect. However, you should know that many people with mental illnesses, sometimes severe, are evaluated and found fit to proceed.

Generally, the evaluation takes place at either the Arkansas State Hospital or with an independent forensic psychiatrist hired by the State. If upon completion of the mental evaluation, the defense attorney disagrees with the findings, he/she has the right to ask for an independent evaluation through a psychiatrist he/she will hire. Mental evaluations can delay criminal cases several months because during the process the "*proceedings are suspended.*"

That means nothing happens with the case until the reports are received and your abuser is found “*fit to proceed.*”

#### **4. Plea Offers and Negotiation:**

Once the judge rules on fitness, the next step is the *plea offer and negotiation*. Most cases are resolved through the plea process. The prosecutor puts together an offer to give to the defense attorney in exchange for your abuser to plead guilty. The offer is usually lower than what a jury might give as punishment in order to make the offer attractive. If your abuser agrees with the offer, it saves you from having to testify and the expense of empaneling a jury and having a trial.

During the plea, your abuser is asked many questions by the judge about whether he/she is satisfied with his/her attorney, if he/she is making a decision to plead guilty voluntarily, that no one has promised him/her anything to get him/her to plead guilty and whether he/she is under the influence of any drugs or alcohol. These questions are designed to make sure your abuser knows what he/she is doing and has made an informed decision. However, you must remember that your abuser does not have to agree to plead guilty. Your abuser has a right to a trial, to face his/her accuser and hear the evidence against him/her.

#### **5. Trial:**

If your abuser refuses to plead guilty, he/she has the right to a *trial*. There are two different types of trial. Your abuser can ask for a *Jury Trial* or a *Bench Trial*. In a jury trial, a list of registered voters in the county is put together. These registered voters, also known as the *jury pool*, are then notified that they have been chosen for *jury duty* and the date on which they must appear. It is on this date that the process begins to choose 12 members of the jury and 1-2 alternates. The jury pool is questioned by the prosecuting attorney and the defense attorney and between the two, they agree to 12 members and alternates.

At this stage, ideally, you have been working with a *Victim Assistance Coordinator* or *Court Advocate*. These people are trained to assist you in many different areas, but primarily to provide support and to help the prosecutor prepare you for testimony and trial. Some areas throughout the state do not have enough Victim Assistant Coordinators or Court Advocates available, so the prosecutor becomes the person helping you through the case. Either way, you, and any others called to testify, meet with the prosecutor and prepare for the questions that will be asked during trial. This can include a visit to the courtroom and possibly meeting some of the support staff such as the *Bailiff* and the *Court Reporter*.

*The Bailiff* is there to provide court security and make sure everyone in attendance is on their best behavior. He/she is in charge of court rules such as telling the audience to “*all rise*” when the judge enters the room and takes the bench. He/she will make an announcement about appropriate dress, turning off cell phones and not making eye contact or other nonverbal gestures at inmates or the defendant. If there is a trial, the Bailiff will assist the jury with all of their needs and keep them together until the judge releases them.

*The Court Reporter* is the person who records everything that is said in court “*on the record.*” This is done by either typing the words on a special machine or by using a mask that he/she talks in to. “*The record*” is the official document that is created and kept by the courts regarding every court appearance and all of the testimony and arguments made by both the prosecutor and defense attorney. The court reporter will create a *transcript*, which can be very important if it becomes necessary to read what was said by everyone that testified in a trial.

At the beginning of the trial, the judge will likely *invoke the rule*, which means all witnesses have to leave the courtroom and no conversation about the case can take place. This is a very strict rule that prevents discussion of information that only the jury needs to hear. After this occurs, the prosecuting attorney and defense attorney will take turns making an *opening statement*. In that opening statement, each attorney talks about how he/she intends to prove his/her case.

After the opening statements are complete, the prosecuting attorney will attempt to prove his/her case. This will be done by introducing witnesses who will provide information to the judge or jury through testimony. The prosecuting attorney may also introduce physical evidence as well, if there is any. After the prosecuting attorney has presented all of the evidence, he/she will rest. It will then be the defense attorney’s turn. This can be done by discrediting the evidence already introduced by the prosecuting attorney or by introducing new evidence. Once the defense attorney has finished, he/she will rest. After both attorneys have rested, each will give a *closing statement*.

Once all of the testimony is given, the jury will deliberate and tell the judge its verdict. If the verdict is guilty, the sentencing phase of the trial begins. During this phase, testimony is again given, but with the emphasis on the possible punishment. Once testimony is complete, the jury decides on the punishment and gives its recommendation to the judge. The judge has the authority to accept it or to impose his/her own sentence.

Once a case is closed, whether it be from a voluntary plea or a trial, the prosecutor’s office can provide contact information for you to use in order to remain informed as to when your abuser is eligible for parole and how to object to an impending parole. You can also request a document called a *Judgment and Commitment*, which has information about the punishment and terms and conditions of a plea. The prosecutor’s office will continue to be your best resource.

### **How Can a Victim Witness Coordinator Assist Me?**

Victim witness coordinators are assigned to most prosecuting attorney’s offices throughout Arkansas. They provide a vital link between prosecutors, law enforcement, community service providers, the court system, and victims of crime, such as victims of domestic violence. Victim witness coordinators may also be called victim assistance advocates, victim assistance coordinators, or something similar depending on the jurisdiction.

The following list is a basic overview of the various services that victim witness coordinators can provide to a survivor of domestic violence. Please understand that this list is

not exhaustive. Also, this list may vary depending on your location due to the fact that each jurisdiction has different resources, procedures, and victim assistance involvement.

A victim witness coordinator may:

1. Help you understand the court process and terminology, explain the types of court dates that will occur, and accompany you if you choose to attend. He/she can help the prosecutor prepare you for testimony in a trial and be a supportive presence during court hearings. A victim witness coordinator can also provide information from the prosecutor regarding your case and answer whatever questions you may have;
2. Provide information on community resources, such as safe shelters, food banks, community clinics, counseling, and financial assistance programs, like Arkansas Crime Victims Reparations;
3. Register you with notification services, such as VINE (Victim Information and Notification Everyday), if you need to be notified when your abuser has been released from jail. Victim witness coordinators can also provide your contact information to the Arkansas Department of Corrections and the Victim Input Coordinator for the Arkansas Parole Board so you can receive notice when an inmate serving prison time is up for parole or being released;
4. Help you obtain police reports and court documents through AOC CourtConnect;
5. Help facilitate Orders of Protection. In jurisdictions where victim assistance advocates provide this service, they will help you fill out the paperwork, connect you with a safe shelter and Legal Aid, help with safety planning, and provide support when you go to court to obtain a permanent Order of Protection (See Domestic Violence in the Civil Context, Orders of Protection in this Handbook);
6. Maintain contact with you so that you are informed about the status of the case;
7. Attend meetings with you and the prosecutor;
8. Explain the terms and conditions of your abuser's release after being arrested or of his/her sentence at the end of a case;
9. Work closely with agencies, such as DHS, law enforcement, shelters, and child advocacy centers;
10. Help you write a victim impact statement and ensure your rights are acknowledged;
11. Once a case is closed, assist with returning property taken by the police department as evidence of a crime.

**APPENDIX:  
RELEVANT DOMESTIC  
VIOLENCE LEGISLATION**

Below, you will find a list of relevant laws that you may need when dealing with issues of domestic violence. All of these statutes can be found by means of an internet search.

- Ark. Code Ann. § 5-26-302 -- Domestic Battering and Assault, Definitions
- Ark. Code Ann. § 5-26-303 -- Domestic Battering in the First Degree
- Ark. Code Ann. § 5-26-304 -- Domestic Battering in the Second Degree
- Ark. Code Ann. § 5-26-305 -- Domestic Battering in the Third Degree
- Ark. Code Ann. § 5-26-306 -- Aggravated Assault on a Family or Household Member
- Ark. Code Ann. § 5-26-307 -- First Degree Assault on Family or Household Member
- Ark. Code Ann. § 5-26-308 -- Second Degree Assault on Family or Household Member
- Ark. Code Ann. § 5-26-309 -- Third Degree Assault on Family or Household Member
- Ark. Code Ann. § 5-26-310 -- Domestic Battering and Assault, Costs
- Ark. Code Ann. § 5-26-311 -- Residential Confinement in Home of Victim Prohibited
- Ark. Code Ann. § 5-26-314 -- Distribution of Sexual Image/Recording (Revenge Porn)
  
- Ark. Code Ann. § 5-53-134 -- Violation of a Order of Protection
  
- Ark. Code Ann. § 9-15-103 -- Domestic Abuse, Definitions
- Ark. Code Ann. § 9-15-201 -- Domestic Abuse, Petition Requirements
- Ark. Code Ann. § 9-15-202 -- Domestic Abuse, Petition Filing Fees
- Ark. Code Ann. § 9-15-203 -- Domestic Abuse, Petition Form
- Ark. Code Ann. § 9-15-204 -- Domestic Abuse, Hearing
- Ark. Code Ann. § 9-15-205 -- Domestic Abuse, Relief
- Ark. Code Ann. § 9-15-206 -- Domestic Abuse, Temporary Order
- Ark. Code Ann. § 9-15-207 -- Order of Protection, Enforcement and Penalties
- Ark. Code Ann. § 9-15-208 -- Order of Protection, Law Enforcement Assistance
- Ark. Code Ann. § 9-15-209 -- Order of Protection, Modification
- Ark. Code Ann. § 9-15-210 -- Order of Protection, Contempt Proceedings
- Ark. Code Ann. § 9-15-212 -- Order of Protection, Effect of No-Contact Order
- Ark. Code Ann. § 9-15-214 -- Order of Protection, Time to Bring Petition
- Ark. Code Ann. § 9-15-215 -- Factors in Determining Custody and Visitation
- Ark. Code Ann. § 12-12-215 -- Registry of Orders of Protection
- Ark. Code Ann. § 9-15-302 -- Out-of-State Protection Orders, Full Faith and Credit
  
- Ark. Code Ann. § 9-15-403 -- Spousal Abuse Safety Plan, Definitions
- Ark. Code Ann. § 9-15-404 -- Spousal Abuse Safety Plans and Education
- Ark. Code Ann. § 9-15-405 -- Spousal Abuse Safety Plans, Training Materials
  
- Ark. Code Ann. § 12-12-107 -- Adult Abuse and Domestic Violence Reporting
- Ark. Code Ann. § 12-12-108 -- Domestic Violence Investigation
- Ark. Code Ann. § 12-12-109 -- Domestic Violence, Victimless Prosecution
  
- Ark. Code Ann. § 16-81-113 -- Rights of Victims of Crimes
- Ark. Code Ann. § 16-90-1107 -- Information from Law Enforcement Agencies

# RESOURCES



## **SHELTERS**

Note: Shelters are alphabetized by city. They will not turn you away just because you do not live within a certain geographic area. Any shelters containing an asterisk (\*) after the name is both a Rape Crisis Shelter and a Domestic Violence Shelter.

### **-A-**

#### **Courage House**

P.O. Box 924  
Arkadelphia, AR 71923  
Hotline: 870-246-2587  
Office: 870-246-3122

#### **The Haven of Northeast Arkansas**

P.O. Box 1062  
Blytheville, AR 72316  
Hotline: 800-474-1064  
Office: 870-532-6669  
Email: [Phyllis.Mcclendon@att.net](mailto:Phyllis.Mcclendon@att.net)

### **-B-**

#### **Taylor House for Men**

P.O. Box 2943  
Batesville, AR 72503  
Hotline: 870-569-8024  
Office: 870-569-8024  
Email: [thetaylorhouse2015@gmail.com](mailto:thetaylorhouse2015@gmail.com)

### **-C-**

#### **Dove House**

P.O. Box 806  
Clinton, AR 72031  
Office: 501-745-5657

#### **Family Violence Prevention, Inc.\***

P.O. Box 2943  
Batesville, AR 72503  
Hotline: 800-894-8821  
Office: 870-793-4011  
Email: [fvp2943@gmail.com](mailto:fvp2943@gmail.com)

#### **Lonoke County Safe Haven**

P.O. Box 414  
Cabot, AR 72023  
Hotline: 501-941-4357  
Office: 501-941-0899  
Email: [director@lcs.org](mailto:director@lcs.org)

#### **Batesville Rape Crisis Center\***

P.O. Box 2944  
Batesville, AR 72504  
Hotline: 800-894-8821  
Office: 870-793-4011  
Email: [fvp2943@gmail.com](mailto:fvp2943@gmail.com)

#### **Women's Crisis Center of South Arkansas\***

P.O. Box 1149  
Camden, AR 71701  
Hotline: 888-836-0325  
Office: 870-836-0375  
Email: [acadv6@sbcglobal.net](mailto:acadv6@sbcglobal.net)

#### **Saline County Safe Haven, Inc.**

P.O. Box 1100  
Benton, AR 72018  
Hotline: 501-315-7233  
Office: 501-315-7233  
Email: [s.c.safehaven@sbcglobal.net](mailto:s.c.safehaven@sbcglobal.net)

#### **Women's Shelter of Central Arkansas**

P.O. Box 2557  
Conway, AR 72033  
Hotline: 866-358-2265  
Office: 501-329-7405  
Email: [wsca@conwaycorp.net](mailto:wsca@conwaycorp.net)

**-D-**

**Samaritan Outreach**

P.O. Box 183  
Dardanelle, AR 72834  
Hotline: 479-229-3300  
Office: 479-229-3300  
Email: [pjoglee@hotmail.com](mailto:pjoglee@hotmail.com)

**Southwest Arkansas Crisis Center**

P.O. Box 87  
De Queen, AR 71832  
Hotline: 870-584-3441  
Office: 870-642-2141

**-E-**

**Turning Point Violence Intervention Program\***

900 E. First St.  
El Dorado, AR 71730  
Hotline: 800-980-0929  
Office: 870-862-3672  
Email: [turningpointvip@suddenlinkmail.com](mailto:turningpointvip@suddenlinkmail.com)

**-F-**

**Peace at Home Family Shelter**

P.O. Box 10946  
Fayetteville, AR 72703  
Hotline: 877-442-9811  
Office: 479-444-8310  
Email: [tmills@peaceathomeshelter.com](mailto:tmills@peaceathomeshelter.com)

**Donald W. Reynolds Crisis Intervention Center\***

5603 S. 14th St.  
Ft. Smith, AR 72901  
Hotline: 800-359-0056  
Office: 479-782-1821  
Email: [Kathleen@fscic.org](mailto:Kathleen@fscic.org)

**-H-**

**Sanctuary**

P.O. Box 762  
Harrison, AR 72601  
Hotline: 870-741-2121  
Office: 870-204-5980  
Email: [sanctuary1981@windstream.net](mailto:sanctuary1981@windstream.net)

**Margie's Haven House**

P.O. Box 954  
Heber Springs, AR 72543  
Hotline: 501-362-6757  
Office: 501-362-6757  
Email: [margieshavenhouse@att.net](mailto:margieshavenhouse@att.net)

**Spring River Adult and Child Services**

52 Highland Cove Drive  
Highland, AR 72542  
Office: 870-856-3500

**Angels of Grace\***

406 Pecan St.  
Helena, AR 72342  
Hotline: 877-572-9530  
Office: 870-338-8447  
Email: [ggonner0614@yahoo.com](mailto:ggonner0614@yahoo.com)

**Anna's Place (Forrest City)\***

406 Pecan St.  
Helena, AR 72342  
Hotline: 877-572-9530  
Office: 870-338-8447  
Email: [rosieburton71@yahoo.com](mailto:rosieburton71@yahoo.com)

**The Potter's Clay Women and Children in Crisis Shelter**

110 Crescent Ave.  
Hot Springs, AR 71901  
Hotline: 501-624-1366

**-J-**

**Family Crisis Center, Inc.**

P.O. Box 721  
Jonesboro, AR 72403  
Hotline: 870-933-9449  
Office: 870-972-9575  
Email: [vcrego@nefamilycrisiscenter.org](mailto:vcrego@nefamilycrisiscenter.org)

**Women's Crisis Center of Northeast  
Arkansas**

P.O. Box 721  
Jonesboro, AR 72043  
Hotline: 800-332-4443  
Office: 870-972-9575

**-L-**

**The Dorcas House**

823 S. Park  
Little Rock, AR 72202  
Hotline: 501-374-4022  
Office: 501-374-4022

**Women and Children First**

P.O. Box 1954  
Little Rock, AR 72203  
Hotline: 800-332-4443  
Office: 501-376-3219  
Email: [amcgraw@wcfarkansas.org](mailto:amcgraw@wcfarkansas.org)

**-M-**

**Living Water**

P.O. Box 1734  
Magnolia, AR 71754  
Hotline: 870-235-1414  
Office: 870-235-1415  
Email: [cflivingwater@yahoo.com](mailto:cflivingwater@yahoo.com)

**Safe Passage\***

P.O. Box 755  
Melbourne, AR 72556  
Hotline: 870-368-3222  
Office: 870-368-3236  
Email: [safepassage72556@yahoo.com](mailto:safepassage72556@yahoo.com)

**Options, Inc.\***

P.O. Box 554  
Monticello, AR 71657  
Hotline: 870-367-3488  
Office: 870-460-0684  
Email: [options.inc1989@gmail.com](mailto:options.inc1989@gmail.com)

**The Safe Place**

P.O. Box 364  
Morrilton, AR 72110  
Hotline: 888-554-2501, 501-354-1884  
Office: 501-354-1884  
Email: [thesafeplace@suddenlinkmail.com](mailto:thesafeplace@suddenlinkmail.com)

**Serenity, Inc.**

P.O. Box 1111  
Mountain Home, AR 72654  
Hotline: 870-424-7233  
Office: 870-424-7576  
Email: [niki@serenityinc.org](mailto:niki@serenityinc.org)

**Stone County Abuse Prevention, Inc.**

P.O. Box 689  
Mountain View, AR 72560  
Hotline: 800-924-5356  
Office: 870-269-9941  
Email: [scap@mvtel.net](mailto:scap@mvtel.net)

**-N-**

**White River Battered Women's Shelter**

P.O. Box 304  
Newport, AR 72112  
Hotline: 870-523-5000  
Office: 870-523-5403  
Email: [wrbws@hotmail.com](mailto:wrbws@hotmail.com)

**-P-**

**CASA Women's Shelter**

P.O. Box 6705  
Pine Bluff, AR 71601  
Hotline: 870-535-2955  
Office: 870-535-2955  
Email: [Kap64@yahoo.com](mailto:Kap64@yahoo.com)

**-R-**

**Northwest Arkansas Women's Shelter\***

P.O. Box 1059  
Rogers, AR 72757  
Hotline: 800-775-9011  
Office: 479-246-0353  
Email: [jmcgee@nwaws.org](mailto:jmcgee@nwaws.org)

**River Valley Shelter for Battered Women  
and Children**

P.O. Box 2066  
Russellville, AR 72811  
Hotline: 800-690-4219  
Office: 479-968-3110  
Email: [river000@centurytel.net](mailto:river000@centurytel.net)

**-S-**

**White County Domestic Violence  
Prevention**

P.O. Box 1196  
Searcy, AR 72145  
Hotline: 501-278-4673  
Office: 501-278-5130  
Email: [wcdvp@sbcglobal.net](mailto:wcdvp@sbcglobal.net)

**Keeping the Faith**

P.O. Box 323  
Sheridan, AR 72150  
Hotline: 870-942-9994  
Office: 870-942-7373  
Email: [ucrcinc@windstream.net](mailto:ucrcinc@windstream.net)

**Restoration of Hope**

P.O. Box 812  
Stuttgart, AR 72160  
Hotline: 866-884-4637  
Office: 870-672-4341  
Email: [restofhope@centurytel.net](mailto:restofhope@centurytel.net)

**-T-**

**Domestic Violence Prevention and Sexual  
Assault Services\***

P.O. Box 712  
Texarkana, AR 75504  
Hotline: 903-793-4357  
Office: 903-794-4000  
Email: [pam@dvptxk.org](mailto:pam@dvptxk.org)

**-W-**

**Families in Transition**

P.O. Box 15  
West Memphis, AR 72303  
Hotline: 870-732-4077  
Office: 870-732-4077  
Email: [fitfamilies@comcast.net](mailto:fitfamilies@comcast.net)

## **Additional Resources**

### **Arkansas Coalition Against Domestic Violence**

1401 West Capitol Avenue, Suite 170  
Little Rock AR 72201  
Phone: 501-907-5612  
Hotline: 800-269-4668  
Fax: 501-907-5618  
[www.domesticpeace.com](http://www.domesticpeace.com)

### **Louisiana Coalition Against Domestic Violence**

P.O. Box 77308  
Baton Rouge, LA 70879-7308  
Phone: 225-752-1296  
Fax: 225-751-8927  
[www.lcadv.org](http://www.lcadv.org)

### **Texas Council on Family Violence**

PO Box 161810  
Austin, Texas 78716  
Phone: 512-794-1133  
[www.tcfv.org](http://www.tcfv.org)

### **Mississippi Coalition Against Domestic Violence**

P.O. Box 4703  
Jackson, MS 39296  
Phone: 1-800-898-3234  
[www.mcadv.org](http://www.mcadv.org)

### **Missouri Coalition Against Domestic Violence**

415 East McCarty Street  
Jefferson City, MO 65101  
Phone: 573-634-4161  
Fax: 573-636-3728  
[www.mocadv.org](http://www.mocadv.org)

### **Tennessee Coalition to End Domestic and Sexual Violence**

2 International Plaza Drive, Suite 425  
Nashville, TN 37212  
Office: 615-386-9406  
Fax: 615-383-2967  
Toll Free Information Line: (800) 289-9018  
(8 a.m. - 5 p.m. M-TR)  
Statewide Domestic Violence and Child Abuse Hotline: (800) 356-6767  
[www.tncoalition.org](http://www.tncoalition.org)

### **Oklahoma Coalition Against Domestic Violence and Sexual Assault**

3815 N. Santa Fe  
Oklahoma City, OK 73118  
Phone: 405-524-0700  
Hotline: 1-800-522-7233  
Fax: 405-524-0711  
<http://ocadvsa.org>

## **Arkansas Online Resources**

**Arkansas Coalition Against Sexual Assault**

[www.acasa.us](http://www.acasa.us)

**Arkansas Commission on Child Abuse, Rape and Domestic Violence**

<http://www.accardv.uams.edu/>

**Arkansas Crime Information Center**

[www.acic.org](http://www.acic.org)

**Arkansas Crisis Center**

[www.arcrisis.org](http://www.arcrisis.org)

**Arkansas Administrative Office of the Courts: Domestic Violence Program**

<http://www.arcourtsdvp.org/>

**Arkansas Sexual Predatory Registry**

[www.acic.org/Registration/index.htm](http://www.acic.org/Registration/index.htm)

**Arkansas Victim Notification Program (VINE)**

[www.vinelink.com](http://www.vinelink.com)

**Partners for Inclusive Communities, University of Arkansas**

<http://uofapartners.uark.edu/>

**Peace at Home Family Shelter**

[www.peaceathomeshelter.org](http://www.peaceathomeshelter.org)

**Serenity, Inc.**

<http://www.serenityinc.org/>

**Southwest Arkansas Domestic Violence Center, Inc.**

<http://www.swadv.org/>

## **National Online Resources**

**A.A.R.D.V.A.R.C. - An Abuse, Rape, and Domestic Violence Aid and Resource Collection**

<http://www.aardvarc.org/dv/states/arkdv.shtml>

**American Bar Association - Commission on Domestic and Sexual Violence**

[http://www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html)

**Americans Overseas Domestic Violence Crisis Center**

[www.866uswomen.org](http://www.866uswomen.org)

**Domesticshelter.org**

[www.domesticshelters.org](http://www.domesticshelters.org)

**National Center on Domestic and Sexual Violence**

[www.ncdsv.org](http://www.ncdsv.org)

**The National Center for Victims of Crime**

[www.victimsofcrime.org](http://www.victimsofcrime.org)

**National Child Abuse Hotline/ChildHelp**

[www.childhelp.org](http://www.childhelp.org)

**National Coalition Against Domestic Violence**

<http://www.ncadv.org/>

**National Coalition for the Homeless**

[www.nationalhomeless.org](http://www.nationalhomeless.org)

**National Council of Juvenile and Family Court Judges**

[www.ncjfcj.org](http://www.ncjfcj.org)

**Love is Respect (formerly the National Dating Abuse Helpline)**

[www.loveisrespect.org](http://www.loveisrespect.org)

**National Domestic Violence Hotline**

<http://www.thehotline.org/>

**National Network to End Domestic Violence (NNEDV)**

[www.nnedv.org](http://www.nnedv.org)

**National Organization for Victim Assistance**

[www.try-nova.org](http://www.try-nova.org)

**Rape, Abuse & Incest National Network (RAINN)**

[www.rainn.org](http://www.rainn.org)

**National Suicide Prevention Lifeline**

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

**The Stalking Victim's Sanctuary**

[www.stalkingvictims.com](http://www.stalkingvictims.com)

### **Cultural Online Resources**

**Alianza: National Latino Alliance for the Elimination of Domestic Violence**

[www.dvalianza.org](http://www.dvalianza.org)

**Asian and Pacific Islander Institute on Domestic Violence**

[www.apiidv.org](http://www.apiidv.org)

**Casa de Esperanza**

[www.casadeesperanza.org](http://www.casadeesperanza.org)

**INCITE! Women, Gender Non-Conforming and Trans people of Color Against Violence**

[www.incite-national.org](http://www.incite-national.org)

**The National Immigrant Women's Advocacy Project**

<http://www.niwap.org/>

**Women of Color Network**

[www.wocninc.org](http://www.wocninc.org)

### **Elder Online Resources**

**Department of Health and Human Services: National Center on Elder Abuse Administration on Aging**

<http://www.ncea.aoa.gov/>

**National Clearinghouse on Abuse in Later Life**

[www.ncall.us](http://www.ncall.us)

### **Gender Specific Online Resources**

**A Call to Men**

[www.acalltomen.org](http://www.acalltomen.org)

**Men Stopping Violence**

[www.menstoppingviolence.org](http://www.menstoppingviolence.org)

**National Clearinghouse for the Defense of Battered Women**

[www.ncdbw.org](http://www.ncdbw.org)

**Womenslaw.org**

[www.womenslaw.org](http://www.womenslaw.org)

## **LGTB Online Resources**

**National Coalition of Anti-Violence Programs**

<http://www.avp.org/about-avp/coalitions-a-collaborations/82-national-coalition-of-anti-violence-programs>

## **Legal Online Resources**

**American Bar Association Commission on Domestic Violence**

[http://www.americanbar.org/groups/domestic\\_violence.html](http://www.americanbar.org/groups/domestic_violence.html)

**Arkansas Legal Services Partnership**

<http://www.arlegalservices.org/domesticviolence>

**Battered Women's Justice Project**

[www.bwjp.org](http://www.bwjp.org)

**Child Welfare League of America**

[www.cwla.org](http://www.cwla.org)

**Legal Momentum: The Women's Legal Defense and Education Fund**

[www.legalmomentum.org](http://www.legalmomentum.org)

**U.S. Department of Justice - Office of Violence Against Women**

<http://www.justice.gov/ovw>

## **Special Services Online Resources**

**Deaf Abused Women's Network (DAWN)**

<http://deafdawn.org/>

## **Teen Online Resources**

**Break the Cycle**

[www.breakthecycle.org](http://www.breakthecycle.org)

**Domestic Violence Initiative**

[www.dviforwomen.org](http://www.dviforwomen.org)

**Love is respect**

[www.loveisrespect.org](http://www.loveisrespect.org)





## In Collaboration with:



Administrative Office of the Courts  
Domestic Violence Program



CENTER FOR ARKANSAS  
LEGAL SERVICES



PEACE at HOME  
FAMILY SHELTER



UNIVERSITY OF  
ARKANSAS

School of Law



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