



EVERY *Woman's* PLACE

DOMESTIC
VIOLENCE
Handbook

2 ❖ *EWP Domestic Violence Handbook*

Published by

Women's Resource Center of Northern Michigan, Inc.

Copyright © 1996 by Women's Resource Center
of Northern Michigan, Inc.

Reprint September 1997

Revised February 2001

Revised February 2004

The Domestic Violence Handbook was originally written, edited and compiled by: Suzann Binkley, Michelle Juntunen, Dana Brown-Stempky and revised through the combined efforts of numerous WRC staff.

Original Designed by: Cynthia Linn Robson,

Grove Street Graphics

Copyright © 1996 by Grove Street Graphics
for Design, Layout, and Illustration

TABLE OF CONTENTS

	How to Help Someone Who Is Being Abused	6
Chapter 1 Domestic Violence		7
	What Is Domestic Violence?.....	8
	Why Do Men Batter?	13
	Common Abusive Tactics	14
Chapter 2 Victims' Concerns		19
	Crisis and Action Plans.....	20
	Personal Protection Orders	23
	EWP Domestic Violence Program	27
	Divorce: The Legal Ending of a Marriage	30
	Battered Women Offer a Bill of Rights	32
	Power and Control Wheel.....	34
	Equality Wheel.....	35
	Taking Care of Yourself.....	40
	You Are a Survivor	42
Chapter 3 Children's Concerns		43
	What About the Children?	44
	Can the State Take My Children?.....	46
	Working With the Friend of the Court	48
Chapter 4 Criminal Justice System		51
	The Criminal Justice System.....	52
	Abuse Case Progression	53
	Summary of Laws	56
	Stalking Laws	61
	Glossary of Criminal Justice Terms.....	62
Chapter 5 Batterers' Issues		65
	Alcohol, Other Drug Use and Domestic Violence.....	66
	Counseling for the Abuser	68
Chapter 6 Phone Directory		71

Throughout this booklet we refer to batterers as male and victims/survivors as female because the overwhelming majority of people abused in the pattern we describe are women. We hope, however, this booklet will be helpful to men who are experiencing abuse, as well as individuals in abusive gay and lesbian relationships.

DEDICATION

To the women in our lives - past, present, and future, whose dedication to a violence-free world for all women inspires, motivates, and sustains us.

ACKNOWLEDGEMENTS

This project would not be complete without recognizing the influence of the Battered Women's Movement and those individuals who create its momentum. To the women we meet daily, we thank you for your courage in breaking the silence and taking steps to end domestic violence. To our communities, thank you, for working collaboratively to support abused women and their children and to hold batterers accountable.

We extend our deep appreciation to the Crime Victims Fund of the Michigan Crime Victim Services Commission for funding this project and to the Women's Resource Center of Petosky, Michigan and the Michigan Domestic and Sexual Violence Prevention and Treatment Board for allowing us to reproduce this book for our Domestic Violence Program.

Thank you to the Ann Arbor Domestic Abuse Project for granting us the use of their legislative summary and to the Duluth Domestic Intervention Project for use of the Power and Control Wheel.

Thank You,
Every Woman's Place Staff

MISSION STATEMENT

The Mission of Every Woman's Place/Webster House Youth Services is to improve and enhance the lives of women, youth, children and families in crisis in our community by providing and advocating for services which lead to their safety, their emotional and economic self-sufficiency, their productivity, and their ability to participate fully in our society.

AGENCY PHILOSOPHY

The name Every Woman's Place was chosen by our original incorporators to reflect our goal to serve every woman, youth or child who requests our services. If we are to do that effectively, it is our strong belief that our staff and volunteers must be representative of and sensitive to every youth, woman and her children. The agency subscribes and adheres to a supportive philosophy of self-determination and empowerment. Individuals often entrust to us information about their very private affairs. Therefore, they will be treated with respect, with regard for their dignity, and with absolute confidentiality for their privacy. The role of the agency is to assist service participants in discovering and researching their options, and to support the participant's choice of those options. The agency will pursue and/or provide those opportunities within the community that lead to participant's safety, self-sufficiency, productivity, and meaningful participation in their communities. In addition, the agency will provide a voice in public forums for those women, youth and children that are unable to speak freely and without fear, advocating for changes in our society that better the plight of women, youth, and children in crisis.

HOW TO HELP SOMEONE WHO IS BEING ABUSED

1. Listen and believe.
2. Do not minimize or make excuses for abusive behavior.
3. Tell survivors they are not to blame, it is not their fault.
4. Tell them they are not alone.
5. Offer your support and assistance.
6. Point out their strengths.
7. Respect the decisions they make about leaving or staying in the relationship.
8. Help them develop a safety plan.
9. Learn about and be aware of the dynamics of domestic violence.
10. Contact Every Woman's Place Domestic Violence Program at 231-759-7909 or 231-722-3333.



EVERY *Woman's* PLACE

Chapter 1

DOMESTIC VIOLENCE

“IT’S HARD
TO LOOK
FOR THE
LIGHT
WHEN
YOU’RE
LOST IN
DARKNESS.”

~ *Anonymous*



WHAT IS DOMESTIC VIOLENCE?

Domestic violence is a pattern of controlling behaviors carried out by one person in an intimate relationship to maintain power and control over the other.

ANYONE CAN BE A VICTIM!

It is easier to think that domestic violence could never happen to you or a loved one, but there is no “predisposing” factor that can make you a victim.

DOMESTIC VIOLENCE

Domestic violence may include physical assaults, emotional abuse, sexual assaults, social isolation, financial control, use of children, threats, stalking, and intimidation. These are all tactics used by one person in a relationship to control another. The parties may be married, dating, living together, separated, homosexual, or heterosexual. You do not have to be physically assaulted to be abused.

When you are hurt by someone you love, you may feel alone, as if you are the only one having the problem. Although nobody likes to think of herself as battered or abused, over 50% of all women are battered at some time in their lives and more than 1/3 are battered repeatedly every year.

EMOTIONAL ABUSE

While reading this book you will see the word battering. This refers not only to physically hurting, but emotional wounding as well. It is the pummeling of one’s spirit. Emotional abuse may occur along with physical abuse or by itself. It is a very effective tool all on its own to gain and maintain power and control over someone.

Emotional abuse includes a range of behaviors:

- Name-calling
- Threatening
- Manipulating
- Humiliating/
Degrading
- Blaming
- Trivializing
- Controlling
- Angry Outbursts
- Undermining

This system is efficient for keeping power in a relationship because it makes the victim vulnerable through loss of confidence, self-esteem, and sense of worth. Women who are verbally/emotionally abused report feeling embarrassed, confused, hurt, guilty, and unworthy. They attempt to find explanations for the abuse, such as: is it because he has had a hard day at work or bad upbringing? Maybe it is due to insecurity, worries or drinking? Most commonly, however, women look to themselves more for the cause and make various changes only to find his behavior remains the same. The reason he does not change is because he is the one in control of his behavior. He chooses the things he says and does because he benefits from them.

EMOTIONAL ABUSE TACTICS

Emotional abuse begins subtly and many times not until partners have made some type of commitment to each other. He may control places you go or for how long. He will try to cut you off gradually from family and friends unless they are ones he approves of—that are less likely to cause trouble. Control may extend to money, possessions, and even phone calls. Abusers may be wonderful and charming to friends and others in the community. This may add to the confusion a woman feels and reinforce the feeling that she is the one doing something wrong.

Batterers have many excuses for the things they do and say. They may say they're jealous, it's your fault, it was a joke, or they may outright deny everything. Manipulation can take many forms including presents, dinner out, and even apologizing or giving in on something they usually protest.

COPING

How then do you take care of yourself in the midst of all this? First of all, do not change yourself in an attempt to change him. This is most important because the more you change to please someone else, the more you lose your sense of who you are and what you want. As much as possible, seek out activities you enjoy and people who are supportive. Read affirmations or write in a journal, whatever will make you feel stronger. Always remember the abuser's behavior is his choice: he is aware of right and wrong, and abuses to control.

SEXUAL ABUSE

Sexual abuse includes a variety of acts and behaviors. It ranges from calling you sexually degrading names such as cunt or whore, grabbing or injuring sexual parts of your body, making you feel guilty, threatening or coercing you into sex, or physically forced sex acts and intercourse.

No matter what form sexual abuse takes, the intention is to objectify the victim and send the message that she is not in control of her body. If an abuser can turn his victim into an object, he can more easily justify his treatment of her.

Remember, sexual abuse or assault is never okay, even in a relationship or a marriage. There is no inherent "right" or entitlement simply because two people have made a commitment to each other.

AM I ABUSED?

If you answer yes to any of the questions on page 11, you may be feeling confused, scared, embarrassed, and unsure of where to turn. You may even feel you are to blame and that you did something to somehow cause the abuse. You are not alone. Abuse can affect women of all ages, races, ethnic groups, backgrounds, income levels, and educational levels. You do not deserve to be abused! It can be helpful to talk things over with someone.

HOW AM I BEING TREATED?

These Questions May Help You See if You Are in a Healthy Relationship:

- Do you ever feel like you are walking on eggshells to avoid upsetting your partner?
- Does your partner put you down, call you names, or make you feel bad about yourself?
- Has your partner ever made you do something humiliating, degrading, or embarrassed you in front of others?
- Has your partner intentionally damaged your possessions or threatened to do so?
- Does your partner make all the big decisions and/or control the money?
- Are you afraid that if you left, you would be attacked, harassed, or followed?
- Has your partner threatened your children, family, friends, or pets?
- Has your partner ever pushed, shoved, slapped, kicked, choked, restrained you physically, or hurt you in any other way?
- Has your partner ever used a weapon to threaten you or threatened to kill you?
- Has your partner forced you to have sex or do sex acts against your will?

AM I TO BLAME?

Women in abusive relationships look to themselves as the source for change of their partner's behavior. The fact is, women in abusive relationships do everything possible to please their partners and adjust to their ever-changing demands. They have dinner on time, keep up the house, hold down a job, wear their clothes and their hair the way he likes, and have little contact with family and friends. Then with his next whim, typically accompanied by abuse such as name calling, throwing things, threats or physical violence, she is expected to change again or face the consequences. What needs to change is him, his behavior, because domestic violence is not about arguments, late dinners, too many bills, anger, or losing control - it is about a batterers' desire to keep control and power. Any other explanation is an excuse.

Women have been socialized to be responsible for any "fixing" their relationships need. Every time a woman is asked, "Why did you stay?" the blame is being placed on her.

The most important thing to remember is that if someone abuses you, it is not your fault. Batterers are responsible for their own behavior.

AM I ABUSIVE?

Victims sometimes lash out at their batterers. This behavior is in no way acceptable. However, domestic violence is a pattern of controlling behaviors carried out by one person to maintain power and control over the other.

WHY DO MEN BATTER?

Batterers use physical force and/or emotional abuse to maintain power and control over their partner.

A batterer may try to explain his abusive behavior as a sign of his love and concern. A woman may be flattered at first, but as time goes by, the behaviors become more severe and serve to dominate and control the woman.

BATTERING TO GAIN CONTROL

Battering is not a mental illness that can be diagnosed, but a behavioral choice. It is the extreme expression of male dominance over women. When a woman asserts herself and becomes more independent (begins working, goes to school, etc.), the batterer will become more violent and/or threatening to establish dominance.

A common excuse is that the batterer “lost control,” but they actually abuse their partners in order to gain control over them.

SIGNS TO LOOK FOR IN AN ABUSIVE PARTNER

Many women are interested in ways they can predict whether they are about to become involved with someone who will be abusive. The following section lists common behaviors seen in people who abuse their partners. In some cases, a batterer may have only a couple of behaviors the woman can recognize, but they are very exaggerated.

COMMON ABUSIVE TACTICS TO MAINTAIN CONTROL

JEALOUSY

At the beginning of a relationship, an abuser will say jealousy is a sign of love. Jealousy has nothing to do with love, it's a sign of possessiveness and lack of trust. He will question the woman about who she talks to, accuse her of flirting, or be jealous of time she spends with family, friends, or children. As the jealousy progresses, he may call her frequently during the day or drop by unexpectedly. He may refuse to let her work for fear she'll meet someone else, he may engage in strange behaviors such as checking her car mileage or asking friends to watch her.

CONTROLLING BEHAVIOR

At the beginning the batterer will say this behavior is because he is concerned for the woman's safety, her need to use her time well, or her need to make good decisions. He will be angry if the woman is "late" coming back from the store or an appointment.

He will question her closely about where she went and with whom she talked. As this behavior gets worse, he may not let the woman make personal decisions about the house, her clothing, or even going to church. He may keep all the money or even make her ask permission to leave the room or house.

QUICK INVOLVEMENT

Many batterers come on like a whirlwind claiming, "You're the only person I could ever talk to," or "I've never felt loved like this by anyone." He will often pressure the woman to commit to the relationship in such a way that later a woman may feel very guilty or that she's "letting him down" if she wants to slow down the involvement or break it off.

COMMON ABUSIVE TACTICS TO MAINTAIN CONTROL

UNREALISTIC EXPECTATIONS

An abuser expects his partner to meet all of his needs. He expects the woman to be the perfect wife, mother, lover, and friend. He will say things like, “If you love me...,” “I’m all you need,” or “You’re all I need.” She is supposed to take care of everything for him emotionally and in the home.

ISOLATION

The abusive person tries to cut the person off from all resources and support systems. If she has men friends, she’s a “whore.” If she has women friends, she’s a “lesbian.” If she’s close to family, she’s “tied to the apron strings.” He may accuse people who are supportive of her of “causing trouble.” He may want to live in the country without a phone. He may not let her use a car or have one that is reliable. He may try to keep the woman from working or going to school.

BLAMES OTHERS FOR PROBLEMS

If he is chronically unemployed, he may claim someone is always doing him wrong or is out to get him. He may make mistakes and then blame the woman for upsetting him and keeping him from concentrating on work. He will tell the woman she is at fault for almost anything that goes wrong.

BLAMES OTHERS FOR FEELINGS

He will tell the woman, “You make me mad,” “Everything would be okay if you would just do what I want you to do,” or “I can’t help being angry.” He really makes the decisions about what he thinks or feels but will use feelings to manipulate the woman. Harder to catch are claims that, “You make me happy,” or “You control how I feel.”

COMMON ABUSIVE TACTICS TO MAINTAIN CONTROL

HYPERSENSITIVITY

An abuser is often easily insulted. He claims his feelings are “hurt” when really he’s angry and he takes the slightest setbacks as personal attacks. He often will “rant and rave” about the injustice of things that have happened - things that are really just part of living like being asked to work overtime, getting a traffic ticket, being told some behavior is annoying, or being asked to help with chores.

CRUELTY TO ANIMALS OR CHILDREN

Batterers often punish animals brutally or are insensitive to their pain or suffering. He may expect children to be capable of doing things beyond their ability (brutally spans a two year old for wetting a diaper). He may tease children until they cry or he may not want the children to eat at the table. He may expect them to stay in their room all evening. Many men who physically hurt the women they are with, also physically abuse their children.

“PLAYFUL” USE OF FORCE IN SEX

This kind of person may like to throw the woman down and hold her down during sex. He may want to act out fantasies during sex where the woman is helpless. He’s letting her know the idea of rape is exciting. He may show little concern about whether the woman wants to have sex and uses sulking or anger to manipulate her into compliance. He may start having sex with the woman while she is sleeping or demand sex when she is ill or tired.

VERBAL ABUSE

An abuser will say things that are cruel and hurtful, such as degrading the woman, cursing her, or running down any of her accomplishments. The abuser will tell the woman that she’s stupid and unable to function without him. He may wake the woman up to verbally abuse her or not let her go to sleep.

COMMON ABUSIVE TACTICS TO MAINTAIN CONTROL

RIGID SEX ROLES

The abuser expects a woman to serve him; for instance, he may say the woman must stay at home or she must obey in all things—even things criminal in nature. The abuser may see women as inferior to men, responsible for menial tasks, stupid, and unable to be a whole person without a man.

DR. JEKYLL AND MR. HYDE

Many women are confused by their abuser's "sudden" changes in mood. They may think the abuser has some special mental problem because one minute he's nice and the next he's exploding. A batterer may often appear to be two different people at times. He may behave differently in public than at home.

PAST BATTERING

The woman may hear from relatives, ex-spouses/girlfriends or the batterer himself that he has used force against a partner

in the past. A batterer will abuse any partner he is with if she is with him long enough for the abuse to begin. Battering is a lifestyle; never a reaction to a particular situation or person.

THREATS OF VIOLENCE

This could include any threat of physical force meant to control the woman such as, "I'll slap your mouth off!", "I'll kill you!" or "I'll break your neck!" Most people do not threaten their mates, but a batterer will try to excuse threats by saying, "Everybody talks like that.", or that he was only joking.

BREAKING OR STRIKING OBJECTS

This behavior is used as a punishment (breaking prized possessions) but is mostly used to terrorize the woman into submission. The abuser may beat on the table with his fist, or throw objects near or at the woman. Again, this is very notable behavior—not only is this a sign of extreme emotional immaturity, but there is great

COMMON ABUSIVE TACTICS TO MAINTAIN CONTROL

danger when someone thinks he has the “right” to punish or frighten his partner.

ANY FORCE DURING AN ARGUMENT

This may involve a batterer holding a woman down, physically restraining her from leaving the room, pushing, shoving, or other physical act. He may hold the woman against the wall and say, “You’re going to listen to me!”

RELIGION OR SPIRITUAL BELIEF

An abuser will use such tactics as ridiculing the woman’s beliefs or forbidding her to practice her faith. The abuser may use scriptural quotes such as “Women must be submissive to men,” “God hates divorce,” or that “The man is the head of the house.”

“Women want to be free to choose from the same range of options that men take for granted. ...but until women can move freely and think freely in their homes, on the streets, in the workplace, without the fear of violence, there can be no real freedom.”

Anita Roddick, human rights activist



EVERY *Woman's* PLACE

Chapter 2

VICTIMS' CONCERNS

“YOU MUST
DO THE
THINGS
YOU THINK
YOU
CANNOT
DO.”

~ Eleanor Roosevelt



CRISIS AND ACTION PLANS

Your safety and the safety of your children should be your first priority.

SAFETY DURING AN ABUSIVE INCIDENT

If an argument seems unavoidable, try to have it in a room or area that has access to an exit and not in a bathroom, kitchen, or anywhere near weapons.

Practice how to get out of your home safely. Identify which doors, windows, elevator, or stairwell would be best.

Have a packed bag ready, and keep it in an undisclosed but accessible place in order to leave quickly.

Identify a neighbor you can tell about the abuse. Ask that they call the police if they hear a disturbance coming from your home.

Devise a code word to use with your children, family, friends, and neighbors when you need the police.

Decide and plan for where you will go if you have to leave home even if you don't think you will need to.

Use your own instincts and judgment. If the situation is very dangerous, you may consider in the moment giving the abuser what he wants to keep yourself safe. You have the right to protect yourself until you are out of danger.

Always remember, you don't deserve to be abused!

SAFETY WHEN PREPARING TO LEAVE

Open a savings account in your own name to start to establish or increase your independence. Think of other ways in which you can increase your independence.

Leave money, an extra set of keys, copies of important documents, and extra clothes with someone you trust so you can leave quickly.

Determine who would be able to let you stay with them or lend you some money.

Keep a local domestic violence shelter's phone number close at hand. Keep your cell phone, some change or a calling card on you at all times for emergency phone calls.

If possible, leaving should be done with careful planning to increase your safety.

Review and revise your safety plan often in order to plan the safest way to leave your batterer. This can be a dangerous time. Batterers abusive tactics often escalate when they believe their partner is leaving the relationship.

SAFETY WHEN LIVING ON YOUR OWN

Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.

Discuss safety plans with your children for when you are with them, and when you are apart.

Inform your children's school, day care, etc., about who has permission to pick up your children.

Inform neighbors and landlord that your partner no longer lives with you, and they should call the police if they see him near your home.

SAFETY WITH A PERSONAL PROTECTION ORDER (PPO)

Keep your PPO on you at all times - when you change your purse, that should be the first thing that goes in it.

Call the police if your partner breaks the PPO.

Think of alternative ways to keep safe if the police do not respond right away.

Inform family, friends, neighbors, your employer, and your children's school that you have a PPO in effect.

SAFETY ON THE JOB AND IN PUBLIC

Decide who you will inform at work of your situation. This should include office or building security. Provide a picture of your batterer. If possible have someone screen your telephone calls.

Devise a safety plan for when you leave work. Have someone escort you to your car. Use a variety of routes to go home. Think about what you would do if something happened while going home.

DEALING DIRECTLY WITH YOUR ABUSER

If you have to communicate with your partner, determine the safest way to do so.

Communicate by phone, whenever possible. Meet in a public place. Bring along a family member or friend.

If you are thinking of returning to a potentially abusive situation, discuss an alternative plan with someone you trust.

“I am not afraid of storms,
for I am learning how to sail my ship.”

Louisa May Alcott

PERSONAL PROTECTION ORDER (PPO): FOR YOUR OWN SAFETY

A Personal Protection Order (PPO) is a Circuit Court order prohibiting an assailant from certain behaviors.

A PPO allows the police to make an immediate arrest for behaviors that would not otherwise be criminal. A PPO is effective upon the judge's signature and remains in effect for no less than six months.

A Foreign Protection order (FPO) is a PPO granted in a state other than Michigan, or by a tribal court. A FPO can be enforced in Michigan.

WHO QUALIFIES

There are two types of PPO's; Domestic and Stalking. A domestic relationship exists when the victim and the assailant meet one of the following criteria:

- The assailant is the spouse or former spouse of the victim.
- Has a child in common with the victim.
- Is a person residing or has resided in the same household as the victim.
- The victim and the assailant have or had a dating relationship. Dating is defined as "frequent, intimate association characterized by the expectation of affectional involvement."

If a domestic relationship exists, the PPO can prohibit a number of behaviors (see page 24). If no domestic relationship exists, the PPO can only prohibit stalking.

PERSONAL PROTECTION ORDERS

If a domestic relationship exists, the PPO can prohibit a number of behaviors including but not limited to:

- Entering onto the property where you live; and other places you go frequently such as your parent's house.
- Assaulting, molesting, or wounding you.
- Removing minors from the legal custodian.
- Harassment which has become stalking.
- Following you or appearing within your sight.
- Appearing at your work place or residence.
- Approaching or confronting you in a public place or on private property.
- Entering onto or remaining on property owned, leased, or occupied by you.
- Contacting you by telephone.
- Sending mail or other communications to you.
- Placing an object on or delivering an object to property owned, leased, or occupied by you.
- Interfering with efforts to remove your children/personal property from premises solely owned/leased by the assailant.
- Threatening to kill or physically injure you.
- The Court may also restrain the assailant from purchasing or possessing a firearm.
- Any other act or conduct that causes a reasonable fear of violence.

According to MCLA 600.2529, 2950, 2950A and amendments, there is no charge to file for a PPO, request a hearing, modify, dismiss, terminate, extend, enforce or file a motion to show cause on a violation of a PPO.

APPLYING FOR A PPO

If you are in immediate danger, you can petition the court for an “ex parte” PPO (see definition on page 59). It is not necessary to hire an attorney to get a PPO, you may do it yourself. An advocate from Every Woman’s Place can give you more information about filing on your own and/or assist you with completing the papers.

If you do have an attorney, he/she should be contacted and informed of your intention to file a PPO.

FILING FOR A PPO

A petition for a PPO can be made using standard court forms available from the Every Woman’s Place Legal Advocate’s Office on the fourth floor of the Muskegon County Building or from the County Clerk. Ask for the correct form based on whether or not you have a domestic relationship with the person to be restrained. You do not have to include your address on the paperwork. You will be required to fill in (in your own words) the facts and circumstances that led you to request the PPO. Be as specific as possible, and include dates of events if you can. You can also attach copies of medical histories, pictures or police reports if you have them. Your assailant will receive a copy of your written statement, and any other attached information when served with a copy of the PPO. If you and the other party have any other court actions, like a divorce, custody award, or visitation orders, indicate that on the form so that the court can make sure orders do not conflict with each other. Muskegon County generally does *ex parte* PPOs, which means the judge should sign your PPO immediately if the judge believes that the person to be restrained may commit one of the prohibited behaviors. If the judge does not sign your PPO, the judge must state the reasons for the denial in writing. If the judge does not believe you are in immediate danger, you may request a hearing for the PPO. You must attend the hearing or your PPO will probably be denied.

Once you have a signed PPO, the clerk will give you two copies. Carry a copy with you at all times, even if you leave the state, in case the assailant follows you.

SERVING THE PPO

The PPO must be served to the defendant. This can be done in one of three ways. For a fee a process server can deliver a copy to the assailant. Although you may choose not do so, an adult friend or family member can personally deliver a copy to the assailant, or send a copy registered restricted mail, return receipt requested. A Proof of Service must be filed with the County Clerk so the PPO can be entered into the LEIN system. The person serving the PPO must sign the form, or the return receipt from the post office must be attached.

ASSAILANT'S RIGHTS

The assailant has the right to file a motion to “rescind” or terminate the PPO. He also has the right to petition the court to schedule a hearing to modify the existing PPO. When a hearing is scheduled, for any motion filed by the assailant, you will be served a notice by the court. You must attend the hearing.

VIOLATING A PPO

Most importantly, if the assailant violates your PPO, call the police. The penalty for violation of a PPO is up to 93 days in jail, and may include a fine of up to \$500.00. Law enforcement can arrest an individual for violations of a PPO without a warrant if they have probable cause (see page 60) to believe it has been violated. Since the protective order is effective upon the judge’s signature, police can enforce a PPO even before the PPO papers are served to the assailant. The police must inform the assailant of the PPO and give the assailant an opportunity to leave. If the assailant does not leave, police can arrest the violator. If the police cannot make an arrest because the assailant has fled the scene, you will need to contact the County Clerk’s office and get a form called Motion to Show Cause, in order to get the violator before the court. You will need to attend this hearing. Keep a journal of specific dates and violations. It should be noted, if you change your mind after a PPO is granted and you want to terminate or modify the conditions, you will need to file a motion with the court. If your motion is not granted by the judge, the PPO remains in effect.

EVERY WOMAN'S PLACE DOMESTIC VIOLENCE PROGRAM

provides a place for survivors and their children to be safe. In a supportive, non-judgmental environment, women are able to gain an understanding of domestic violence, have questions answered, and explore their options.

COMMON QUESTIONS REGARDING SHELTER

What services does the Domestic Violence Program offer in addition to shelter? EWP offers many non-residential services for survivors and their children including; on-going counseling, information and referral, advocacy and supportive services including legal advocacy, domestic violence support and education groups for adults and children, and parenting after violence support groups. EWP also serves survivors of sexual assault and stalking, and has a variety of youth programming offered through the Youth Services Division, Webster House Youth Services. For information on services or to schedule an appointment call 231-759-7909 or 231-722-3333.

What is the Safe Shelter like? The thought of entering a shelter can be frightening; we kept this in mind when creating a warm, home-like atmosphere where safety is a priority. Women often comment on how comfortable they feel at the shelter. You do not have to pay anything and you are free to come and go.

What should I bring? Bring essential clothing, medicine, and maybe your child's favorite toy. If you have time, bring your marriage license, social security numbers, birth certificates, and other important papers. If you are rushed and don't have time to bring anything, that is okay. The important thing is that you get to a safe place. Once you have arrived, arrangements can be made to assist you with the necessary items.

What happens when I first get there? Your immediate needs will be determined on your arrival, such as, medical care, food and drink, and attending to children's needs. Then you will be shown around and assigned a room. Once you are settled in, a staff person will talk with you and complete an intake form.

Will support be available? You will be assigned a case manager with whom you will meet several times a week. Together you and your advocate will set goals and work toward achieving them. Your worker can advocate on your behalf and provide referrals for housing, food, clothing, legal, and other types of assistance. There are support group meetings once a week. Many women who have stayed at the shelter find it beneficial to maintain contact through counseling and/or support groups after leaving the shelter.

Will there be activities for my children? A children's advocate provides recreational activities suitable for the children's age levels.

Who will be at the shelter? The shelter is staffed 24 hours a day by staff and volunteers trained in domestic violence, sexual assault, and stalking intervention.

SHELTER SAFETY CONCERNS

Deciding to obtain counseling and/or shelter is a difficult and often scary time; therefore, shelter rules and confidentiality laws are designed to protect and alleviate some of the worry you may experience. An important cornerstone of our services is that of safety. To assure the safety of our clients and their children we maintain strict confidentiality. This means that what is said between a woman and her counselor, in support groups, or during other aspects of our services remains private, with the exception of matters that we are mandated to report. Your case manager will discuss with you in greater detail what matters they are mandated to report.

WRITTEN CONSENT

By law, no information about your situation or whereabouts can

be released without your written consent, with the exception of a court order, child abuse, and suicide or homicide threats. When it is necessary to advocate with other agencies or people on your behalf, written permission will be obtained beforehand.

SECURITY POLICIES

We've extended security precautions in the shelter to include no answering of phones or doors by anyone except staff. Doors are locked at all times. Security cameras are located on the interior and exterior of the shelter.

WHEN PREPARING TO LEAVE

A checklist of things to pack:

- Birth Certificates for you and your children.
- Marriage Certificate.
- Social Security numbers.
- Driver's License.
- Essential clothing.
- Money.
- Keys.
- A favorite toy or special blanket.
- Medicine
- Other important papers:

DIVORCE: THE LEGAL ENDING OF A MARRIAGE

*Just remember,
you're not the one
who broke up the
marriage,
he did.
With every assault
on you,
with every name
he called you,
with every threat
and broken promise
he broke the marriage,
but he didn't break
you.
Remember.*

~ C.L.R. 1996

Divorce is the legal ending of a marriage. You may need to hire an attorney, Legal Aide Services may be able to help you, or you may be able to file on your own (In Pro Per). If you own a home, valuable property, or anticipate a custody fight, it is best to have an attorney represent you.

CHOOSING AN ATTORNEY

A Legal Aide Services attorney may be able to represent you for free, based on your income and the situation.

A private attorney generally requires a retainer (money up front). Some will work on a payment plan and some may try to recover their fee from your spouse in the divorce settlement. Many attorneys offer a free initial consultation. Check the yellow pages to see who is available in your area.

Hire an attorney you feel comfortable with and who you feel confident will do a good job. Don't be afraid to shop around and ask questions.

REPRESENTING YOURSELF

If you proceed on your own, you will be held to the same standards as an attorney in the courtroom. You can get the necessary forms from your County Clerk's office. You may need to pay filing fees and Friend of the Court fees when you file. If you are unable to pay the fees, you may complete a Suspension of Fees/Cost form. The judge will determine if your filing fees should be waived.

CONSIDERATIONS

Some things to consider when filing for divorce are the property settlement, child custody, child support, visitation, spousal support, taxes, attorney fees, health insurance, and your safety.

SAFETY DURING SEPARATION

When a woman leaves or files for divorce, she is at greater immediate risk of harm by her partner. You should take extra precautions to keep yourself safe during this time. Many women file a Personal Protection Order (PPO) at the same time and/or leave town or stay with a friend for a few days when the papers are served on their spouse.

All you need is deep within you waiting to
unfold and reveal itself. All you have to do is
be still and take time to seek for what is within,
and you will surely find it.

Eileen Caddy

BATTERED WOMEN OFFER A BILL OF RIGHTS

The Women's Resource Center's Personal Growth Support Group (a group of women who have been or are involved in abusive relationships) of Petosky, Michigan composed a bill of rights for battered women. This list shows the basic freedoms people in abusive relationships are denied.

I have the right to say what I would like to say without worrying about making you angry and what will happen if you do become angry.

And I have the right to...

...wear my hair the way I want.

...relax sometimes.

...do what I want to do.

...be boring if I choose to be boring.

...visit with people without having to call any one to get permission.

...dress the way I choose.

...voice my opinion without getting criticized for it.

...continue my education.

...have my own space.

...get away from the kids sometimes.

...say no to sex.

And I have the right to...

...choose my own friends—male or female.

...talk on the telephone.

*...go places with my parents, siblings, and
other members of my family.*

...be treated with respect.

...have a driver's license.

...drive the car.

...have pets.

...spend money as I choose.

...choose and follow my own religion.

...have my own beliefs, thoughts, and feelings.

...not be criticized about my family.

*...do things to make myself look and feel
attractive.*

...be sloppy when I feel like it.

...look nice for my own benefit.

*...quiet time by myself, including bathroom
time.*

...take a nap when I'm tired.

...have a job.

...not have anyone control my schedule.

...work for whom I want.

*...live peacefully without having to fear any
physical abuse.*

POWER AND CONTROL WHEEL

The Power and Control Wheel was developed from the experiences of women who have been abused.

The center of the Power and Control Wheel (pages 36-37) is the intention of all the tactics - to establish power and control. Each spoke of the wheel represents a different tactic. The rim of the wheel, which gives it strength and holds it together, is physical abuse. This is another tool that can help you to identify the pattern of abuse..

Physical Abuse - includes hitting, shoving, using a weapon, restraining, pulling hair, etc.

Emotional Abuse - includes threats, intimidation, name-calling, isolation, etc.

Sexual Abuse - includes forced, coerced, or humiliating sex acts, physically attacking sexual parts of the body, or treating you like a sex object.

HELP IS AVAILABLE

Depending on your situation and what you want to do, help is available. Counseling and other supportive services are available by calling the domestic violence program in your area. If you feel you need the safety of a shelter, your community has an emergency shelter which can assist you.

For Help with Domestic Violence, Sexual Assault, and Stalking in Muskegon County:

Every Woman's Place:
24 Hour Crisis Line 231-722-3333

For Legal Support Contact:
Walk-In Crisis Worker: 231-759-7909
Legal Advocate/Personal Protection Orders: 231-724-6422

THE EQUALITY WHEEL

The Equality Wheel represents a relationship in which the partners strive to share power equally.

The use of violence and other tactics of abuse by one person over another is not acceptable. Each spoke (see pages 38-39) represents ways in which partners can interact if they both seek an equal relationship.

Non-threatening Behavior - Talking and acting so that she feels safe and comfortable expressing herself and doing things.

Respect - Listening to her non-judgmentally. Being emotionally affirming and understanding. Valuing opinions.

Trust and Support - Supporting her goals in life. Respecting her right to her own feelings, friends, activities, and opinions.

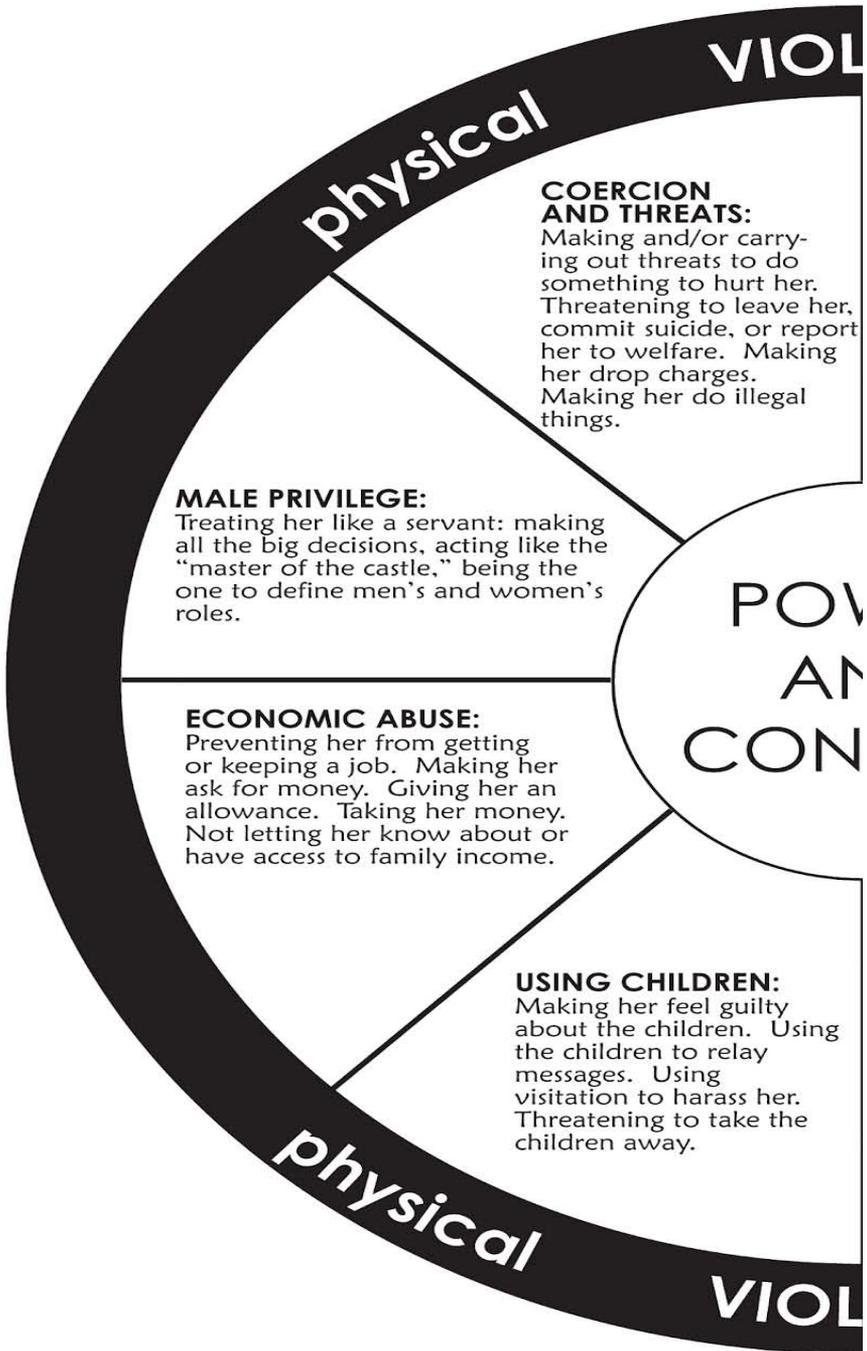
Honesty and Accountability - Accepting responsibility for self. Acknowledging past use of violence. Admitting being wrong. Communicating openly and truthfully.

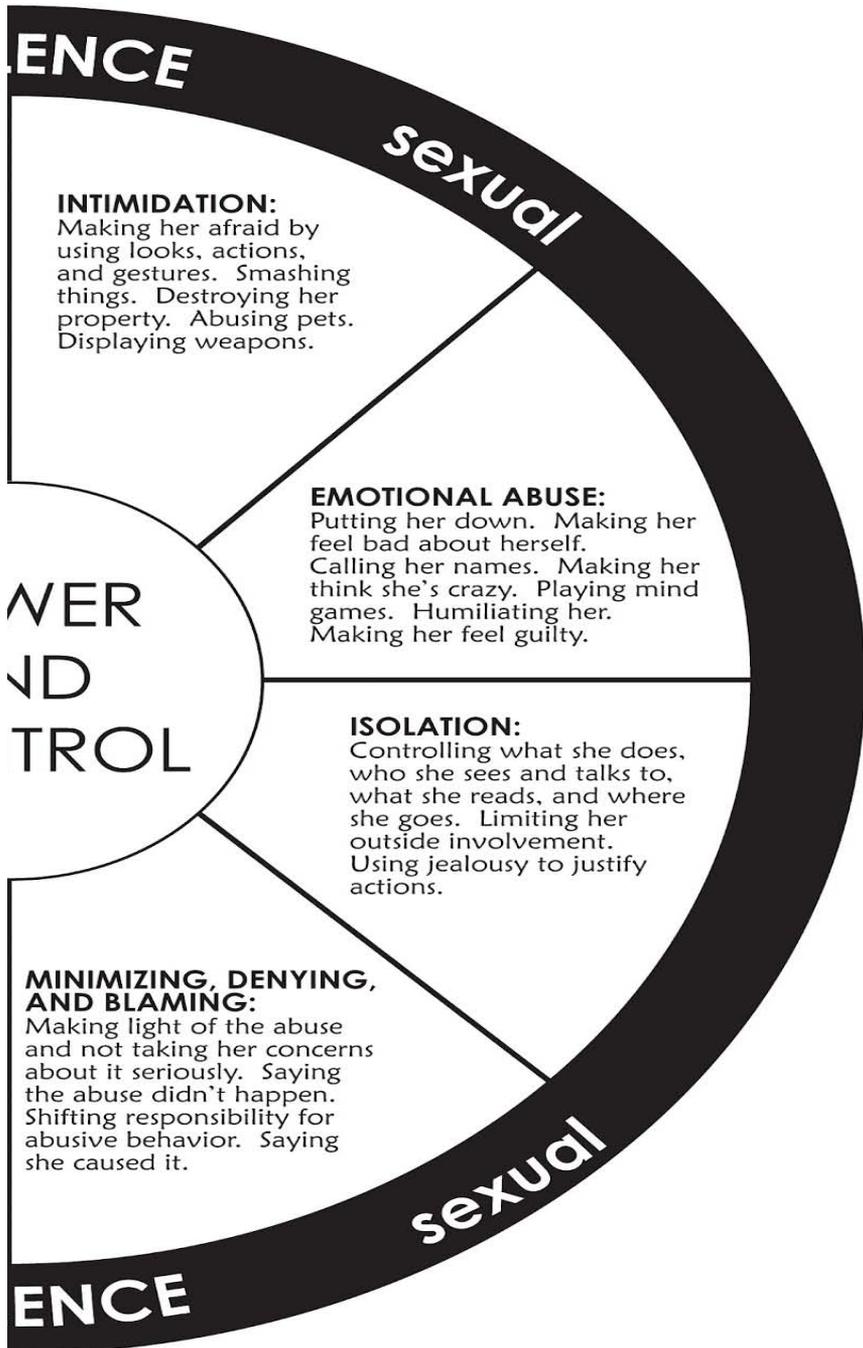
Responsible Parenting - Sharing parental responsibilities. Being a positive non-violent role model for the children.

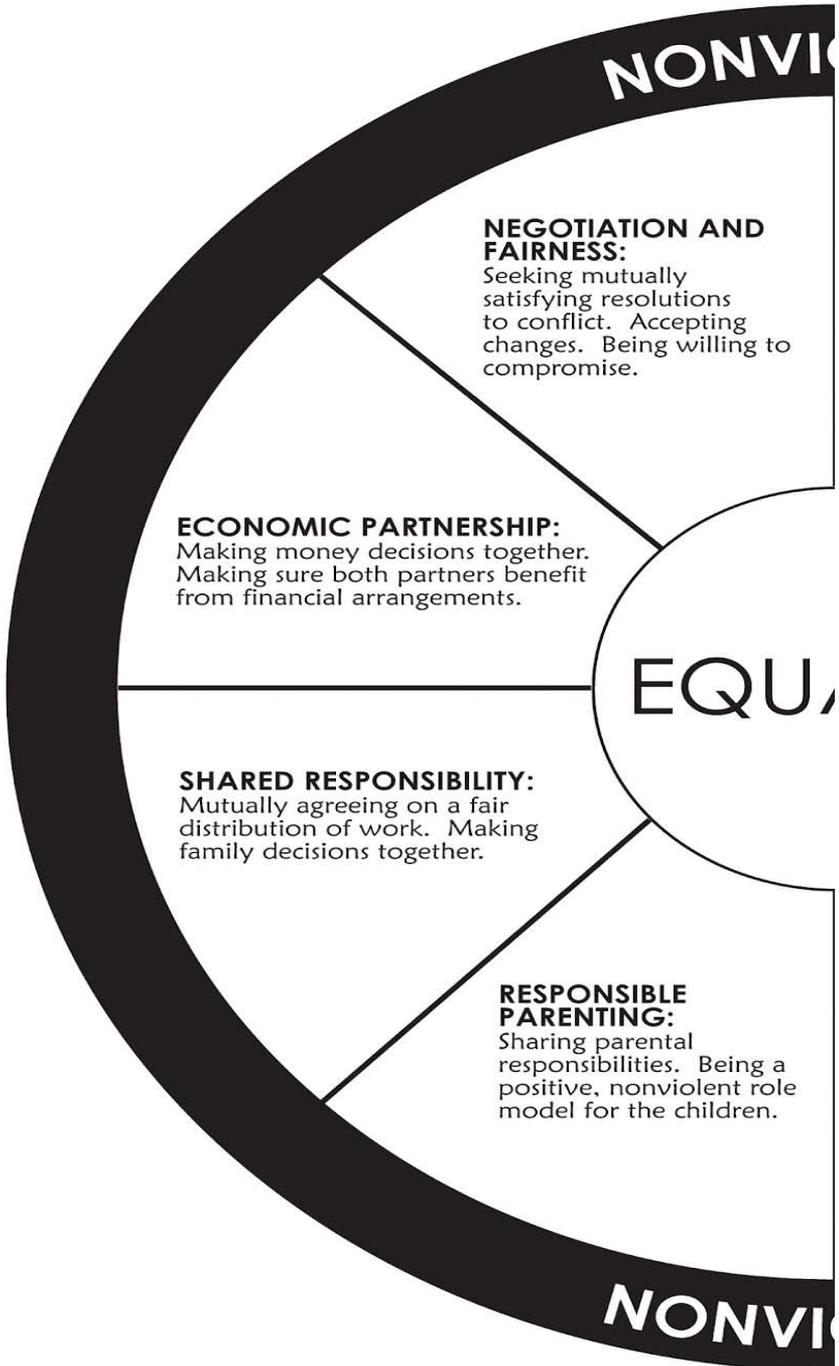
Shared Responsibility - Mutually agreeing on a fair distribution of work. Making family decisions together.

Economic Partnership - Making money decisions together. Making sure both partners benefit from financial arrangements.

Negotiation and Fairness - Seeking mutually satisfying resolutions to conflict. Accepting change. Being willing to compromise.









TAKING CARE OF YOURSELF

In an abusive relationship, you may experience high levels of stress...

Others' needs, the abuser, your children, family, friends, and your job often get more attention and get taken care of before your own needs. Sometimes there is no time left to take care of yourself.

PERSONAL COPING TOOLS

One thing you can do to feel stronger and healthier is to say no to others more. Give your own needs top priority.

Have positive thoughts about yourself, and be assertive with others about your needs.

Read books, articles, and poems to feel stronger.

Decide whom you can call to talk freely and openly, someone who can give you the support you need.

Plan to attend a women's or domestic violence support group to gain support from others and learn more about yourself and the relationship.

“You yourself, as much as anybody in the entire universe, deserve your love and affection.”

Buddha

AM I TAKING CARE OF MYSELF?

Here Are Some Questions to Ask Yourself:

- Do I eat at least one balanced meal per day?
- Do I get at least six or seven hours of sleep per night on a regular basis?
- Do I have one or more friends or relatives living nearby on whom I can rely?
- Do I speak to someone on a regular basis who is emotionally supportive to me?
- Do I get regular exercise?
- Do I do something for fun at least once a week?
- Do I feel good/healthy about the amount of alcohol, cigarettes and/or prescription drugs I consume?
- Am I able to communicate my feelings when angry, worries, scare, upset, etc.?

ASSESSING YOUR ANSWERS

Each “no” answer may indicate ways in which stress is affecting you. By making whatever changes are necessary to answer yes to as many of the questions as possible, you can restore some of the balance in your life.

YOU ARE A SURVIVOR

“...and I’m starting to feel like a person again, like the old Vickie. I lost myself for awhile, became someone I didn’t know or like. I’m not about to give me up again.”

V.W., 54, Survivor

You are a survivor when...

...you stop blaming yourself for the violence and abuse in your relationship.

...you refuse to take responsibility for your partner’s abusive behavior.

...you begin to understand that if you are to take care of your family, you must first take care of yourself.

...you recognize your feelings and ideas are legitimate and deserving of consideration and respect.

...you allow yourself to make mistakes and know you don’t have to be perfect in order to be loved.

...you begin to feel good about yourself and your ability to function as an adult.

...you are able to accept and deal with what is real, rather than hanging onto what might have been or what was.

...you accept your right to autonomy (self-direction) to make up your own mind.

...you put as much time and effort into having a healthy relationship with yourself as you put into having a healthy relationship with someone else.



EVERY *Woman's* PLACE

Chapter 3

CHILDREN'S CONCERNS



YOUR
SAFETY
AND YOUR
CHILDREN'S
SAFETY
SHOULD BE
YOUR FIRST
PRIORITY

WHAT ABOUT THE CHILDREN?

“I know I’m only a kid, but I have feelings too. My dad was so mean to me. He called me a nothing and a bitch. I know I am somebody, and I can make something out of my life. Dad always said, ‘I’m gonna go on with or without you.’ I guess he’ll just have to go on without me.”

M.B., a 12 1/2 year old

Many children who witness their mothers being abused by their fathers:

- suffer anxiety
- suffer depression
- act out with parents
- act out with siblings

Children are often overlooked in the statistics and discussions of domestic violence. Whether directly or indirectly, children are affected by domestic violence. They may not witness the actual episode but can see the bruises and broken furniture and hear the screams.

VICTIMIZING THE CHILDREN

Perpetrators of domestic violence use and hurt children in many ways including:

- Intentionally injuring the child.
- Unintentionally injuring the child while throwing objects at the abused parent or while the mother is holding the child. Often times a child is hurt while trying to intervene and protect the mother.
- Creating an environment of tension, fear, and uncertainty.

- Using the children to control the abused partner either while the couple is together or while separated.

TACTICS

Assailants may use any of the following tactics:

- Isolating the children by limiting their involvement with friends and activities.
- Threatening the children with harm or threatening to hurt pets or favorite toys.
- Questioning the children about their mother.
- Using custody battles to control the mother.
- Physically or sexually harming a child to coerce or control the mother.

HARMFUL EFFECTS

Effects of the assailant's abuse show up in a variety of physical and psychological symptoms such as emotional neediness, withdrawal, aggressive acting out, eating or sleeping problems, school difficulties, caretaking (of mother or siblings), and various physical complaints. Symptoms vary from child to child and depend on the child's developmental stage in life.

PROTECTING THE CHILDREN

Women face many dangers and great odds to protect their children from the assailant. They may directly intervene in an attack, teach safety plans, reinforce to the children they are not at fault for the abuse, and remain very loving and involved with their children. Battered women work at being good mothers in spite of their own fears, depression, and injuries. It is often for the sake of their children that women leave their partners.

CAN THE STATE TAKE MY CHILDREN?

A threat many batterers make is that he will “get your kids taken away.” This is scary for most mothers, especially if you have concerns about your parenting skills.

It is a long, difficult process for the state to remove children permanently from their homes. If you do not abuse your children and their basic needs are being met, you have very little to worry about.

The state agency responsible for investigating all allegations of abuse and neglect is the Department of Human Services (DHS) and the department within DHS that does the investigating is Child Protective Services (CPS). Anyone can report suspected child abuse or neglect to CPS. However, some people are obligated to do so by law. Mandatory reporters include doctors, nurses, dentists, school personnel, child care providers, police officers, psychologists, social workers, therapists, counselors, and others. This includes the domestic violence staff and counselors. If you tell a mandatory reporter about abuse or neglect, or if they suspect it, they must report it to CPS.

IF THE BATTERER ABUSES THE CHILDREN

If your partner is abusing the children, you may need to leave in order to protect them. As a parent, you have a legal responsibility to protect your children from known harm. You can be charged with “failure to protect” if you know about the abuse but don’t remove your children from the risk. This can be extremely difficult when living with a violent partner.

CHILD PROTECTIVE SERVICES' ACTIONS

After suspected abuse or neglect is reported to CPS, they will investigate to determine if it is occurring and what steps are necessary to protect the children. Their actions can vary from simply speaking to the parties involved, to going to court and asking that the children be removed from the home. However, the goal of CPS is not to remove children from their homes, their job is to ensure the safety and proper care of children. It is in your best interest to work with Child Protective Services.

GETTING HELP

If you need help with parenting skills or protecting your children, call DHS and ask for help. An abuser may use threats to keep you from seeking out resources and services for you and your children. It may be scary to take that first step, but you'll find that programs such as Child Protective Services will want to assist you and work with you, not against you.

Maybe one of these days I'll be able to give
myself a gold star for being ordinary.

And maybe one of these days I'll give myself
a gold star for being extraordinary
- for persisting.

And maybe one day I won't need
to have a star at all.

Sue Bender

WORKING WITH THE FRIEND OF THE COURT

The job of the Friend of the Court is to investigate, report, and make recommendations to the court regarding custody, visitation, and child support. They are also responsible for enforcing custody, visitation, and support orders entered by the court. The Friend of the Court does not have a responsibility to investigate alleged abuse or neglect. Allegations of abuse or neglect should be reported to CPS. However, you should inform the Friend of the Court about any abuse or neglect during the investigation process.

DETERMINING CUSTODY

Batterers often make threats about taking the children and fighting for custody. Custody is determined based on the following factors:

1. The love, affection, and other emotional ties existing between the parties involved and the child.
2. The capacity and disposition of the parties involved to give the child love, affection, guidance, and continuation of the educating and raising of the child in chosen religion or creed, if any.
3. The capacity and disposition of the parties involved to provide the child with food, clothing, medical care (or other remedial care recognized and permitted under the laws of this state in place of medical care), and other material needs.
4. The length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining continuity.
5. The permanence as a family unit, of the existing or proposed custodial home or homes.

6. The moral fitness of the parties involved.
7. The mental and physical health of the parties involved.
8. The home, school, and community record of the child.
9. The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference.
10. The willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent.
11. Any other factor considered by the court to be relevant to a particular child custody dispute.
12. Domestic violence.

TYPES OF CUSTODY ARRANGEMENTS

Joint Custody

Joint custody means an order of the court in which one or both of the following are provided:

1. When parents have joint physical custody, the children live with one parent part of the time and with the other parent part of the time.
2. When parents have joint legal custody, the parents both share in making decisions on important issues dealing with the children.

Sole Custody

Sole custody is an order of the court which states that the children live with one parent and that parent is responsible for making decisions on important issues dealing with the child.

CUSTODY DISAGREEMENTS

If you have an order for custody and the other parent takes the child or does not return the child as stated in the order, you have several choices:

1. Contact the Friend of the Court and request they enforce your order.
2. Contact your attorney.
3. Contact the prosecuting attorney and request that a kidnapping charge be pursued if you have reason to believe that the other parent intends to keep the child.

If you have no custody order, you have no legal recourse if the other parent takes the child.

VISITATION VIOLATIONS

If the court has ordered visitation and the other parent is not following the order (children not ready for visitation time, children are picked up and/or returned late, parent does not visit regularly as ordered by court, etc.), file a written complaint with the Friend of the Court office. If the Friend of the Court determines either parent has violated the visitation order, they have the responsibility to proceed with enforcement. This can include one or more of the following:

1. Schedule a meeting with the parties and attempt to resolve the difference.
2. If the parties agree to mediation, refer to a mediator.
3. Apply the local make-up visitation policy. Contact the Friend of the Court for more information about its policy.
4. Begin a civil contempt proceeding with the court by filing a petition for an order to show cause.
5. Petition the court for a change in the existing visitation order (a written report and recommendation shall be provided with this petition).



EVERY *Woman's* PLACE

Chapter 4

CRIMINAL JUSTICE SYSTEM

“I DO NOT
WISH
WOMEN
TO HAVE
POWER OVER
MEN;
BUT OVER
THEMSELVES.”

~ *Mary Wollstonecraft*

THE CRIMINAL JUSTICE SYSTEM

It can be difficult to decide whether or not to report an abuse incident to the police. You may be weighing factors such as, will it just make things worse, will family and friends find out your secret, what is the criminal justice system like?

This section describes how a typical case would proceed. This information may help you with your decision by taking some of the mystery out of the legal process.

TIPS FOR DEALING WITH THE CRIMINAL JUSTICE SYSTEM

- Be as specific as possible about what has happened when talking to police officers or prosecutors. For example, tell the officers, “He slapped me twice in the face then kicked me in the right leg,” rather than “He beat on me.”
- Let police or prosecutors know about any witnesses.
- Let police know about past assaults or past abusive behavior of the defendant.
- Get as much information as possible, such as, incident numbers from the police or the name of your detective.

ABUSE CASE PROGRESSION

The following is the typical progression of a misdemeanor domestic assault case through the criminal justice system.

A crime is committed.

The crime is reported to the police.

This is done either by someone calling the police to the scene or by the victim going to the police station and filing a complaint.

The police investigate.

If they have been called to the scene, normally two officers will respond. They should interview the victim and the assailant separately. They may also ask questions of any other witnesses including children. They may want to take pictures for evidence. If there are injuries which need treatment, police can help the victim get to the hospital.

If you have gone to the police station to file a complaint, you will probably be given some forms to complete. An officer may interview you. The officer will attempt to interview any other witnesses and the assailant. If you sought medical treatment, they will want the physician's record. The officer will complete a report and submit it to the prosecuting attorney for review and a possible warrant for the assailant's arrest.

The police may arrest the assailant.

If the police are called to the scene and determine that probable cause (see definition on page 60) exists, they should arrest the assailant on the spot. If the assailant has left the scene, they may attempt to find him.

If the police do not feel they have sufficient probable cause, they

will complete a report and submit it to the prosecuting attorney for review. The prosecutor will decide whether to issue a warrant for the assailant's arrest or not.

The victim should be given a Victim's Rights Information Sheet.

It contains information about your rights, how to obtain a Personal Protection Order, and how to contact the police, the domestic violence program, and the prosecuting attorney.

The prosecutor determines whether to proceed with the case.

After receiving a report from the police officer, the prosecutor decides whether there is enough evidence to charge the assailant. The prosecutor will either issue a warrant and continue the case or end the case because there isn't enough evidence.

The victim should receive a packet of information in the mail from the prosecuting attorney's office.

This packet contains information about your rights and how to exercise them. You need to either fill out and return the form or call the victim's advocate and ask to be given your rights as a crime victim if you want them. Also in the packet will be a Victim Impact Statement. You have an opportunity to tell the prosecutor's office how you feel about this crime, how it has affected your life, and what you think would be the best sentence for the defendant.

The assailant is arraigned.

The judge will read the charges and determine bond. For your safety a "no contact" order may be issued and may remain in effect until sentencing. At the arraignment the assailant enters a plea. He could plead guilty, not guilty, or stand mute. The victim normally does not need to attend. See PPO section (page 23) for further safety options.

A court date is set.

If the assailant pleads guilty, a date is set for sentencing. If he pleads not guilty or stands mute, a date is set for a pre-trial conference and a trial.

The assailant and his attorney (if he has one) meet with the prosecutor for a pre-trial conference.

The prosecutor may give the defendant an opportunity to discuss a plea agreement (see page 63). The assailant can plead guilty at any point up to the start of the trial. It is important to note most domestic violence cases do not go to trial. If the assailant pleads guilty, a time is set for sentencing.

If a trial is held.

The victim is normally subpoenaed and needs to serve as a witness and testify. The victim can meet with the prosecutor before trial and have any questions answered about the proceedings.

The defendant is either found guilty or not guilty.

If found guilty, a date is set for sentencing.

The defendant is sentenced.

The judge will hear any input from the victim either through a written statement or speaking in the courtroom. You do not have to attend if you do not want to.

SUMMARY OF LAWS APPLICABLE TO DOMESTIC VIOLENCE

The assault statutes have been amended to specifically include domestic assaults. These include assault and battery where the victim and assailant have one or more of the following relations: the victim and assailant are spouses or former spouses, have a child together, live or have lived together, have or have had a dating relationship.

ASSAULT AND BATTERY. [MCLA 750.81]

Michigan Law defines a criminal assault and battery as an attempt of offer to do bodily injury with a present intention and ability to do so.

Assault is an attempt or threat, with unlawful force, to inflict bodily injury upon another, accompanied by the apparent present ability to carry out the intent if not deterred by another. A threat coupled with present ability may be considered an assault. Battery is the actual physical harm.

AGGRAVATED ASSAULT/ASSAULT AND INFLICTION OF SERIOUS INJURY. [MCLA 750.81A.]

Any person who shall assault another without any weapon and inflict serious or aggravated injury upon the person of another without intending to commit the crime of murder and without intending to inflict great bodily harm less than the crime of murder, shall be guilty of a high misdemeanor, punishable by imprisonment in the county jail or the state prison for a period of not more than one year or a fine of \$1,000 or both.

DEFERRAL OF SENTENCE PROBATION.

If the abuser has not had a prior conviction for domestic assault under either MCLA 750.81 or MCLA 750.81a., then the judge has the discretion of deferring his conviction, setting probation, and dismissing the case upon completion of the probation instead of a jail term. The judge must first get the consent of the defendant and the prosecutor. The prosecutor must consult with the victim before giving consent, but the statute does not require the prosecutor to act on the victim's wishes.

FELONIOUS ASSAULT. [MCLA 750.82]

A felonious assault is an assault with a dangerous weapon without an intent to inflict great bodily harm. Any person who shall assault another with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon, but without intending to commit the crime of murder, and without intending to inflict great bodily harm less than the crime of murder, shall be guilty of felonious assault. This felony is punishable by up to four years in prison and a fine of not more than \$2,000.00.

ASSAULT WITH INTENT TO DO GREAT BODILY HARM LESS THAN MURDER. FELONY. [MCLA 750.84]

Any person who shall assault another with intent to do great bodily harm less than the crime of murder, shall be guilty of a felony, punishable by imprisonment in the state prison, not more than ten years, or by a fine of not more than \$5,000.

ASSAULT WITH INTENT TO MURDER. FELONY. [MCLA 750.83]

Any person who shall assault another with intent to commit the crime of murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any number of years.

CRIMINAL SEXUAL CONDUCT STATUTE. [MCLA 750.520B-E.]

There are four degrees of criminal sexual conduct (usually known as rape).

First and third degrees involve forced or coerced penetration. This can involve vaginal, anal, or oral intercourse, or putting a finger or object in another person's genital or anal opening.

Second and fourth degree involve forced or coerced sexual contact. This includes touching the groin, genital area, inner thigh, buttocks, or breasts, or the clothing covering those parts.

How serious the crime is depends on a number of factors such as: more than one rapist; a weapon; a physical injury other than the rape; extortion; or the element of surprise. If the victim is under 13, from 13-15, and the rapist is a member of the family or in a position of authority, this also makes the crime more serious.

Criminal sexual conduct does not require a witness other than the survivor.

It is a crime if the rapist is your spouse.

ARREST WITHOUT A WARRANT; ASSAULT AND BATTERY OR INFLICTION OF SERIOUS INJURY WITHIN HOUSEHOLD. [MCLA 764.15A. (1980)]

This law is commonly known as the domestic violence warrantless arrest statute. It allows the police officer to make an arrest if the officer has "reasonable cause" to believe that an assault has taken place, or is taking place, and that the person who committed the violation and the victim has or had one or more of the following relations: is a spouse, former spouse, is a person who resides or who has resided in the same household as the victim, has a child in common with the victim, or has or had a dating relationship. Under these circumstances, the officer may arrest the suspect without a warrant, whether the violation was committed in the presence of the officer or not.

ARREST WITHOUT A WARRANT FOR PERSONAL PROTECTION ORDER VIOLATIONS.

[MCLA 784.15B. (1983)]

This statute gives police officers the authority to arrest and take into custody a person when the officer has reasonable cause to believe that there is a valid domestic assault restraining order with criminal penalties filed properly. For more information on Personal Protection Orders, see page 23.

DOMESTIC DISPUTE VICTIMS; ADVISING OF AVAILABILITY OF SHELTER PROGRAM OR OTHER COMMUNITY SERVICES; NOTICE STATEMENT.

[MCLA 764.15C. (1985) AS AMENDED]

After intervening in a domestic dispute, police officers are required by law to provide the victim with information on the availability of any local shelter program or other community services, and their phone numbers. A written notification of these services is to be given to the victim.

AMENDMENT TO THE INTERIM BOND STATUTE.

[PUBLIC ACT 308, FORMERLY SENATE BILL 583 (1990) MCLA 780.582A.]

This law says that after a domestic assailant is arrested, he will be held until the next session of court where he will be arraigned.

COURT ORDERED COUNSELING OPTION FOR ASSAULT VIOLATIONS. [MCLA 769.4A. (1978)]

This law states that a person who pleads guilty or is convicted of assault or assault and battery, may be ordered by the court to participate in a mandatory counseling program as a condition of probation.

CRIME VICTIM'S RIGHTS ACT.

[MCLA 780.751, ET SEQ. (1985)]

This law establishes protections and rights that allow the victims of certain crimes committed in Michigan to be active participants in the

criminal justice process. The law defines a victim as: an individual who suffers direct or threatened physical, financial, or emotional harm as the result of the commission of a crime. Crimes covered by the act include felonies and high misdemeanors.

COMPENSATION FOR INJURED CRIME VICTIMS. [MCLA 18.351, ET SEQ. (1976)]

Victims of certain personal injury crimes may receive financial compensation for particular losses that resulted from the crime.

VICTIMS SEEKING HELP ASSURED OF CONFIDENTIALITY. [MCLA 600.101 (1985)]

Victims of sexual assault and domestic abuse who seek the services of workers at sexual assault or domestic abuse crisis centers have the protection of law that the counseling sessions are confidential. A victim's case information is only admissible in court with the victim's written consent or by a judge's order.

AMENDMENT TO THE CRIMINAL SEXUAL CONDUCT STATUTE. [MCLA 750.520] MAKING SPOUSAL RAPE A CRIME. [PUBLIC ACT 138 OF 1988]

A spouse can be charged with rape of his partner in Michigan.

MALICIOUS DESTRUCTION OF PROPERTY. [MCLA 750.377A.]

Any person who willfully and maliciously destroys the personal property of another is guilty of a felony if the damage is over \$100, and guilty of a misdemeanor if the damage is under \$100. The felony is punishable by up to 4 years in prison. The misdemeanor is punishable by imprisonment up to 90 days.

STALKING LAWS

STALKING. [MCLA 750.411H.]

Stalking is defined as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Behavior such as following the victim, showing up at the victim's home or at work, confronting the victim in public or in private, making unwanted calls or sending unwanted letters, or leaving objects or "presents" for the victim at home, work, on/in the car, or other property can be used as evidence of stalking.

Stalking is a misdemeanor, punishable by imprisonment of up to one year and/or a fine of up to \$1,000. In addition to incarceration and fines, an individual found guilty of stalking may also be put on probation for up to five years. The terms of probation may include an anti-stalking order, a no contact order, and/or mandatory counseling for the assailant, at his own expense.

AGGRAVATED STALKING. [MCLA 750.411I.]

An individual who engages in stalking is guilty of aggravated stalking if his actions include one or more of the following: making a credible threat of injury to the victim or a member of the victim's family or household; violating a domestic assault or anti-stalking restraining order; violating a condition of bond, pre-trial release of probation arising from a stalking charge; or having a previous conviction for stalking or aggravated stalking.

Aggravated stalking is a felony, punishable by imprisonment of up to five years, and/or a fine of up to \$10,000. In addition to incarceration and fines, probation may be ordered for any number of years, but not less than five years. The terms of probation may include an anti-stalking order, a no contact order, and/or mandatory counseling for the stalker, at his own expense.

GLOSSARY

OF CRIMINAL JUSTICE TERMS

■ A

Acquittal: Defendant is found not guilty.

Adjournment: A delay in the proceeding of a case.

Arraignment: A court hearing where the defendant is informed of the charges against him. Defendant can plead guilty, not guilty, or stand mute.

■ B

Bond: Money to ensure the defendant's appearance at later court proceedings and, if necessary, conditions placed on the defendant's activities to ensure the victim's safety.

■ C

Circuit Court: Court which handles all felony trials, personal protection orders, divorce proceedings, and child custody.

Complaint: A report made to the police about a crime that has been committed.

Conditional Bond: A condition placed on the defendant's bond that he not contact, directly or indirectly, the victim(s) of the crime. This includes in person, by mail, telephone, or through a third party.

■ D

Defendant: A person who is charged with a crime.

Deferred Sentence: In cases where the defendant has no prior criminal record, the judge has the option, with the agreement of the prosecutor, to order a deferred sentence. The defendant is placed on probation for a length of time with certain conditions. If all of those conditions are met, at the end of the probation period the charges are dropped.

Dismissal: Charges dropped by order of the judge.

District Court: Court which handles all misdemeanor cases, sentencing, traffic violations, and the first stages of felony cases.

■ E

Ex parte: A legal term meaning an order is entered without a hearing or prior notice to the other party.

■ F

Felony: A crime punishable by one year or more in prison or county jail.

Foreign Protection Order: A PPO issued outside the state of Michigan or issued by a tribal court.

■ I

In Pro Personam (In Pro Per): A legal term meaning an individual is acting as their own attorney.

■ M

Misdemeanor: A crime punishable by not more than one year in the county jail.

Motion: A request to the court for a certain decision.

■ P

Parole: Defendant continues to be supervised by the Michigan Department of Corrections after release from prison.

Personal Protection Order (PPO): Same as Restraining Order. A court order offering specific protection to a victim when a domestic relationship exists. Protection available varies depending on the situation.

Plea Agreement: An agreement reached between the prosecuting attorney and the defendant in order for the defendant to plead guilty to criminal charges.

Preliminary Exam: A hearing in District Court to determine if a crime was committed by the defendant. This hearing is held only for felony crimes.

Pre-sentence: Investigation of the defendant's background and the victim's feeling on the defendant's sentencing. Designed to act as a sentencing guide for the judge.

Pre-trial Conference: Meeting between lawyers to determine if the case can be settled without going to trial.

Probable Cause: Same as Reasonable Cause. Any facts that would induce a fair-minded person of average intelligence to believe the suspect has committed a crime. There is no requirement there be corroborating physical evidence or visible injury to establish probable cause. This means the word of the victim alone, if believed, is sufficient grounds for establishing probable cause.

Probation: A sentence which places the defendant under the close supervision of a probation officer (may or may not involve jail time).

■ R

Rescind: A term meaning to take away, take back, or remove.

Restitution: Money set by the court to be paid to the victim by the defendant for property loss or injuries resulting from the crime.

■ S

Stand Mute: When defendant remains silent at arraignment, it is handled the same way as a plea of not guilty.

Subpoena: A legal order which requires a person to appear in court to testify as a witness.

■ W

Warrant: A legal document issued by the prosecutor and approved by the judge allowing police to arrest the accused.



Chapter 5 BATTERER'S ISSUES

in America. That's how I am. Alcohol brought the violence out of me. I didn't analyze the situation. Anger comes out of me. Anger escalates. I have an anger problem. I was venting my anger. I couldn't control my anger. I had an anger problem. I did it over. I don't handle anger well. Anger creates violence. I had an inability to control my anger. My anger controlled me. I didn't know how to vent my anger in a different way. I was into the anger thing. My anger got the better of my rational thinking. I got angry. I didn't use patience. I didn't have the right answers. We kept upping the ante. It was an animal response to a perceived threat. The argument broke out. Before I knew it we got to arguing. It's an arguing type situation. We had a violent argument. The argument started in the bedroom and went into the kitchen. I was avoiding an argument. We got into an argument match. I got into a violent argument. The argument got out of hand. We had a basic sibling argument. We had a normal argument. We had a domestic argument. We just argued. We had physical arguments. It was an overheated argument. We were in a heated argument. We both used all of our anger. She asked me to hit her. I was half asleep. I didn't have an opportunity to be assertive. It was a detrimental atmosphere. I had an attitude. I have an attitude problem. I bring a lot of attitude home with me from work. My attitude overlooked my action. The abuse came automatic. It's kind of automatic. I was avoiding the bigger problem. I was avoiding hurting her. I was avoiding punching her. I didn't get away from the situation. I came back on her. My back was up against the wall. I backed up. I was just getting back at her. She was determined. I had a physical background. If she was a bad woman she deserved a pop in the eye. My relationship went downhill. I got really bad. I'm hauled around. It all. I was hauled into it. She lost her balance. I went bananas. She was in the bar. Without thinking I was that strong German beer. That behavior came out. My behavior was wrong. My behavior repeated itself. It was violent behavior. Being what I am. Things got the best of me. It was the best. I could do. I let my inner self get the best of me. I was being self watching. I wasn't a better man. I just avoided the bigger problem. Sometimes I got angry and blackout. I blew up. The blow. It built up inside until I blew up. It was a blight on our weekend. I was blind to what was going on. Sometimes I have blind spots. The abuse blossomed in our relationship. It's in my blood. The blood boiled. We blow up at each other. We had a blowout. I'm a blow up. It happened out of the blue. I blurted out. My anger boiled over. I got to my boiling point. I was boiling. I just blew out. I took so much until I got to the boiling point. I didn't put it in my book. All of a sudden, boom, it happens. Then, boom, out where. I was born with aggressiveness. I let women bother me. I was boxed in. I didn't engage my brain before my mouth. I don't know how to break off. I didn't put on the breaks. We had a mutual breakup. I was brewing. I was pushed to the brink. That's why everything broke loose. I was brought up that way. I guess things build up in me. Everything built up on me. I build and build and boom. I was like a bull in heat. It was the stress of my buttons being pushed. I let a lot of things push my buttons. She pushed my buttons. I had a buzz on. She destroyed my calm. I couldn't calm down. That's the way it came out. The abuse came up out of me before I could stop and think about it. It just came out. I can't shut up. I wasn't careful. I was getting too carried away. I got carried away. I didn't catch myself. I didn't catch a key subject that came up. I was caught off guard. I got caught up. I got caught up in my violent behavior. I got caught up in this one incident. I got caught up in the situation. Something came out. I got caught up. It was cause and effect. It takes two to cause. I was off center. I didn't get a second chance. I was going through situations. Chemicals altered my way of judgement. My chemistry takes over. I was just being childish. I didn't have a choice. I had no choice. I made the wrong choice. I made a bad choice. I don't choose to yell and scream. I was in a violent circle. The wheel came down. I don't know if I'm going to click. It wasn't the suit of clothes I wanted to put on. Cocaine showed the hole of me. There was physical combat between us. It just comes out that way. This problem kept coming up. My anxiety and frustrations coming out. I couldn't communicate with her. Our communication didn't work. It's the only way I know how to cover up my communication skills. I put myself in a compromising situation. I couldn't concentrate. I jumped to conclusions. I had a new condition. I was conditioned to act that way. There was a confrontation. I got confused. I'm no good at conclusion. I did not consider it. We had hostile combat. I was out of my context. I was containing her. I couldn't control my temper. I wasn't in control enough. I said. It led on to where. My efforts to control myself failed repeatedly. I was on the verge of losing control. I got out of control. I didn't know how to control myself. I was being controlled by someone else. I felt like she was controlling me. I was backed in. We both lost control. I couldn't avoid a confrontation. I couldn't take it anymore! I couldn't stop. I'm like a lot of couples in that respect. I had to run its course. I cracked. I just went crazy. My bad attitude crept back across the border. I crossed over. I'm on a train. It was the culmination of a lot of bad things. It was a daily abusive thing. We danced together. I had a hard day. I brought a hard day home with me. I was having a hard day. It's just how I deal with it. I couldn't deal with it. I couldn't deal with the situation. I just fed up and made the wrong decision. I made that bad decision. I made a wrong decision. I made a very, very bad decision. I went off the deep end. It's a character defect. I reacted to defend myself. I was defending myself. I automatically take a defense. It was a defensive reaction. I was brought up on the defensive side. It was a defensive thought. I acted on. I was damaged with bitterness. I'm not perfect at diagnosing people's problems. I didn't d

ALCOHOL, OTHER DRUG USE AND DOMESTIC VIOLENCE

The evidence from numerous studies has not shown a cause and effect relationship between drinking/other drugs and battering. However, alcohol and drug use do increase the potential lethality of the abuse.

Substance abuse often takes place in homes where there is also domestic violence. However, many alcoholics are not abusive, and many men who are abusive do not drink. Although substance use and domestic violence may occur together, they are separate problems which need individual attention. Both problems have some characteristics in common such as denial, family isolation, blaming of one's partner, and secrecy.

Domestic abuse is not an "out-of-control incident" that can be isolated and linked to too many beers or martinis. It isn't an incident, but many behaviors working together in a system of control, of which the actual hitting is only one part. Substance use merely provides another convenient excuse for the abuser. While it may be easier to think of the violence as accidental rather than intentional, it is also an unsafe mode of thinking. Alcohol and drug use increase the potential lethality of the violence.

COUNSELING CONCERNS FOR BATTERERS

Are there special counseling concerns for batterers who have an addiction? It is important for an assailant to get assistance from a treatment program that understands domestic violence and includes those issues in treatment planning. It is also necessary for the assailant to get separate therapy designed specifically for batterers, not "anger management." Treatment and therapy are long processes

requiring a great deal of commitment. Most batterers are unable to do this successfully for any length of time. Foremost, it is crucial for partners to seek safety.

CODEPENDENCY AND ENABLING

If you are in a relationship with an addicted partner or have attended a support group, such as Al-Anon, you may have heard the terms codependent or enabler. Characteristics of codependency and enabling include passivity, nurturance, making excuses, suffering in silence, and putting others before oneself. These terms are sometimes used in reference to women in abusive relationships and are inappropriate when used this way. Labels such as these place blame on women for the victimization rather than holding the batterer accountable for his behavior. Women in abusive relationships are resourceful, strong, and adept at developing techniques which allow them to survive. In the interest of safety, it is wise to seek out assistance from someone who is familiar with the dynamics of domestic violence.

And the day came when the risk (it took) to
remain tight in the bud was more painful than the
risk it took to blossom.

Anais Nin

COUNSELING FOR THE ABUSER

There is a wide range of counseling services available, however, no counseling is effective if the person receiving counseling doesn't genuinely want to make changes.

If your partner does want counseling, you can suggest where to go, but it is his responsibility to seek the help he needs.

BATTERERS' PROGRAMS

Counseling programs specifically designed for abusers are called Batterers' Intervention Programs. Generally, most programs last from 24 to 54 weeks or longer. Many combine both individual and group counseling. These programs should emphasize the batterer being held accountable for his behavior. Many programs also allow input and information from the victim and accept court-ordered and voluntary participants.

The effectiveness of batterers' intervention programs is a widely debated issue. It is extremely difficult to alter life-long patterns of behavior and attitudes toward women. Beware of programs that promise a quick, easy cure.

NOT ALL PROGRAMS WORK

Batterers are sometimes sent to "Anger Management" programs. Anger management is not the problem for most batterers. For example, if they get angry with their boss at work, they do not resort to violence; instead they wait until they get home and take it out on their partner.

They are effectively managing their anger and choosing a target less likely to cause them negative consequences. Remember, battering is a choice.

GENERAL COUNSELING

If a batterers' intervention program is not available in your area, your partner may go to a general counselor. If possible, talk to the counselor to be sure the counselor knows about the abuse and that it is being addressed in counseling. Counselors are as varied in their viewpoints as those in the general population. Be prepared for the possibility some counselors may find your abuser's behavior acceptable.

COUPLES COUNSELING NOT APPROPRIATE

Should my partner and I go to couples counseling?

If you are in an abusive relationship, you should not attend counseling with your partner. Couples counseling can be a very helpful way for individuals in a non-abusive relationship to straighten out their differences. However, in an abusive relationship it is often unsafe for the victim of abuse to speak out about what's going on at home. The abuser may become enraged that the "family secrets" are being exposed or feel criticized, putting the victim at greater risk.

Going to couples counseling with an abusive partner also implies the victim has some responsibility for the abusive behavior. The only one responsible for the abuse is the abuser. No matter what you do or say, your partner has no right to use violence. Couples counseling creates the impression that somehow you can make your partner stop if you change your behavior. This is not true. Until your partner decides his abuse is wrong and must stop, no matter what you do, the abuse will not stop.

As suggested earlier, abusers need a program designed specifically for batterers. Once they have completed a program and ALL types of abuse have completely stopped, you may consider going to couples counseling. It is helpful for the victim to seek counseling and support for herself if she wishes.

*Life should be
a rainbow of colors
red for passion
blue for loyalty
yellow for happiness.
Instead you showed me
the darker shades of these
red for your rage
blue for my sorrow
yellow for faded bruises.
But even though I know
the darker sides of colors
I can now choose to live
the colors of the rainbow.
—C.L.R. 1996*



EVERY *Woman's* PLACE

Chapter 6

PHONE DIRECTORY



PHONE DIRECTORY

Every Woman's Place/Webster House Youth Services

Administration, Counseling, and Walk In Services.....	(231) 759-7909
24-Hour Crisis Line.....	(231) 722-3333
Fax.....	(231) 759-8618

MUSKEGON COUNTY

Emergency.....	911
Muskegon County Sheriff Department.....	(231) 724-6351
Muskegon City Police Department.....	(231) 724-6750
North Muskegon Police Department.....	(231) 744-4313
Muskegon Township Police Department.....	(231) 777-1666
Norton Shores Police Department.....	(231) 733-2691
Muskegon Heights Police Department.....	(231) 733-8900
Fruitport Police Department.....	(231) 865-8477
Michigan State Police.....	(800) 525-5555
14th Judicial Circuit Court - Family Division.....	(231) 724-6421
60th District Court.....	(231) 724-3489
Prosecuting Attorney / Victim's Advocate.....	(231) 724-6676
Children's Protective Services (CPS).....	(855) 444-3911
Department of Human Services (DHS).....	(231) 733-3700

OTHER HELPFUL NUMBERS

Legal Aid of Western Michigan.....	(888) 783-8190
National Domestic Violence Hotline.....	1-800-799-SAFE (7233)



WHERE HEALING BEGINS...

Every Woman's Place provides emergency shelter for victims and survivors of domestic violence and sexual assault. Our facility provides a safe haven, complete with support groups, counseling, and advocacy services. All services are confidential and free of charge to survivors and their children.

INDIVIDUAL AND COMMUNITY SERVICES

- Emergency Shelter
- Case Management & Advocacy
- Information & Referral
- Individual and Group Counseling
- Safety Planning
- Walk-In Crisis Intervention weekdays, 9 a.m. - 5 p.m.
- 24-Hour Crisis Line - (231) 722 - 3333
- Emergency Response
- Adocacy and Support Services

We are a non-profit, community based organization funded by state, federal and local grants, United Way, individual and community donations, and special project fundraising. Donations of goods and services are also needed to support many programs. For more information on tax-deductible donations, please call (231) 759-7909 extension 239.

VOCA - VICTIM OF CRIMES ACT

This pamphlet was made possible by the Crime Victims Fund of the Michigan Crime Victim Services Commission.