

Arkansas Domestic Violence Shelters

For more assistance with locating a shelter contact the Arkansas Coalition Against Domestic Violence at **1-800-269-4668**. There are differences between these organizations. You may find some of them helpful and others not helpful. If the organization nearest you isn't helpful, try calling another one.

If you do not find what you need on this page, please call the National Domestic Violence Hotline for referrals and support: 1-800-799-SAFE (7233) or TTY: 1-800-787-3224.

Arkadelphia

Courage House
P.O. Box 924, Arkadelphia, AR 71923
Hotline: 870-246-2587
Email: awac1@sbcglobal.net

Ashdown

Domestic Violence Prevention and Sexual Assault Services
61 East Main Street, Ashdown, AR 71822
Phone: 870-898-6070

Ash Flat

Spring River Adult and Child Services
Ash Flat, AR 7513
Phone: 870-994-2551

Batesville

Family Violence Prevention and Rape Crisis Center (S.A.I.L.)
P.O. Box 2943, Batesville, AR 72503
Toll Free: 800-894-8821
Hotline: 870-793-8111
Email: fvp2943@sbcglobal.net

Benton

Saline County Safe Haven, Inc.
P. O. Box 1100, Benton, AR 72018-1100
Hotline: 501-315-7233
Email: s.c.safehaven@sbcglobal.net
Web: www.salinesafehaven.org

Bentonville

Northwest Arkansas Women's Shelter
(formerly Benton Co. Women's Shelter)
P.O. Box 1059, Rogers, AR 72757
Hotline: 479-246-9999
Toll free: 800-775-9011
Email: aalbright@nwaws.org
Web: www.nwaws.org

Blytheville

The Haven of Northeast Arkansas
P. O. Box 1062, Blytheville, AR 72316
Toll free: 800-474-1064
Hotline: 870-532-6669
Email: thehavennea@att.net

Cabot

Lonoke County Safe Haven
P.O. Box 414, Cabot, AR 72023
Hotline: 501-941-4357
Email: director@lcsch.org
Web: www.lcsch.org

Camden

Women's Crisis Center of S Arkansas
P.O. Box 1149, Camden, AR 71701
Hotline: 870-836-0325
Email: acadv6@yahoo.com

Clarksville

Ozark Rape Crisis Center
715 West Main Street Suite A, Clarksville, AR 72830
Toll free hotline: 800-818-1189
Phone: 479-754-6869
Web: www.ozarkrapecrisis.com

Clinton

Dove House
P. O. Box 806, Clinton, AR 72031
Hotline: 501-745-5657
Email: dove@Clintoncable.net
Web: www.dovehouse.info

Conway

Women's Shelter of Central Arkansas
P. O. Box 2557, Conway, AR 72032
Hotline: 501-329-2255
Toll free: 866-358-2265
E-mail: wsc@conwaycorp.net
Web: www.conwaywomensshelter.com

Dardanelle

Samaritan Outreach
P.O. Box 183, Dardanelle, AR 72834
Phone: 479-229-3303
Toll free: Hotline: 479-229-3300
Email: pjoglee@hotmail.com

DeQueen

Southwest Arkansas Crisis Center
P. O. Box 87, DeQueen, AR 71832
Phone: 870-584-3441
Hotline: 870-584-3441,
Toll free: 800-338-9844
Email: thehouse1@windstream.net

El Dorado

Union County Rape & Family Violence Center
900 East First Street, El Dorado, AR 71730
Hotlines: 870-862-0929, 888-880-0929
Email: turningpoint2vip@sbcglobal.net

Fayetteville

Peace at Home Family Shelter
P. O. Box 10946, Fayetteville, AR 72703
Hotline: 479-442-9811
Toll free: 877-442-9811
E-mail: info@peaceathomeshelter.org
Web: www.peaceathomeshelter.org/

Fort Smith

Crisis Center for Women
5603 S 14TH ST FORT SMITH, AR 72901
Toll free hotline: 1-800-359-0056
Web: www.crisisinterventioncenter.org

Harrison

Sanctuary
P. O. Box 762, Harrison, AR 72601
Hotline: 870-741-2121
Toll free hotline: 877-561-8100
Email: sanctuary1981@windstream.net

Ozark Rape Crisis Center
600 South Pine Street Suite 200, Harrison, AR 72601
Toll Free Hotline: 800-818-1189
Phone: 870-741-4141
Web: www.ozarkrapecrisis.com

Heber Springs

Margie's Haven House
P. O. Box 954, Heber Springs, AR 72543
Hotline: 501-362-6757
E-mail: margieshavenhouse@att.net
Web: margieshavenhouse.com

Helena-West Helena

Anna's Place (Forrest City)
406 Pecan Street
Helena, AR 72342
Phone: 870-338-8447
Hotline: 877-572-9530,
Toll free: 877-572-9530
Email: ggonner0614@yahoo.com

Angels of Grace
406 Pecan Street
Helena, AR 72342
Phone: 870-338-8447
Toll Free Hotline: 877-572-9530
Email: ggonner0614@yahoo.com

Hope

Domestic Violence Prevention and Sexual Assault Services
720 South Main Street, Hope, AR 71801
Phone: 870-777-0994

Hot Springs

The Potter's Clay Women & Children in Crisis Shelter
110 Crescent Ave
Hot Springs AR 71901
Hotline: 501-624-1366
Email: pottersclaymin@sbcglobal.net

Therapeutic Family Services
P. O. Box 1692, Hot Springs, AR 71913
Phone: 870-867-4402
Hotline: 501-802-4088
Email: bwilliams@tfsar.com

Jasper

Harmony House
P. O. Box 595, Jasper, AR 72641
Hotline: 800-711-5806
Email: sbcc@sboard.org

Jonesboro

Women's Crisis Center
P. O. Box 721, Jonesboro, AR 72403
Hotlines: 870-933-9449
Toll free: 866-982-9575
Email: vickicrego@yahoo.com

Little Rock

The Dorcas House
823 South Park, Little Rock, AR 72202
Hotline: 501-374-4022

Women and Children First: Center Against Family Violence
P. O. Box 1954, Little Rock, AR 72203
Hotline: 501-376-3219
Toll Free Hotline: 800-332-4443
Web: www.wcfarkansas.org

Lonoke

Lonoke County Safe Haven, Inc.
PO Box 414, 114 A North 1st Street, Cabot, AR 72023
Hotline: 501-941-4357
Email: director@lcsh.org
Web: www.lcsh.org

Magnolia

Living Water
P.O. Box 1734, Magnolia, AR 71754
Phone: 870-235-1415
Hotline: 870-235-1414
Email: abbe.jackson@yahoo.com, cflivingwater@yahoo.com

Malvern

Smith House of Hot Spring County, Inc.
202 South Main Street, Malvern, AR 72104
Shelter Hotline: 501-332-2555
Hotline 2: 501-332-6876
Email: freeman@cadc.cc

Marshall

Hope Foundation
102 Main Street, Marshall, AR 72650
Hotline: 870-638-4673

Melbourne

Safe Passage
P.O. Box 755, Melbourne, AR 72556
Phone: 870-368-3236
Hotline: 870-368-3222
Email: Safepassage72556@yahoo.com

Monticello

Options, Inc.
P. O. Box 554, Monticello, AR 71657
Hotline: 870-367-3488, 870-460-0684
Toll free hotline: 877-977-3488
Web: www.safeporinastorm.com

Morrilton

The Safe Place
P. O. Box 364, Morrilton, AR 72110
Hotline: 888-554-2501
Email: thesafeplace@suddenlinkmail.com

Mountain Home

Serenity, Inc.
P. O. Box 1111, Mountain Home, AR 72654
Phone: 870-424-7576
Hotline: 870-424-7233
Email: serendir@mtnhome.com
Web: www.serenityinc.org

Mountain View

Stone County Abuse Prevention, Inc.
P.O. Box 689, Mountain View, AR 72560
Hotline: 870-269-4888
Email: scap@mvtel.net

Newport

White River Battered Women's Shelter
P. O. Box 304, Newport, AR 72112
Phone: 870-523-5403
Hotline: 870-523-5000
Email: wrbws@hotmail.com

North Little Rock

Family Service Agency Sexual Assault Center
628 W. Broadway, Suite 300, North Little Rock, AR 72114
Phone: 501-372-4242
Web: www.helpingfamiliesfirst.org

Pine Bluff

Committee Against Spouse Abuse (CASA)
P. O. Box 6705, Pine Bluff, AR 71601
Hotline: 870-535-0287
Email: casawomenshelter@cablelynx.com

Russellville

River Valley Shelter for Battered Women
P. O. Box 2066, Russellville, AR 72811
Phone: 479-968-3110
Hotline: 800-690-4219
Email: info@rivervalleyshelter.org
Web: www.rivervalleyshelter.org

Searcy

White County Domestic Violence Prevention
P. O. Box 1196, Searcy, AR 72143-1196
Hotline (clients can call collect): 501-278-4673
Email: wcdvp@sbcglobal.net

Sheridan

Keeping the Faith
P. O. Box 323, Sheridan, AR 72150
Hotline: 870-942-9994
Email: ucrcinc@windstream.net

Springdale

NWA AR Rape Crisis Center
614 E. Emma Street, Suite 247, Springdale, AR 72765
Hotlines: 479-927-1020, 800-794-4175
www.nwarapecrisis.com

Stuttgart

Restoration of Hope
P. O. Box 812, Stuttgart, AR 72160
Hotline: 870-672-4341
Toll free: 866-884-4637
Email: restofhope@cpomail.net

Texarkana

Domestic Violence Prevention and Sexual Assault Services
P. O. Box 712, Texarkana, AR 75504
Hotlines: 903-793-4357, 800-876-4808
Email: gpmddvp@aol.com

West Memphis

Families in Transition
P. O. Box 15, West Memphis, AR 72303
Phone: 870-732-4077
Hotline: 870-732-4077
Email: fitfamilies@comcast.net

Wynne

New Directions of Cross County, Inc.
P. O. Box 385, Wynne, AR 72396
Phone: 870-238-7790
Email: ndcc7790@yahoo.com

The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: <http://www.arlegalservices.org>. To apply for services, call 1-800-9LAW AID.

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Domestic Violence

What is domestic violence?

It is a pattern of abusive behavior. It can happen in any relationship where one person tries to gain or maintain power and control over another person.

Domestic violence and abuse means physical harm, injury, assault, or fear of physical harm, injury, or assault. It can happen between family or people living in the same house. If someone makes you afraid that you are going to be hit, that can be domestic abuse.

Domestic abuse can also mean any sexual conduct between family members or people in the house. Whether minors or adults, this is a crime under Arkansas law. Rape or sexual contact with a minor is illegal.

Examples of Domestic Abuse

Physical abuse can include denying someone medical care or forcing alcohol or drug use. It can also include any of the below actions:

- Hitting
- Slapping
- Shoving
- Grabbing
- Pinching
- Biting
- Hair-pulling

Sexual abuse can mean pressuring or coercing any sexual contact or behavior without consent (or agreement or approval). Sexual abuse can include (but is not limited to):

- Rape
- Marital rape
- Attacks on sexual body parts
- Treating someone in a sexually demeaning way

Emotional abuse can be making or trying to make someone financially dependent by keeping total control over money or resources. It might include withholding access to your money or forbidding you from attending school or work.

Psychological abuse is when the abuser causes fear through intimidation. It can mean threatening to physically hurt themselves, you, children, or your family or friends. It can also mean hurting pets or destroying property or isolating you from family, friends, or people you know at school or work.

Domestic abuse can happen to anyone.

No matter what a person's race, age, sexual orientation, religion or gender is. Domestic violence affects people of all backgrounds and education levels. It happens in opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

I'm being abused. What can I do?

1. **Immediately find a safe place for you and your children.** This can be the home of a friend, family member, or shelter. For help finding a shelter, call the Arkansas Coalition Against Domestic Violence – 800-269-4668.
2. You can file a petition for an Order of Protection. Find a free interactive form at www.arlegalaid.org/orderofprotection. There is no filing fee.

What is an Order of Protection?

If granted, an Order of Protection keeps the abuser away from you at your home, job, church, school, or any other address where you want protection. This can include your children's school or daycare or any family members where your children might stay. It can also remove the abuser from the home or address custody issues.

When you file a petition for an Order of Protection with the circuit clerk, the judge will review it. Your Order of Protection should have information about the abuse. After the judge has looked it over, the judge will either give you a temporary order (also called *ex parte*) and set a hearing date or simply set a final hearing date.

You must attend the hearing. At the hearing, you will have a chance to give evidence of the abuse and the threat of future abuse if you want the judge to give you a permanent Order of Protection.

Safety Planning

A safety plan can help you prepare. It can lower your risk of physical harm if you want to leave your relationship. You should know what options you have and know what to do in case of an emergency.

Having a plan can also help you if you decide to stay in the home. With a safety plan, you have a chance to avoid or lower the impact of violence against you.

- Be safe during an explosive incident
- Be safe when preparing to leave
- Be safe at home
- Be safe in public or at work
- Be safe with an Order of Protection

Some steps you can take for your safety plan:

- Memorize or make a list of phone numbers. These can be friends, family, people at work, or a local program that can help you.
- Prepare a bag with clothes, important documents, and things that you and your children might need. Leave this bag with someone that you trust. This person can be a neighbor, a friend, or family.
- Talk about your safety plan with your children. You should have a signal that only you and your kids know. The children must know that when you give the signal, they have to leave the house quickly and call the police or ask a neighbor to call the police.
- Ask a trusted neighbor to call the police when they see or hear the signal. (For example: when you turn the lights off and on several times or when you say a specific word out loud.)
- Keep copies of important documents that you might need. Keep these documents in another safe place.

Resources

There are many places that offer help. You can find 24-hour support, emergency shelters, legal aid, and information about safe options for you, your family, or your friends.

Arkansas Coalition Against Domestic Violence

If you need help finding a shelter in your area, call 800-269-4668.

Free Legal Help

If you or your children have been the victim of recent abuse and you are a low-income Arkansas resident, then you can apply for free legal help. Call the HelpLine at 800-952-9243.

Catholic Charities Immigration Services

Little Rock: 501-664-0340
Springdale: 479-927-1996

National Domestic Violence Hotline

800-799-7233
TTY: 800-799-3224

You are not alone.

For more information, visit:
www.arlegalaid.org/domesticviolence

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Getting an Order of Protection

WHERE DO I GO?

Arkansas Legal Services Partnership has a free form available at: www.arlegalservices.org/orderofprotection. After completing the interactive interview, you will have all the forms that you need to file with the court.

You can also go to the county courthouse where you live, where the abuser lives, or where the abuse happened to file your petition for an Order of Protection. If you are in a shelter, you can go to the courthouse in the county where the shelter is.

There is NO CHARGE to file the petition.

You will complete a form or a "petition" asking the judge to issue an Order of Protection. Based on your statements in the petition and evidence you provide, the judge will decide whether to issue the order and what to include in the Order of Protection. Judges can issue an Order of Protection to:

- Keep the abuser away from you at your residence, place of employment, church children's schools, or any other address where you want protection.
- Make your abuser move out of the house if you are living together.
- Decide who will have temporary custody of your children and set up a temporary visitation schedule.
- Order your abuser to pay temporary support for your children and/or yourself.
- Stop the abuser from contacting you except in specific instances that court allows
- Order the abuser to stop from harming, harassing, or molesting you

If your abuser violates the Order, you can report it to the police and **the abuser can be arrested.**

An Order of Protection is not a Restraining Order or No-Contact Order. Many people are confused about the differences between an Order of Protection, a Restraining Order and a No-Contact Order. If you are being physically harmed or threatened, you

need an Order of Protection. With an Order of Protection, the police can arrest your abuser if he or she violates the order. You do not have to pay anything, and you don't need an attorney to get an Order of Protection.

If you are getting a divorce, your attorney will likely ask the judge to issue a **Restraining Order**, which prevents one spouse from selling the marital property in a divorce and from harassing or bothering the other. A restraining order does not adequately protect you if you are being physically harmed or threatened. The police cannot arrest your abuser for violating a restraining order.

You can have an Order of Protection and a Restraining Order at the same time. A criminal court issues a **No-Contact Order** in criminal cases against an abuser as a condition of release from jail.

STEP 1: Filing the Petition

To get an Order of Protection, go to the Circuit Clerk's office at the county courthouse in the county where:

- You currently live;
- The abuser currently lives;
- The abuse happened; or
- The domestic abuse shelter you are staying at.

Tell the court clerk you want to apply for an Order of Protection. The clerk will give you a form to complete, called a petition. Fill the petition out as best you can. Victim Assistance Programs and domestic violence shelters have people that can help you complete a petition. You do not need a lawyer to file the petition for an Order of Protection.

Completing a Petition for an Order of Protection

Where the Order of Protection form asks you to explain what acts the abuser has committed, you must explain what the abuser did to you *physically*. (For example, he or she hit you in the face with a fist or choked you or threw you against the wall.)

You should also describe *threats* of *physical* violence made against you. (For example, he or she threatened to kill you or hit you if you told. You should not explain how the argument started or what the argument was about.) The court will not accept mental abuse as a basis for awarding an Order of Protection so you must clearly describe what the abuser *physically did* or *threatened to do* to you.

You will not be asked to pay anything to file the petition for an Order of Protection or for the sheriff to serve your abuser with the order. The judge will decide later who will pay any fees. Generally, the judge will make the abuser pay. However, if you do not attend the hearing or provide false information, the judge may make you pay the costs of filing the petition and service. It is important to attend all scheduled hearings and tell the truth.

Your petition must be notarized. You will need picture identification to show the notary in the clerk's office.

STEP 2: A Temporary Order

After you give your completed petition to the clerk to file, the clerk will give the petition to the judge to review it. This may happen while you wait or the clerk may tell you to come back later. If the judge decides that you have shown enough information in your petition, the judge will grant a Temporary Order of Protection (also called a Temporary Order or Ex Parte Order). Sometimes the judge will have questions about your petition.

The judge might say that you did not give enough information in your petition to grant an Order of Protection. If this happens, you have the right to have a hearing to explain to the judge in person why you need this order. You may have to ask the clerk to set the hearing. In some rural counties, you may have to go to another county for a hearing. In the meantime, you will not have an Order of Protection.

It is important to give the judge all of the information available in your written petition. Tell the judge what you need in your petition. You may ask that the judge:

- **Leave your home and business addresses off of the petition** that will be given to your abuser
- **Decide who will have custody of the children and set up a visitation** schedule while the Temporary Order of Protection is in effect
- **Order your abuser to pay child support** if he or she is the parent of your children (It is rare that judges will order child support in a temporary order)
- **Order temporary possession of the residence**
- **Allow you to get personal items** from your home
- **Order local law enforcement to go with you** to get personal items or tell your abuser to leave

If the judge gives you a Temporary Order of Protection, make several copies of the signed order. If the Order includes your children, take copies of the Order to their school or daycare. Keep a copy of the Order of Protection with you at all times. If you call the police because your abuser is violating the order, the police will ask to see the order.

If your abuser violates the Temporary Order of Protection by coming to your house, work, or any other address that is listed in the order, call the police and tell them you have an Order of Protection in effect. The police can arrest your abuser for violating the Order of Protection. The police cannot arrest your abuser for violating an Order of Protection until it has been served.

STEP 3: Extending the Order

The Temporary Order of Protection is valid for no more than 30 days from the date it is issued. Your abuser will be served with a copy of the petition, the Order of Protection, and a summons that tells him or her when to come to court.

Within the 30 days, a hearing will be held so the judge can decide whether to extend the Temporary Order of Protection. **You must attend this hearing.** At the hearing, both sides will be allowed to tell their sides. Both you and your abuser will be allowed to present evidence and witnesses to support your story. Evidence may include medical records, police reports, and photographs of any visible marks left by the abuser. Both sides will have a chance to question each other or any witnesses.

When the judge has heard both sides, he or she will make a decision on whether to extend the Order of Protection. The judge may stop the Order of Protection granted on an emergency basis if he or she does not believe you have shown you are in danger of imminent physical abuse or the judge may extend it for up to two years (or a shorter period). At the end of this period, you may ask the court for another extension as long as you meet the requirements.

You do not have to have a lawyer to represent you at this hearing. However, if your abuser has an attorney, you may want an attorney to represent you.

If your abuser does not appear at the hearing, the court may enter the Order after you tell your story. Because your abuser knows you will be going to court for the hearing, you may want to call the judge's bailiff and ask him or her to escort you in and out of the courthouse.

If the judge decides to extend the Order of Protection, then other issues may also be addressed at the hearing.

- Decide who will have custody of the children and set up a visitation schedule while the extended Order of Protection is in effect
- Order your abuser to pay child support if he or she is the parent of your children, and possibly support to you, if you are married to him or her.
- Order temporary possession of the residence
- Allow you to get personal items like clothing and medications
- Order local law enforcement to go with you to your residence to get personal items or tell your abuser to move out
- Order your abuser to pay court costs/attorney's fees.

Ask the clerk for a signed copy of the Order of Protection and keep it with you at all times. You will need to provide copies to your children's school or daycare if they are included in the Order of Protection. Keep copies in places where you might need it.

FREQUENTLY ASKED QUESTIONS

Can the Order of Protection be enforced in a county other than where it was issued? An Order of Protection issued in one county is enforceable in all other counties in Arkansas and throughout the U.S.

Will my abuser see what I wrote in the petition? Yes. When the abuser (also known as the respondent) is served with the Temporary Order of Protection, he or she will also receive a copy of the petition where you explained why you need an Order of Protection. You may ask the judge to remove your address from the petition.

How much does it cost? You will not have to pay anything to file the petition for an Order of Protection or have the Order of Protection served on your abuser. When the court has the final hearing on the Order of Protection, the judge may order fees to be paid for filing, service and court costs. The judge will order your abuser to pay all costs. There are only two situations when you could be charged any fees, service or court costs: (1) if the judge finds that you provided false information in the petition or (2) if you do not to attend the hearing.

How will I know if the Order of Protection has been served? You will need to stay in touch with the sheriff until the Order of Protection is served. If you keep the Temporary Order of Protection with you at all times, it can be served on the spot if your abuser is threatening you and you have to call the police.

Am I allowed to have contact with my abuser prior to the hearing? While the temporary order only applies to the abuser, initiating contact with your abuser may indicate to the court that you are not truly afraid for your safety. If you need to get personal items left behind, ask the court to order the police to go with you. If your minor children will visit their father, you may ask a third party do the exchange so you do not have to have contact with your abuser. If this is not possible, consider meeting at a safe location, such as the local police station.

What if the abuser is not served with court papers prior to the hearing? Even if the abuser is not served, you must still appear at the scheduled court date. The case will most likely be continued (or postponed), but your temporary order will remain in effect. If you do not appear, your temporary order will be dismissed and you may be ordered to pay court costs.

How do I prepare for the hearing? You need to be prepared to tell the court everything that has happened and why you need protection. You need to bring any witnesses or documents that support what you will say. If you can, bring:

- **Witnesses** who have seen violence or heard threats made by your abuser.
- **Police reports.** Report any domestic abuse incident to your local law enforcement as soon as possible and then get a copy of the police report. This is important because it backs up what you are saying and makes an official record of the abuse.
- **Pictures of any visible injuries.** Take pictures when you have visible injuries inflicted by your abuser. These give the court evidence to back up your side of the story.
- **Medical or hospital records** related to your abuse.
- **Wear formal clothes.** You should wear your best clothes for court. Do not wear shorts, tank tops, etc.

If you have children under age 18 and are asking for child support, also bring any available information you have about the abuser's income (for example, a pay stub or last year's tax returns).

It is likely that the court will give visitation rights to the respondent. If you have concerns about your children's safety, you should come to court with an alternate plan for visitation. The court usually will not divide property at the hearing, other than the return of personal items.

Is it absolutely necessary for me to go to the court hearing? Yes. If you do not appear, your temporary order will be dismissed and you will no longer have protection. In addition if you fail to appear, the court can make you pay for filing, service and other cost.

What if my abuser violates the Order of Protection? Violation of the Order of Protection is a crime. If your abuser does anything that the Order of Protection says he is not supposed to do, you can call the police. Tell them about the Order of Protection and have your copy ready to show them.

The police can arrest your abuser for violation of the Order of Protection. If convicted, the abuser can be sent to jail for up to one (1) year and/or fined up to one thousand dollars (\$1000.00).

You may have to go to court to testify about what the abuser did to violate the Order of Protection. The Order of Protection is not a mutual order. You are not prohibited from going to any location or from participating in any certain conduct.

The order does not become "null" or "void" if you and the abuser reconcile after the final Order of Protection or by any conduct on your behalf. Only a court can dismiss the final Order of Protection once you have filed a petition.

What if I am getting a divorce or filing criminal charges? The Order of Protection is different from a divorce, legal separation, or criminal charges. You can get an Order of Protection even if you are filing for divorce or decide to press criminal charges against your abuser.

What if I get back together with my abuser? If you and your abuser decide to work things out and you do not want the court to grant a final Order of Protection, you still must attend your scheduled court date to tell the judge that you want the court to dismiss your petition for an Order of Protection. The court may ask you questions about your reasons for wanting to dismiss your petition so that he or she can make sure you are safe and not being forced by your abuser to dismiss the action.

BE SAFE! An Order of Protection does not guarantee your safety. Never face your abuser alone. If you do not feel safe in your home, stay with a friend, family member, or at a local shelter.

Arkansas Legal Services Partnership has a free form available at: www.arlegalservices.org/orderofprotection. After completing the interactive interview, you will have all the forms that you need to file with the court.

The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset, and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found at: www.arlegalservices.org. To apply for services, call 1-800-9LAW AID.

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www.arlegalservices.org

Cómo obtener una Orden de Protección

¿ADÓNDE DEBO DIRIGIRME?

La Asociación de Servicios Legales de Arkansas tiene un formulario gratuito disponible en: www.arlegalservices.org/orderofprotection. Una vez que complete la entrevista interactiva, tendrá todos los formularios que necesita presentar ante el tribunal.

También puede dirigirse al tribunal del condado donde usted vive, donde el abusador vive o donde ocurrió el abuso para presentar su solicitud de una Orden de Protección. Si se encuentra en un refugio, puede dirigirse al tribunal del condado donde se encuentra el refugio.

La solicitud **NO TIENE COSTO** alguno.

Deberá completar un formulario o una "solicitud" pidiéndole al juez que emita una Orden de Protección. Sobre la base de las declaraciones que incluya en la solicitud y de las pruebas que ofrezca, el juez decidirá si emite la orden y qué incluirá en la Orden de Protección. Los jueces pueden emitir una Orden de Protección para:

- Mantener al abusador lejos de usted en su lugar de residencia, de empleo, en la iglesia, las escuelas de sus hijos o cualquier otro lugar donde desee recibir protección.
- Hacer que su abusador abandone la casa si viven juntos.
- Decidir quién tendrá la custodia temporal de sus hijos y establecer un cronograma de visitas temporal.
- Ordenar a su abusador el pago de una manutención temporal para sus hijos o para usted.
- Hacer que el abusador deje de contactarse con usted, excepto en instancias específicas que el tribunal permita

- Ordenar que el abusador deje de hacerle daño, acosarla o molestarla

Si su abusador no cumple con la Orden, usted puede informar a la policía y **el éste podrá ser arrestado**.

La Orden de Protección es una Orden de Restricción u Orden de Alejamiento. A mucha gente la confunden las diferencias entre una Orden de Protección, una Orden de Restricción y una Orden de Alejamiento. Si usted ha recibido agresiones o amenazas físicas, necesita una Orden de Protección. Con ella, la policía puede arrestar a su abusador si este no respeta la orden. No debe abonar nada ni tampoco necesita un abogado para obtener una Orden de Protección.

Si se está divorciando, su abogado probablemente le pedirá al juez que emita una **Orden de Restricción**, que le prohíbe al cónyuge vender los bienes gananciales en un divorcio y acosar o molestar a la contraparte. La orden de restricción no la protege correctamente si está recibiendo agresiones o amenazas físicas. La policía no puede arrestar a su abusador por violar la orden de restricción.

Usted puede obtener una Orden de Protección y una Orden de Restricción al mismo tiempo. El tribunal penal emite la **Órdenes de Alejamiento** en casos penales contra los abusadores como condición de su liberación de prisión.

PASO 1: Presentar la solicitud:

Para obtener una Orden de Protección, diríjase a la oficina del Secretario del Circuito del tribunal del condado en el que:

- Usted vive actualmente;
- El abusador vive actualmente;
- Tuvo lugar el abuso o
- Se encuentre el refugio contra el abuso doméstico en el que se aloja

Dígale al secretario del tribunal que quiere solicitar una Orden de Protección. Él le dará un formulario para

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completar, llamado solicitud. Complete la solicitud lo mejor que pueda. Los Programas de Asistencia a las Víctimas y los refugios contra la violencia doméstica cuentan con gente que puede ayudarlo a completar la solicitud. No necesita un abogado para presentar la solicitud de Orden de Protección.

Compleción de una Solicitud de Orden de Protección

Cuando un formulario de Orden de Protección le pide que explique qué actos ha cometido el abusador, usted debe explicar qué le hizo el abusador en cuanto a lo *físico*. (Por ejemplo, lo golpeó en la cara con el puño, lo estranguló o lo empujó contra la pared).

También deberá describir las **amenazas** de violencia **física** que le realizó. (Por ejemplo, lo amenazó con matarlo o golpearlo si contaba algo. No es necesario que explique cómo comenzó la discusión ni de qué se trataba). El tribunal no aceptará el abuso mental como causal para el otorgamiento de una Orden de Protección, de modo que debe describir claramente qué **hizo** o qué **amenazó con hacerle en cuanto a lo físico**.

No se le solicitará que pague nada para presentar la solicitud de una Orden de Protección ni para que el sheriff le entregue la orden al abusador. El juez decidirá más tarde quién pagará los aranceles. En general, el juez le exigirá el pago al abusador. No obstante, si no asiste a la audiencia o brinda información falsa, el juez podría hacerle abonar a usted las costas de la presentación de la petición y de la notificación. Es importante que asista a todas las audiencias programadas y que diga la verdad.

Su solicitud debe ser certificada por un notario.

Necesitará una identificación con foto para mostrarle al notario en la oficina del secretario.

PASO 2: La Orden Temporal

Después de entregar su solicitud completa al secretario para presentarla, este se le enviará al juez para que la revise. Esto puede suceder mientras espera o puede que el secretario le pida que regrese más tarde. Si el juez decide que ha proporcionado suficiente información en su solicitud, le otorgará la Orden de Protección Temporal (también llamada Orden Temporal u Orden Ex Parte). A veces el juez tendrá preguntas respecto de su solicitud.

Puede que determine que no incluyó suficiente información en su solicitud para otorgarle una Orden de Protección. Si esto ocurre, usted tiene derecho a explicarle al juez en persona durante una audiencia por qué necesita esta orden. Deberá pedirle al secretario del tribunal que fije la audiencia. En algunos condados rurales, puede que tenga que ir a otro condado para la audiencia. Hasta tanto, no tendrá una Orden de Protección.

Es importante proporcionarle al juez toda la información disponible en su solicitud escrita. En su solicitud, indíquele al juez qué necesita. Puede pedirle al juez que:

- **No incluya su dirección personal y laboral en la solicitud** que se entregará al abusador
- **Decida quién se quedará con la custodia de los hijos y que establezca un cronograma de visitas** mientras la Orden de Protección Temporal se encuentre en vigencia
- **Ordene a su abusador que pague manutención a sus hijos** si es el padre de sus hijos (Es raro que los jueces ordenen el pago de una manutención en una orden temporal)
- **Ordene la posesión temporal del lugar de residencia**
- **Le permita tomar efectos personales** de su casa
- **Ordene que la fuerza pública la acompañe** a tomar efectos personales o le exija a su abusador que se retire

Si el juez le otorga la Orden de Protección Temporal, haga varias copias de la orden firmada. Si la Orden incluye a sus hijos, haga copias de la Orden para entregar en su escuela o guardería. Tenga una copia de la Orden de Protección con usted en todo momento. Si llama a la policía porque su abusador está violando la orden, la policía le pedirá que le muestre la orden.

Si su abusador viola la Orden de Protección Temporal yendo a su casa, trabajo o a cualquier otro lugar mencionado en la orden, llame a la policía y dígame que usted tiene una Orden de Protección vigente. La policía puede arrestar a su abusador por violar la Orden de

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Protección. La policía no puede arrestar a su abusador por violar la Orden de Protección hasta que sea entregada.

PASO 3: Extensión de la Orden

La Orden de Protección Temporal tiene una validez máxima de 30 días desde la fecha de su emisión. A su abusador se le entregará una copia de la solicitud, la Orden de Protección y una citación que le dirá cuándo debe comparecer en el tribunal.

Dentro de un plazo de 30 días, se realizará una audiencia para que el juez determine si extenderá la Orden de Protección Temporal. **Usted debe asistir a esta audiencia.** En ella, ambas partes podrán exponer. Tanto usted como el abusador podrán presentar pruebas y testigos para respaldar sus posiciones. Las pruebas podrán consistir en historias clínicas, informes policiales y fotografías de marcas visibles que el abusador haya causado. Ambas partes tendrán la posibilidad de interrogar a la otra o a los testigos.

Cuando el juez haya escuchado a ambas partes, tomará una decisión sobre la extensión de la Orden de Protección. El juez podrá detener la Orden de Protección otorgada en caso de emergencia si no cree que usted ha demostrado que está en peligro de abuso físico inminente o podrá extenderla por hasta dos años (o un período menor). Al final de este período, podrá pedirle al tribunal que otorgue otra extensión mientras reúna los requisitos.

No es necesario que cuente con un abogado que lo represente en esta audiencia. Sin embargo, si su abusador tiene un abogado, puede que usted quiera tener un abogado que lo represente.

Si su abusador no comparece en el tribunal, el juez podrá dictar la orden después de escuchar su versión. Dado que su abusador sabrá que usted irá al tribunal para asistir a la audiencia, puede que desee llamar al alguacil del juez para pedirle que la acompañe al ingresar y salir del tribunal.

Si el juez decide extender la Orden de Protección, también podrían tratarse otros asuntos en la audiencia.

- Decidir quién se quedará con la custodia de los hijos y establecer un cronograma de visitas mientras la Orden de Protección Temporal se encuentre en vigencia

- Ordenar a su abusador que pague manutención a sus hijos si es su padre y, posiblemente a usted, si están casados.
- Ordenar la posesión temporal del lugar de residencia
- Que se le permita tomar efectos personales, como ropa y medicamentos
- Ordenar que la fuerza pública lo acompañe hasta su lugar de residencia para tomar efectos personales o le exija a su abusador que se retire
- Ordenar a su abusador que pague las costas judiciales/honorarios de los abogados.

Pídale al secretario una copia firmada de la Orden de Protección y téngala con usted en todo momento. Necesitará entregar copias a la escuela o guardería de sus hijos si están incluidas en la Orden de Protección. Conserve copias en los lugares donde podría necesitarlas.

PREGUNTAS FRECUENTES

¿La Orden de Protección puede utilizarse en un condado distinto de aquel en el que fue emitida?
Una Orden de Protección emitida en un condado puede utilizarse en todos los demás condados de Arkansas y en todos los EE. UU.

¿Mi abusador verá lo que escribí en la solicitud? Sí.
Cuando al abusador (también conocido como demandado) se lo notifique sobre la Orden de Protección Temporal, también se le entregará una copia de la solicitud donde usted explica por qué usted necesita una Orden de Protección. Podrá pedirle al juez que elimine su dirección de la solicitud.

¿Cuánto cuesta? No se le exigirá que pague nada para presentar la solicitud de una Orden de Protección ni para que se le entregue al abusador. Cuando el tribunal establece una audiencia final en la Orden de Protección, el juez podrá ordenar el pago de honorarios por su presentación, notificación o en concepto de costas judiciales. El juez ordenará a su abusador que abone todas las costas. Hay sólo dos situaciones en las que podrá ordenársele a usted el pago de honorarios, notificación o costas judiciales: (1) si el juez determina

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que usted proporcionó información falsa en la solicitud o (2) si no comparece en la audiencia.

¿Cómo sabré si la Orden de Protección fue notificada? Deberá mantenerse en contacto con el sheriff hasta que se notifique la Orden de Protección. Si lleva la Orden de Protección Temporal con usted en todo momento, podrá notificarse en el acto si su abusador la está amenazando y usted debe llamar a la policía.

¿Puedo tener contacto con mi abusador antes de la audiencia? Si bien la orden temporal sólo se aplica al abusador, tomar contacto con su abusador podría indicar al tribunal que en realidad no teme por su seguridad. Si necesita tomar efectos personales que dejó, pídale al tribunal que le ordene a la policía que la acompañe. Si sus hijos menores de edad visitarán a su padre, usted puede pedirle a un tercero que los lleve, de modo que usted no tenga que tomar contacto con su abusador. Si no es posible, considere la posibilidad de encontrarse en un lugar seguro, como la estación de policía local.

¿Qué sucede si al abusador no se le entregan los documentos judiciales antes de la audiencia? Aun cuando no se le entreguen, usted igualmente deberá comparecer en la fecha fijada por el tribunal. Lo más probable es que el caso continúe (o se posponga), pero su orden temporal permanecerá en vigencia. Si no comparece, su orden temporal será desestimada y se le podrá ordenar que abone las costas judiciales.

¿Cómo me preparo para la audiencia? Usted debe estar preparado para contarle al tribunal todo lo que ha sucedido y por qué necesita protección. Debe presentar testigos o documentos que prueben sus dichos. Si puede, presente:

- **Testigos** que hayan presenciado hechos de violencia o escuchado amenazas por parte de su abusador.
- **Denuncias policiales.** Denuncie todo incidente de abuso doméstico a la fuerza pública local lo antes posible y luego saque una copia de la denuncia policial. Esto es importante porque respalda lo que está diciendo y constituye un registro oficial del abuso.
- **Imágenes de lesiones visibles.** Tome imágenes cuando tenga lesiones visibles que su abusador le

haya infligido. Esto le brindará pruebas al tribunal para respaldar su versión de los hechos.

- **Historias clínicas u hospitalarias** relacionadas con su abuso.
- **Use ropa formal.** Debe usar su mejor ropa para comparecer en el tribunal. No use shorts, camisetas sin mangas, etc.

Si tiene hijos menores de 18 años y está solicitando manutención, también proporcione la información que tenga sobre los ingresos del abusador (por ejemplo, un recibo de sueldo o la declaración impositiva del año anterior).

Es probable que el tribunal otorgue derechos de visita al demandado. Si la preocupa la seguridad de sus hijos, deberá presentar ante el tribunal un plan de visitas alternativo. El tribunal generalmente no divide los bienes en la audiencia, sólo trata la devolución de efectos personales.

¿Es absolutamente necesario que comparezca en la audiencia judicial? Sí. Si no comparece, su orden temporal será desestimada y perderá su protección. Además, si no lo hace, el tribunal podrá exigirle el pago en concepto de presentación, notificación y otros costos.

¿Qué sucede si mi abusador viola la Orden de Protección? La violación de la Orden de Protección es un delito. Si su abusador hace algo que la Orden de Protección establece que no debe hacer, usted puede llamar a la policía. Coménteles sobre la Orden de Protección y tenga una copia lista para mostrársela.

La policía puede arrestar a su abusador por violar la Orden de Protección. Si es condenado, el abusador podrá ser enviado a prisión por hasta un (1) año o se le podrá exigir el pago de una multa de hasta mil dólares (\$1000,00).

Puede que deba comparecer en el tribunal para atestiguar qué hizo el abusador en violación de la Orden de Protección. La Orden de Protección no es una orden mutua. Usted no tiene prohibido ir a ningún lado ni incurrir en ninguna conducta en especial.

La orden no queda "nula" ni "sin efecto" si usted y el abusador se reconcilian luego de la Orden de Protección final o por una conducta en la que usted incurra. Sólo un tribunal puede desestimar la Orden de Protección final

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una vez que haya presentado una solicitud.

¿Qué sucede si me estoy divorciando o presentando acciones penales? La Orden de Protección es diferente de un divorcio, la separación legal o los cargos penales. Puede obtener una Orden de Protección incluso cuando esté tramitando el divorcio o decida presentar acciones penales contra su abusador.

¿Qué sucede si me reconcilio con mi abusador? Si usted y su abusador deciden resolver sus asuntos y usted no quiere que el tribunal le otorgue la Orden de Protección final, aun así debe comparecer en la fecha prevista por el tribunal para informarle al juez que desea que el tribunal desestime su solicitud de Orden de Protección. Puede que el tribunal le formule preguntas sobre sus motivos para querer desestimar su solicitud con el fin de asegurarse de que usted no corre peligro y que no está siendo forzada por su abusador a desestimar la medida.

¡NO CORRA PELIGRO! La Orden de Protección no garantiza su seguridad. Nunca se encuentre con su abusador a solas. Si no se siente segura en su hogar, quédese con una amiga, familiar o en un refugio local.

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La información y las declaraciones legales incluidas en esta hoja informativa no deben ser consideradas como un asesoramiento legal. Esta hoja informativa es provista como una amplia guía para ayudarlo a entender cómo se tratan ciertos asuntos legales en general. Los tribunales pueden interpretar la ley de manera

*diferente. Antes de adoptar cualquier medida, hable con un abogado y siga sus consejos. **Haga siempre lo que el tribunal le diga.***

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Order of Protection

What is domestic abuse?

Domestic abuse means physical harm, bodily injury or assault, or someone making you afraid of physical harm. You do not have to be physically hurt to be the victim of domestic abuse. If someone makes you afraid that you are going to be hurt or assaulted, that can be considered abuse, too.

Domestic abuse can also mean any sexual behavior between family members or people in the house. This is a crime in Arkansas. For example, rape or sexual contact with a minor (someone who is under 18 years old) is illegal. If this happens between family members or people in the same house, it could be domestic abuse.

Who can get an Order of Protection?

It is against the law to abuse someone who is a family member or someone who lives or used to live in the same house. A household or family member could be:

- Husband or wife (currently married or an ex)
- Boyfriend or girlfriend
- Parent
- Child
- People related by blood (uncles or grandparents)
- Anyone who lives or used to live in the house
- People who have a child together
- Someone who is dating or has dated someone in the house

What does an Order of Protection do?

- Keeps the abuser away from you at your home, job, church, school, or any other address where you want protection. This can include your children's school or daycare.
- Makes your abuser move out of the house if you are living together.
- Decides who will have temporary custody of your children and set up a temporary visitation schedule.
- Orders your abuser to pay temporary support to you and/or your children
- Stops the abuser from contacting you. (The court may allow specific instances for contact.)
- Orders the abuser to stop harming, harassing, or molesting you.

Where do I get an Order of Protection?

Find the free form: www.arlegalaid.org/orderofprotection. This interactive form will lead you through a step-by-step interview. At the end of that interview, you can download all the documents that you need to file the legal forms with the court.

Once you have the legal forms, you can go to the county courthouse where you live, where the person who is abusing you lives, or where the abuse happened. You will file your petition for an Order of Protection. If you are staying at a shelter, you can go to the county courthouse where the shelter is.

There is no charge to file an Order of Protection. The clerk will look at the form to make sure you have filled everything out. You do NOT have to put your physical address on the petition, but the court will need a mailing address.

The Judge didn't grant the Order of Protection. What do I do?

The judge may have questions about your petition. The judge may also say that you did not give enough information in your petition.

If the judge finds claims of domestic abuse that require immediate protection, the judge can sign an immediate Ex Parte Order of Protection. This is only a temporary Order of Protection. You will have to show up for a hearing within about 30 days, so the judge can decide if you need to have a permanent Order of Protection and how long it should last. **You have to attend this hearing.**

You have the right to explain to the judge why you need the Order of Protection. You may have to ask the clerk to set a hearing.

You can represent yourself, hire an attorney, or apply for free legal help by calling legal aid at 800-952-9243.

Will my abuser come to the hearing?

You will have to let the respondent (abuser) know about the hearing. The respondent has the right to be there and explain to the judge why you do not need an Order of Protection.

You will have to tell the judge why you are afraid of the abuser and why you need to keep the abuser away from you and your children.

When you have the temporary Order of Protection, take it to the sheriff. The deputy can serve the person listed as the respondent in your Order of Protection. The sheriff and deputy will need as much information as you can give them so they can find the abuser and let the abuser know about the court hearing. **The sheriff will not charge you for this service.**

If your abuser is not served, you should still attend the hearing. You can ask the judge to extend the temporary Order of Protection for 30 days, so you can complete service. If the abuser is not served within that 30 days, then the Order of Protection will be dropped.

What do I do at my hearing?

At the hearing, you will have a chance to testify. You can also call other witnesses to speak on your behalf. You can cross-examine any witnesses that the abuser brings to testify. You can make an opening statement and a closing statement to the judge.

The hearing is your chance to present any evidence about the abuse and why you need an Order of Protection. If you represent yourself in court, you will have to follow all of the Rules of Civil Procedure and Evidence at the hearing. Visit courts.arkansas.gov.

How do I prepare for my hearing?

Wear formal clothes. You should wear your best clothes for court. Do NOT wear shorts, tank tops, or flip flops.

When you go to your hearing, bring:

- Witnesses – anyone who has seen or heard threats made by your abuser
- Police reports – report any domestic abuse to the police as soon as possible and get a copy of the police report
- Pictures – if your abuser inflicts any visible injuries, take and keep the pictures
- Medical or hospital records – keep copies of any records related to your abuse
- Financial documents – if you are asking for child support. Bring your information and information about the abuser's income

Is an Order of Protection the same as a Restraining Order or No-Contact Order?

No. If you are a victim of domestic abuse, then you need an Order of Protection. If you have an Order of Protection, the police can arrest your abuser if that person violates the order. You do not have to pay anything, and you do not need an attorney to get an Order of Protection. Having an attorney can help, but you can file the petition yourself and represent yourself at the hearing.

If you are getting a divorce, then you or your attorney might ask the judge to issue a Restraining Order. This stops one spouse from selling marital property in a divorce, and it also stops one spouse from harassing or bothering the other person.

A criminal court issues a No-Contact Order. This is done in criminal cases against an abuser as a condition of bail release from jail.

You can have an Order of Protection, a Restraining Order, and a No-Contact Order at the same time.

What do I do if the abuser comes to my house or violates the Order of Protection?

If the person abusing you comes to your house, your job, or any address that you listed in the Order of Protection, **call the police**. Tell the police that you have an Order of Protection. Keep a copy of the Order of Protection with you at all times.

You should make multiple copies of the signed order and take those copies to your children's school or daycare. If you call the police, they will ask to see a copy of the order. The police can arrest your abuser for violating the Order of Protection.

You can also ask the prosecutor to file criminal contempt charges on the abuser. You can also file civil contempt charges on the abuser to have the abuser pay a fine or be placed in jail. You can also ask the court to extend your Order of Protection.

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IN THE CIRCUIT COURT OF _____ COUNTY, ARKANSAS
_____ DIVISION

PETITIONER

VS.

CASE NO. _____

RESPONDENT

AFFIDAVIT ACCOMPANYING PETITION FOR DOMESTIC ORDER OF PROTECTION

I, _____, Petitioner in the above named Order of Protection Case having been duly sworn, depose and state the following under penalty of perjury:

1. I am the Petitioner in the above-captioned case for a Petition for an Order of Protection against the named Respondent.
2. In good faith, I believe I am entitled to an Order of Protection against the Respondent, and I submit this Affidavit in accordance with Arkansas Code Annotated § 9-15-201(e) (2).
3. The specific facts and circumstances that have led to the filing of this Order of Protection are as follows (additional attached pages, if any, are incorporated by reference as if laid out herein word for word):

- 4. These facts, along with the facts alleged in my accompanying Petition constitute my request for an Ex-Parte Order of Protection and Final Order of Protection.
- 5. I am requesting that an Ex-Parte Temporary Order of Protection and a Final Order of Protection be entered granting me the relief set out in my accompanying Petition.

PETITIONER

DATE

STATE OF ARKANSAS)
COUNTY OF _____)

SUBSCRIBED AND SWORN to before me, the below named officer, this ____ day of _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

(SEAL)

Checklist - Important Things to Take When You Leave

Identification

- Driver's License
- Children's Birth Certificates
- Your Birth Certificate
- Social Security Cards
- Work Permits/VISA
- Passport

Financial

- Money and/or credit cards
- Bank books
- Checkbooks
- Public Assistance documentation
- Tax return from previous year
- Pay stubs for you
- Loan information

Other Important Papers

- Your Protection Order
- Lease, rental agreement or house deed
- Car registration and insurance papers
- Health and life insurance papers
- Medical records for you and children
- Vaccination records
- Divorce papers
- Custody papers

Other

- House and car keys
- Medications
- Address Book
- Phone Cards
- Pictures of you, your children and your abuser
- Change of clothes for you and your Children
- Children's toys
- _____

_____ Important Numbers

The number for the closest domestic violence/sexual assault program is:

National domestic violence hotline:
1-800-799-SAFE (7233)

Police: 911 or _____

Sheriff: _____

Victim - Witness Unit: _____

Prosecuting Attorney: _____

Clerk or District Court: _____

Probation Department: _____

Apply for Legal Services: 1-800-952-9243

Private Attorney: _____

Other: _____

The ALSP Law Series is produced by the Center for Arkansas Legal Services, Legal Aid of Arkansas, Inc., and Arkansas Volunteer Lawyers for the Elderly. These agencies provide free legal services to eligible Arkansans. Additional information can be found at: <http://www.arlegalservices.org> or call 1-800-9LAW AID.

Disclaimer:

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**Content provided by the Arkansas Coalition
Against Domestic Violence**

*A Collaboration of Center for Arkansas Legal Services,
Legal Aid of Arkansas & Arkansas Volunteer Lawyers for the Elderly
1-800-9 LAW AID or www.arlegalservices.org*



A Safety Plan for Living Free From Domestic Violence

If you feel abused, violated or threatened by your partner, there are several steps you can take to protect yourself and your children. If you are at risk, do not wait. Keep in mind that violence tends to get worse with time.

September 2014
ALSP Law Series

Safety Planning

Safety During An Explosive Incident

- Decide and plan for where you will go if you have to leave home (even if you don't think you will need to).
- 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 at a relative's or friend's home in order to leave quickly. Use the check list on this brochure to decide what is important for you to take with you.
- Identify one or more neighbors you can tell about the violence and ask them to 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.
- If you believe an argument/incident is going to occur, try to move to a room or area where you have access to an exit. Stay away from any weapons, the bathroom, kitchen, bedroom or other rooms without an outside door or window.
- Use your own instincts and judgment. If the situation is very dangerous, do whatever is necessary to be safe. This may mean giving the abuser what he wants to calm him down.
- If necessary, call for help. Dial "0" or "911".

Always remember - **You Do Not Deserve To Be Hit, Threatened, or Live in Fear!**

Safety When Preparing To Leave

- Open a savings account and/or credit card in your own name to start to establish or increase your independency. Think of other ways in which you can increase your independence.
- Leave money, an extra set of keys, copies of important documents, extra medicines and 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 the shelter or hotline number close at hand and keep some change or a calling card on you at all times for emergency phone calls.
- Review your safety plan as often as possible in order to plan the safest way to leave your batterer.

Remember - Leaving Your Batterer Is A Very Dangerous Time!

Safety At Home

- Change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.
- Discuss a safety plan with your children for when you are not with them.
- Tell your children's school, day care, etc., who has your permission to pick up the children.
- Notify your neighbors and landlord that your partner no longer lives with you and that they should call the police if they see him near your residence.

Safety With A Protection Order

- Keep your protection order on you at all times. Give a copy to a trusted neighbor, family member or clergy person. Keep a copy in the glove compartment of your car.
- Call the police if your batterer violates the protection order.
- Think of other ways to keep safe until law enforcement arrives.
- Inform family, friends, neighbors, or your physician that you have a protection order.

Safety In Public Or At Work

- Tell your co-worker(s), boss, and/or office or building security about your situation. Provide a picture of your batterer if possible.
- Arrange to have an answering machine, caller ID or co-worker screen your telephone calls if possible.
- Devise a safety plan for when you leave work. Have someone escort you to your car or bus, and wait with you until you are safely on your way. Use a variety of routes to go home if possible. Think about what you would do if something happened while going home.
- Go to different grocery stores, businesses, and banks if possible. If this is not possible, change the time and day which you go shopping.

Stalking Laws

WHAT IS STALKING?

There is no widely accepted definition of "stalking". Nevertheless, the term "stalker" arouses certain common images in most people's minds. In a generic sense, the word "stalking" refers to predatory behavior and brings to mind a wide range of harassing behaviors that frighten or terrorize the victim.

Stalkers use several methods and instruments to harass and threaten their victims:

- Telephone
- Computer (Internet/E-mail)
- Gifts
- Following (walking/transport)
- Going to the victim's home
- Going to the victim's place of employment
- Vandalism (tearing up the victim's garden/painting on the victim's property)

ARKANSAS LAW

Stalking is a crime in Arkansas. The law states that stalking is when someone purposefully engages in a *course of conduct* that harasses another person and makes terroristic threats while intending to make that person fear death or serious physical injury for himself or a member of his family. §5-71-229

Stalking in the first degree is a Class B felony. Stalking in the second degree is a Class C felony. Sentences range from zero to twenty years.

What should I do if I am a stalking victim? Contact your local law enforcement agency immediately to file a complaint and be prepared to give details about the stalking. Write down occurrences after they happen so that you can clearly communicate to authorities what has taken place. Be specific when answering questions.

WHAT? WHEN? HOW? WHO?

- What threat has been made?
- When were the threats made?
- How were the threats made?
- Who made the threats?

Remember information such as specific acts of violence that were threatened and whether weapons were present during the threat. Record the exact location and time of day that events occurred.

- Save communications with threats made in writing.
- If threats are made over the telephone you may want to check with your local phone company about the possibility of tracing or recording phone calls.
- Give police a description of the stalker and names of any witnesses who could help identify the person.

WHAT HAPPENS NEXT?

You can file a complaint? When you file a complaint with local authorities concerning stalking, terroristic threatening, harassment or harassing communications a warrant may be issued for the arrest of the accused.

If the accused is arrested there will be an arraignment proceeding and the court will issue either a "no contact order" or a "protective order". The court may also order a mental health examination of defendant. §5-71-229

It is important to get copies of these documents and keep them accessible at all times. If a violation of the order takes place, law enforcement officials will need to know the exact language of the document to determine what action can be taken against the accused.

LEGAL REMEDIES

Civil remedies include a no contact order or an order of protection if the case involves being stalked: by an estranged or former spouse; someone you once dated; or immediate family.

Criminal penalties can include conviction of: Class B felony for Stalking in the first degree; or Class C felony for Stalking in the second degree. *Sentences range from zero to twenty years.*

ARKANSAS LAW DEFINITIONS

- **Course of conduct** means that a pattern of conduct consisting of two or more acts occurring within one year, but separated by at least 36 hours to establish that there is a course of conduct.
- **Harassment** can include shoving, striking, kicking or otherwise touching a person without good cause or even threatening to do so. Harassment can also involve the use of obscene language or gestures in a public place. Following a person or continually being present outside of a school, place of employment, vehicle, or residence may be considered harassment.
- **Terroristic threatening** is when someone purposely terrorizes another person by threatening them with death or serious physical injury or substantial property damage.
- **Immediate family** means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household or who, within the prior six (6) months, regularly resided in the household.
- **Defenses:** If the alleged stalker is a law enforcement officer, licensed private investigator, attorney, process server, licensed bail bondsman, or a store detective acting within the reasonable scope of his or her duty while conducting surveillance on an official work assignment or another constitutionally protected activity then that may be a defense against prosecution.

TRAITS OF A STALKER

Stalking behavior can be found in many people and stalkers come from all income levels. The experts say it is almost impossible to create a single profile for stalkers. However, most stalkers exhibit some shared traits or commonalities. These include intense interest in the media, an inability to develop relationships, and a desire for recognition or attention.

Who are stalking victims? In 2010, researchers estimated that approximately 5.1 million women and 1.4 men were stalked in the United States. (*Department of Justice 2010 Report*)

Most stalking victims are former lovers, former spouses, and spouses; however, some victims are co-workers, neighbors, celebrities, political figures, or strangers.

1 in 6 women (16.2%) and 1 in 19 men (5.2%) in the United States have experienced stalking victimization at some point during their lifetime in which they felt very fearful or believed that they or someone close to them would be harmed or killed.

Two-thirds (66.2%) of female victims were stalked by a current or former intimate partner; men were primarily stalked by an intimate partner or an acquaintance.

PREVENTATIVE MEASURES

- Install dead bolts. If you cannot account for all keys, change locks and secure spare keys; If possible, install adequate outside lighting;
- Maintain an unlisted telephone number. If harassing phone calls persist, call the police
- Treat any threats as legitimate - inform police
- Vary routes taken and limit time spent walking;
- Inform a trusted neighbor (and colleagues) regarding situation. Provide neighbors with a photo or description of the suspect and his or her vehicle
- If residing in an apartment with an on-site manager, provide the manager with a picture of the suspect;
- Have co-workers screen calls and visitors; and
- When out, do not travel alone - stay in public areas.

The ALSP Law Series is produced by the Arkansas Legal Services Partnership, a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal services to eligible Arkansans who meet income, asset, and other guidelines. Legal services may include advice and counsel, brief services, or full representation depending on the situation. Additional information can be found on our website below. To apply for services, call 1-800-9LAW AID.

*The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. **Always do what the court tells you to do.***

www.arlegalservices.org

HOW TO GET PERMANENT RESIDENCE IF YOUR SPOUSE ABUSES YOU

DOES YOUR SPOUSE:

- Threaten to beat you or your children or terrorize you or your children?
- Hit, punch, slap, kick, push, or hurt you or your children in any way?
- Emotionally abuse you, such as insult you or your child at home or in public?
- Force you to have sex when you do not want to?
- Threaten to take your children away or hurt them?
- Threaten to deport you or turn you into the INS (Immigration and Naturalization Service)?
- Control where you go, what you can do, and whom you can see?

If your answer to any of these questions is "Yes," you and your children may be able to receive:

- * *Permission to work and live in the United States and a green card without your spouse's help.*
- * *Free medical care and governmental benefits such as CalWORKs and food stamps*

To qualify under this program you must submit a "VAWA Self-Petition" (also called a "Violence Against Women Act Application").

Please turn this flyer over for more information

THE REQUIREMENTS TO QUALIFY FOR THIS PROGRAM ARE:

- ▶ Your spouse must be a United States citizen or must have a green card (that is, be a lawful permanent resident). If he had a green card but has been deported since he abused you, or if you recently divorced him because of the abuse, you may also still qualify.
- ▶ Your spouse must have abused you or your child during the marriage. You or your child probably were abused if you can answer "Yes" to any of the questions asked on the other side of this flyer.
- ▶ At some point in time you must have lived with your spouse. It does not matter whether you lived with your spouse in or out of the United States.
- ▶ You must not have gotten married just to get a green card but instead you must have gotten married in "good faith" (that is, because you really wanted to be married).
- ▶ You must be currently living in the United States, except under certain circumstances.
- ▶ Children may also qualify if their United States citizen or lawful permanent resident parent abused them.

Things you must try to do:

- *Keep police, doctor, and other records of the abuse.*
- *Keep all of your immigration documents including a copy of your spouse's immigration documents.*
- *Keep a copy of any documents that establish your residence with your spouse (bank statements; leases; children's school records; etc.).*
- *Keep a copy of any documents that establish that you live in the United States.*
- *Keep a copy of other important legal documents (marriage license; prior divorce certificates; birth certificates; etc.).*
- *Do not submit an immigration application on your own without first speaking with a lawyer or someone at a community agency who is an expert in immigration law.*

Please call for information and assistance.

If you need help finding a battered women's shelter contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233)

COMO SOLICITAR LA RESIDENCIA PERMANENTE SI SU ESPOSO LA MALTRATA

SU ESPOSO (La violencia domestica puede ocurrir contra los esposos también):

- ¿Amenaza con golpear a usted o a sus hijos o asusta a usted o a sus hijos?
- ¿La violencia es física? Por ejemplo, le pega, le da de puñetazos, le da bofetadas, le da puntapiés, la empuja o lastima a usted o a sus hijos de alguna otra manera?
- ¿Hay abuso emocional? Por ejemplo le insulta a usted o a su hijo en la casa o en público?
- ¿Le obliga a tener relaciones sexuales cuando usted no quiere?
- ¿Amenaza con quitarle a los niños o con lastimarlos?
- ¿Le amenaza con denunciarla a las autoridades de inmigración (Servicio de Inmigración y Naturalización, INS) para que la deporten?
- ¿Controla todas sus salidas, todo lo que hace y con quién sale?

*Si respondió
sí a
cualquiera de
estas
preguntas
usted y sus
hijos podrían
calificar para:*

- * *Permiso de empleo*
- * *Permiso para vivir en los Estados Unidos mientras que se tramita su solicitud para la residencia permanente*
- * *Obtener su residencia permanente sin la ayuda de su esposo.*
- * *Atención médica y beneficios del gobierno tales como dinero y cupones o estampillas de comida.*

Para tener derecho a los beneficios de este programa debe llenar una "SOLICITUD DE VAWA" también conocida como "Solicitud Contra La Violencia A Las Mujeres." (favor de ver el dorso de este volante para más información)

PARA TENER DERECHO A PARTICIPAR EN ESTE PROGRAMA SE REQUIERE QUE:

- ▶ Usted se encuentre viviendo dentro de los Estados Unidos (con excepción en caso de circunstancias especiales).
- ▶ Haber vivido con su esposo por algún tiempo sin importar si fue dentro de los Estados Unidos o fuera.
- ▶ Su esposo la haya maltratado a usted o a sus hijos durante su matrimonio. Usted o sus hijos probablemente recibieron maltrato si contestó **sí** a cualquiera de las preguntas de este volante.
- ▶ Su esposo sea ciudadano estadounidense o **residente permanente de los Estados Unidos**. Si su esposo tenía **residencia permanente** pero lo deportaron **por haber cometido violencia doméstica contra usted o sus hijos**, aun puede tener derecho a participar en el program. Si se divorció recientemente debido al maltrato que recibía, **también es posible que califique bajo este programa de VAWA**.
- ▶ Su matrimonio **fue** por amor y no con la intención de **arreglar su residencia permanente**.

Lo que debe hacer:

- Guardar **reportes** de la policía, del doctor o cualquier otro documento **que compruebe el maltrato**.
- Guardar todos sus documentos de inmigración incluyendo una copia de los documentos de inmigración de su esposo.
- Guardar una copia de cualquier documento que compruebe que vivió con su esposo (por ejemplo, estados de cuenta de su banco, contratos **o recibos** de renta o de arrendamiento, documentos de la escuela de sus hijos.)
- Guardar una copia de cualquier documento que compruebe que vive en los Estados Unidos.
- Guardar una copia de otros documentos oficiales importantes (tales como licencia de matrimonio, actas de divorcios anteriores, actas de nacimiento, etc.).
- No llene una solicitud de inmigración sin antes haber consultado con un abogado o experto en asuntos de inmigración.

Para información y asistencia inmigratoria, favor de llamar

Si necesita ayuda para buscar un albergue para víctimas de violencia doméstica, llame a la Línea De Ayuda Contra La Violencia Doméstica al 1-800-799-SAFE (7233)

Helpful Numbers

Arkansas Legal Services Programs

If you need help with a legal problem, have a question you think a lawyer should answer, or have been sued and don't know where to turn, **CALL HELPLINE!**

Toll Free: 1-800-9 LAW AID (1-800-952-9243)

Craighead County residents call: 870-972-6411

Pulaski County residents call: 501-376-3423

Washington County residents call: 479-442-4204

Arkansas Department of Human Services

Adoptions 1-888-736-2820

Adult Protective Services 1-800-482-8049

ARKids First 1-888-474-8275

Child Abuse Hotline 1-800-482-5964

TDD 1-800-843-6349

Child Care Assistance 1-800-322-8176

Child Care Resources/Referral 1-800-445-3316

Child Support Information 1-877-731-3071

General DHS Information 1-800-482-8988

TDD 1-501-682-8933

Fraud & Abuse 1-800-422-6641

Medicaid Claims Questions 1-800-482-5431

Medicaid Transportation 1-888-987-1200

Questions

Senior Medicare Fraud Patrol 1-866-726-2916

Arkansas Courts:

Arkansas Supreme Court: 501-682-6849

Arkansas Court of Appeals: 501-682-6849

Bankruptcy Court: 501-918-5500

Fayetteville Division: 479-582-9800

Arkansas Coalition Against Domestic Violence:

Call for shelter information near you at 1-800-269-4668

United States hotline: 800-799-SAFE (7233)

Arkansas Crime Victims Reparations Program:

Provides compensation and assistance to victims and their dependents that have suffered personal injury or death as the result of a violent crime, including DWI and hit and run incidents: **1-800-448-3014** or **501-682-1020**

Arkansas Game & Fish Commission: 800-364-4263

Attorney General's Office: 501-682-2007 or 800-482-8982

Arkansas State Police Drug Reporting Hotline:

1-800-553-3820

Better Business Bureau: 501-664-4888

Birth/Death Certificates: 501-661-2336 or 800-637-9314

Child Abuse State Hotline: 1-800-482-5964

Child Abuse National Hotline: 1-800-422-4453

Child Health Insurance Program: 1-877-543-7669

Congress:

Representative Rick Crawford: 870-203-0540

Representative Tim Griffin: 501-324-5941

Representative Steve Womack: 479-464-0446

Representative Mike Ross: 870-536-3376

Senator John Boozman: 501-372-7153

Senator Mark Pryor: 501-324-6336

Consumer Protection Division: 501-682-2341 or 800-482-8982

Consumer Product Safety Information:

1-800-638-2772 and TTY: 301-595-7054

Crack House Elimination Hotline: 501-376-6683

Discrimination:

Age-Wage-Hour: 501-682-4505

Job-EEOC: 1-800-669-4000 TTY: 1-800-669-6820

Emergency: Dial 911

FBI: (Little Rock Office): 501- 221-9100

Federal Information Center:

1-800-333-4636 or TDD 1-800-326-2996

Governor's Office: 501-682-2345 or TDD 501-682-7515

Health Care Information:

English: 301-427-1364
Spanish: 1-800-358-9295
TTY: 1-888-586-6340

Department of Housing & Urban Development:

Local Information for HUD: 501-918-5700
FHA Loans and Programs: 800-225-5342
HUD Rental Programs: 800-955-2232
TTY: 202-708-1455

Immigration Services: 1-800-375-5283

TTY: 1-800-767-1833

Income Tax Information:

Arkansas: 501-682-1100
Federal Tax HelpLine: 1-800-829-1040
Federal Local Office: 501-324-5111

Medicaid: 1-800-428-8988 and 1-800-482-5431

Medicare:

General Information: 1-800-633-4227
Eligibility Questions: 1-800-772-1213
TTY: 1-877-486-2048

Poison Control Information:

Emergency: 1-800-376-4766
National: 1-800-222-1222

Runaway National Switchboard: 1-800-786-2929

Social Security Information: 1-800-772-1213

Substance Abuse Treatment and Referral:

1-877-726-4727
TTY: 1-800-487-4889

Supplemental Security Income: 1-800-772-1213

Suicide Prevention: 1-800-273-8255

Transitional Employment Assistance (TEA):

1-800-482-8988
Out-of-state: 501-682-8993

U.S. Postal Service: 1-800-ASK-USPS or 1-800-275-8777

Utilities:

- ❑ **Home Energy Assistance Program:**
501-682-8726
- ❑ **Weatherization Assistance Program:**
501-682-8729
- ❑ **Utilities Suspension:**
501-682-1718 or 1-800-482-1164

Veterans:

- ❑ National Organization of Veterans' Advocates (a lawyer referral service): 877-483-8238
- ❑ **Arkansas Veteran's Child Welfare Service:** 501-324-9299
- ❑ **Veterans Benefits and Claims Assistance:** 1-800-827-1000
- ❑ **Education Benefits:** 1-888-GI-BILL or 1-888-442-4551
 - **TTY:** 1-800-829-4833

Special Food Program for Women, Infants, and Children:

Toll-free: 1-800-235-0002
Local: 501-661-2508

Women's Health Information: 1-800-994-9662

TDD: 888-220-5446

Workers' Compensation Commission:

Legal Advisor Direct: 1-800-250-2511
Telephone 1-501-682-3930 / 1-800-622-4472
Arkansas Relay System TDD 1-800-285-1131

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Funding for the Consumer Law Series is provided in part by the Arkansas Bar Foundation.

**CERTIFICATION OF DOMESTIC
VIOLENCE, DATING VIOLENCE
OR STALKING**

**U.S. Department of Housing
and Urban Development**
Office of Housing

OMB Approval No. 2502-0204
Exp. 05/31/2011

Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by owners and management agents administering Section 8 project-based assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) to request a tenant to certify that the individual is a victim of domestic violence, dating violence, or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

Purpose of Form: The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking (collectively "domestic violence") from being evicted or terminated from housing assistance based on acts of such violence against them.

Use of Form: If you have been a victim of domestic violence, you or a family member on your behalf must complete and submit this certification form, or submit the information described below under "Alternate Documentation," which may be provided in lieu of the certification form, within 14 business days of receiving the written request for this certification form by the owner or management agent. The certification form or alternate documentation must be returned to the person and the address specified in the written request for the certification form. If the requested certification form or the information that may be provided in lieu of the certification form is not received by the 14th business day or any extension of the date provided by the owner or management agent, none of the protections afforded to victims of domestic violence under the Section 8 project-based assistance program will apply. Distribution or issuance of this form does not serve as a written request for certification.

Alternate Documentation: In lieu of this certification form (or in addition to it), the following documentation may be provided:

- (1) A federal, state, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE:

- 1. **Date written request is received from owner or management agent:** _____
- 2. **Name of victim:** _____
- 3. **Your name (if different):** _____
- 4. **Name(s) of other family members listed on the lease:** _____

- 5. **Name of the abuser:** _____
- 6. **Relationship of the abuser to the victim:** _____
- 7. **Date of incident:** _____
- 8. **Time of incident:** _____
- 9. **Location of incident:** _____

{Page two must be completed and attached to this form.}

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0249
Exp. (07/31/2017)

Purpose of Form: The Violence Against Women Reauthorization Act of 2013 (“VAWA”) protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

Use of Form: This is an optional form. A PHA, owner or manager presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, sexual assault, or stalking (herein referred to as “Victim”) has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. The Victim has the option of either submitting this form or submitting third-party documentation, such as:

- (1) A record of a Federal, State, tribal, territorial, or local law enforcement agency (e.g. police), court, or administrative agency; or
- (2) Documentation signed by the Victim and signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom the Victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) that he or she believes that the incident of domestic violence, dating violence, sexual assault, or stalking is grounds for protection under 24 Code of Federal Regulations (CFR) § 5.2005 or 24 CFR § 5.2009.

If this form is used by the Victim, the Victim must complete and submit it within 14 business days of receiving it from the PHA, owner or manager. This form must be returned to the person and address specified in the written request for the certification. If the Victim does not complete and return this form (or provide third-party verification) by the 14th business day or by an extension of the date provided by the PHA, manager or owner, the Victim cannot be assured s/he will receive VAWA protections.

If the Victim submits this form or third-party documentation as listed above, the PHA, owner or manager cannot require any additional evidence from the Victim.

Confidentiality: All information provided to a PHA, owner or manager concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking relating to the Victim (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) shall be kept confidential by the PHA, owner or manager, and such information shall not be entered into any shared database. Employees of the PHA, owner, or manager are not to have access to these details unless to afford or reject VAWA protections to the Victim; and may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) requested or consented to by the Victim in writing; (ii) required for use in an eviction proceeding; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING:

Date Written Request Received by Victim: _____

Name of Victim: _____

Names of Other Family Members Listed on the Lease: _____

Name of the Perpetrator*: _____

***Note:** The Victim is required to provide the name of the perpetrator only if the name of the perpetrator is safe to provide, and is known to the victim.

Perpetrator’s Relationship to Victim: _____

Date(s) the Incident(s) of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurred: _____

Location of Incident(s):

Description of Incident(s) (This description may be used by the PHA, owner or manager for purposes of evicting the perpetrator. Please be as descriptive as possible.):

[INSERT TEXT LINES HERE]

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence, sexual assault or stalking. I acknowledge that submission of false information is a basis for denial of admission, termination of assistance, or eviction.

Signature _____ Executed on (Date) _____

Public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.