

THE HEALING PATH

A Guide for Survivors of Domestic Abuse

Published by

Kent County Domestic Violence Community
Coordinated Response Team (DVCCRT)
www.kentcountydvcrt.net

First edition, January 1994

Second edition, February 1995

Third edition, July 1996

Fourth edition, May 1997

Fifth edition, November 1998

Sixth edition, September 2000

Seventh edition, November 2004

Eighth edition, April 2006

Ninth edition, September 2008

Tenth edition, April 2011

Kent County Domestic Violence Community Coordinated Response Team

Mission: To cooperate, coordinate, and collaborate on all community efforts to eliminate domestic violence.

Dedication

*To the courageous women of
Kent County who have struggled
with domestic violence
and have survived.*

*To the women of Kent County who
have lost their lives to violence.*

Acknowledgments

Thank you to the members of Community Coordinated Response Team for their input, support, and advocacy efforts. Thank you, also, to the County of Kent for permission to use website content at www.accesskent.com.

Finally, a very special thank-you to the Nokomis Foundation for their ongoing support and for making this edition possible.

Table of Contents

CHAPTER ONE: Information on Domestic Abuse

Introduction	6
Examples of Abusive Behavior	7
Power and Control Wheel	9
Equality Wheel	10
The Cycle of Abuse	11
Domestic Abuse and Children	12
Challenges Facing Survivors.....	14
Why Do Men Use Abuse?	15
What About Couples/Marriage Counseling?	16
Counseling for Abusers.....	17
How Will I Know if He’s Really Changing?	17
Safety Planning.....	18

CHAPTER TWO: The Legal System

Types of Cases	21
District Court	21
17th Circuit Court	21
Clerk of the Court	22
Dealing with the Criminal Justice System	22
Legal Terms.....	23
Criminal Case Process.....	24
Crime Victim’s Rights Act	30
Crime Victim’s Compensation	31
The Stalking Law.....	32
Personal Protection Orders	34
U Visas for Non-Residents	38
Family Court.....	38
Friend of the Court.....	42

CHAPTER THREE: Resources

Domestic Abuse Service Providers	44
Legal Assistance.....	45
Other Resources	45
Police	49
Kent County Courts / Judges	51
Reading Resources.....	53
Web Resources	55

APPENDIX

Calendar.....	56
Notes.....	57

Dear Friend,

Even if you thought you would never need this resource, keep reading please. We want you to know that you are not stupid, useless, or crazy. We want you to know that there is someone that will believe you, even though you may have been convinced by your abuser that no one would. We are the “no one” and we believe you.

Name the abuse. It is wrong and you don’t deserve it. No victim causes their abuser to act this way. It is not your fault or your children’s fault. You do not have to minimize the reality of what is going on in your home. You are not responsible for his behavior, words, or actions. You deserve to live a safe and peaceful life.

You are stronger than you think, you are stronger than you know. You have the ability to move toward safety, healing, and empowerment for you and your children. You are the expert. You know best, what steps to take, and when. Use the information and resources here to make informed decisions. Rely, too, on the people who can walk beside you through the process of leaving.

The journey forward from victim, to survivor, brings you to thrive! Those of us who have gone before you have succeeded in our journeys and are now encouraging you today.

The Survivors Project

The Survivors Project is a group of volunteers who have experience in surviving abuse. Facilitated by Safe Haven Ministries, group members participate in community presentations and give voice to other survivors as well as to the issue of domestic abuse.

PREFACE

This guide was written for women abused in an intimate relationship. We recognize that violence affects all types of relationships. This booklet, was not designed to address the additional complexities of domestic abuse among lesbian and gay couples, or men who are abused by women. However, we recognize that these are important issues and there are resources available within this book.

You are on a healing path when....

You read this book,
you know that abuse by
your partner is not your fault,
you know that you have the right to live
without abuse or violence,
you know that your thoughts and feelings count,
you find the time to care for yourself,
you know that you do not have to be perfect,
and you know that
YOU ARE NOT ALONE.

Chapter One: Information on Domestic Abuse

Introduction

This booklet has information that will help you recognize abuse and find support, safety, and resources that can help you deal with it. Please read on. There is help and there is hope.

Domestic abuse is a pattern of controlling behaviors that may include physical assaults, sexual assaults, emotional abuse, isolation, threats, stalking, and/or intimidation. These behaviors are used by one person in an intimate relationship to control the other. The partners may be married or engaged, heterosexual or homosexual, living together, separated, divorced or dating.

It's hard to believe that the person you love would hurt you. But you are not alone. About one out of every four women will experience abuse sometime in her lifetime. There are people who want to help. We hope this booklet can be a first step toward healing and safety.

Abuse can happen to anyone regardless of age, race, income, and gender. If you think you are being abused by your partner, please read on for examples of different types of abusive behaviors. You may identify with some or many of the mentioned types of abusive behaviors.

Examples of Abusive Behavior

Emotional/Verbal Abuse

Emotional abuse can be difficult to describe and is sometimes very subtle. Here are some examples.

- Ridicules opinions and beliefs
- Continually criticizes or calls names
- Humiliates in public or private
- Threatens harm or suicide if relationship ends
- Lies/contradicts, plays mind games
- Transfers blame (“if you wouldn’t _____, then I wouldn’t have to_____”)
- Withholds access/information about family finances
- Destroys property or threatens to kill pets

Physical Abuse

Some assaults show marks or bruising, although some abusers try not to leave visible wounds. Here are some examples:

- Pushes, kicks, bites
- Hits, slaps, or punches
- Throws objects or destroys property
- Locks partner out of home
- Refuses to help when partner is ill or injured
- Uses weapons against partner
- Abandons partner in dangerous situations

Sexual Abuse

Sexual abuse is common in violent relationships. It is often the most difficult aspect of abuse to talk about. **Remember that forced sex is against the law whether or not the attacker is your husband.** Here are some examples of sexual abuse:

- Forces unwanted sexual acts on partner
- Accuses partner of cheating
- Insists partner dress in sexual manner
- Commits painful or cruel acts
- Constantly criticizes partner sexually
- Endangers partner’s sexual health with unprotected sex
- Becomes angry, or threatening, if you refuse sex

Examples of Abusive Behavior, continued

Remember, too, that if your partner has sex with other people and then has unprotected sex with you, you are at risk of getting HIV/AIDS and other sexually transmitted infections. If you think this might be true of your situation, please see your doctor or health care professional. Information shared with medical personnel is confidential.

Spiritual Abuse

It is very frustrating when an abuser tries to use faith to justify their abusive behavior. There are many books and resources that address faith and domestic abuse (see chapter three). Here are some examples of spiritual abuse:

- Quotes scripture to justify abusive, dominating, or other oppressive behavior(s)
- Forces partner to violate religious beliefs
- Prevents partner from attending church

Signs that Indicate Lethal Abuse

Abusers are unpredictable. There can be an escalation in violence and/or abuse without warning.

These questions can help you identify signs of life-threatening danger. Please refer to the Safety Planning section (page 18) immediately if these factors are present.

- Does he own a gun?
- Have you left him after living together in the past year?
- Is he unemployed?
- Does he threaten to kill you?
- Is he using illegal drugs or does he abuse alcohol?
- Does he ever try to strangle you?
- Do you believe he is capable of killing you?

Excerpt from Danger Assessment by Jacquelyn C. Campbell, PhD, RN, FAAN. Copyright 2004, Johns Hopkins University, School of Nursing.

Power and Control Wheel

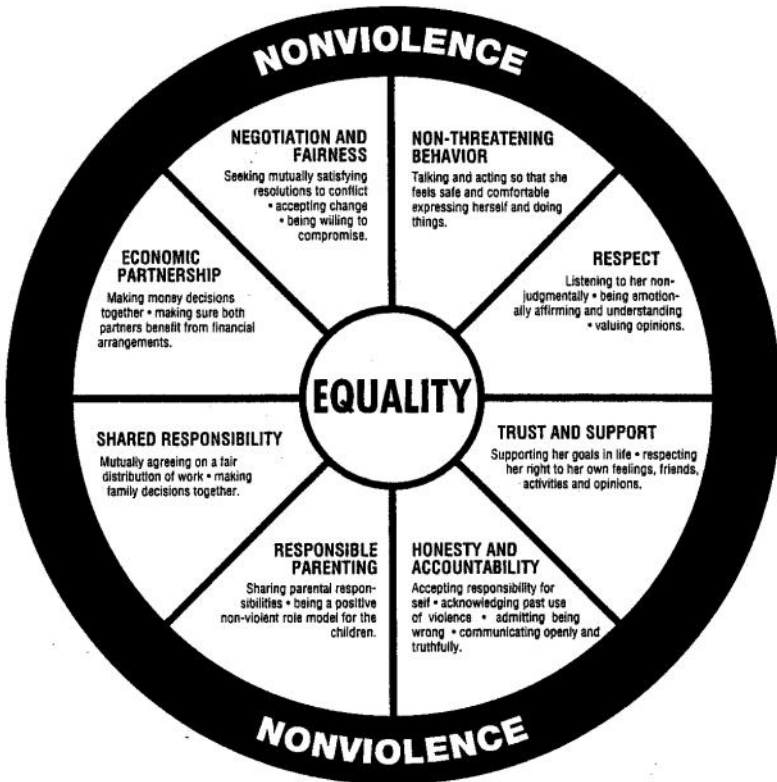
Abuse can come in many forms. It might be physical, emotional, verbal, or sexual. Power and control are at the center of all forms of abuse. The wheel on this page can help you identify some examples of abuse. It was developed from the experiences of women who have been abused. Several other wheels exist for various situations.

If you have been physically abused, other forms of control are used as well. Even if you are not hit, you may be threatened with violence. Usually some or all of the kinds of control you see in this chart are part of an abusive pattern.



Equality Wheel

This diagram shows a healthy relationship based on equality. It is helpful to remember this wheel *is* possible and attainable. It does not mean any relationship is perfect, yet when stress or difference of opinion arise, the equality wheel shows how we communicate these issues. It includes how we appropriately parent, divide household responsibilities, and even how we use money.



The Cycle of Abuse

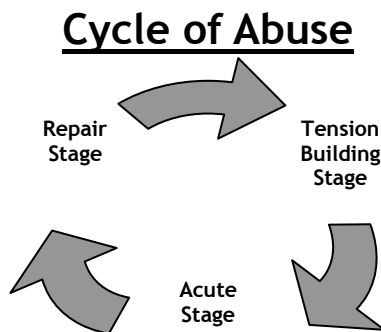
Abusers may not be abusive 24 hours a day. Periods of reprieve can last moments, days, and even weeks or years. And while every situation is different, an abuser will often repeat three stages. These stages are known as the cycle of abuse. One model of this cycle includes: the tension building stage, the acute stage, and the repair stage. Each stage intends to manipulate and keep power and control over the victim.

During the “tension building stage,” an abuser is moody and agitated. At this point in time, victims in abusive relationships often feel like they are “walking on eggshells.” Regardless of what a they do, their partner becomes increasingly on edge.

The “acute stage” is where the actual abuse occurs—throwing things, intense emotional abuse, verbal threats, physical abuse, rape, etc. It may begin over something minor, such as burned toast or a wrinkled shirt, as an attempt to place blame for the abuse.

The “repair stage” is a period of reprieve following an abusive incident. It may include gifts, excuses or apologies. The batterer may promise that the abuse will never happen again, that he will change, or that he will go into treatment. Sometimes the “incident” is not discussed and no apologies are offered. Life is simply “back to normal.”

As time goes by, good periods can become shorter and shorter, while the methods of abuse escalate.



Domestic Abuse and Children

Children who live in homes with domestic abuse may need help because of experiencing direct abuse or by witnessing the abuse toward their mother.

Effects on Children

Children who live in homes where violence takes place may exhibit a number of common reactions. These include:

- Fear
- Anxiety
- Depression and sadness
- Loss of hope for the future
- Act out aggressively, act tough, provoke fights
- School problems including difficulty learning, concentrating, and remembering material
- Social isolation, difficulty making friends
- Difficulty trusting others
- Sleep problems, afraid to sleep alone
- Nightmares
- Stress-related health problems such as headaches, stomach-aches, and fatigue
- Act impulsively
- Withdraw, show little emotion

Experiences in childhood can have a long-lasting effect, and as adults, children who witness domestic violence often continue to suffer. They may:

- Commit crimes/delinquency
- Commit violence and/or abuse
- Have alcohol and other drug problems
- Be depressed
- Have low self-esteem

In addition to the emotional turmoil that witnessing domestic violence can cause, it may also endanger children. Children may:

- Attempt to intervene during the violence
- Get hurt during the violent incident
- Have their needs forgotten
- Be threatened

Domestic Abuse and Children, continued

Helping Children Heal

Parents can help children cope with the overwhelming emotions they experience after witnessing domestic abuse. Parents should attempt to:

- Create an environment that is safe and predictable
- Make an extra effort to establish and keep structure/routine
- Be extra nurturing and comforting
- Teach children appropriate ways to respond when they feel overwhelmed, sad, angry, worried, and/or anxious
- Encourage physical play every day
- Reduce exposure to violent or scary TV, movies, and video-games
- Limit a child's intake of caffeine, encourage children to drink water
- Establish distinct boundaries within the family
- Let children know when you are running late/will be home late
- Give children choices
- Be patient with difficulties in concentration, completing school work and other tasks
- Avoid physical punishment/ avoid responding to children in anger or ways that result in them feeling fearful
- Provide safe ways for children to discharge their anger
- Provide soothing activities before bedtime

Children can learn to stay safe. Parents should teach their children to:

- Keep away from the fighting
- Get out of the home safely
- Find a trusted adult to talk to
- Go to a neighbor's home or other safe place
- Know their name, address, and phone number
- Call 911

It is important for children to know that:

- The violence is never their fault
- Violence by one parent against the other is never OK
- You want them to be safe and not attempt to intervene
- They are not alone

Challenges Facing Survivors

While in an abusive relationship, decisions are often difficult to make. Maybe your partner constantly promises to change. Maybe he apologizes after each episode of abuse and is especially caring and loving. Or maybe he threatens to hurt you or your children even worse if you leave. As you contemplate leaving, you might also have questions. If he quits drinking, will the abuse stop? Am I doing something wrong? If I change, will things get better? The answer to all of these questions is “no.” Alcohol is an excuse for his abusive behavior, not a cause. And you are not responsible for his abusive behavior.

Recognizing these things may cause you to re-evaluate your situation and begin considering changes you want to make in your life. If you decide to leave, you might face some of these challenges: safety, finding a place to stay, changing jobs or going back to work, income, childcare, having to get an attorney and/or going to court. These tasks might seem stressful or overwhelming, but remember that these are challenges, and you and your children are worth it! The support of advocates, counselors, and support groups are available to you as you plan for and transition to a new phase in your life. See chapter three for these resources, as well as resources for the following:

If You Are An Older Woman

You may be isolated or dependent on the abuser. You may have been in a relationship or marriage so long that it is the only life with which you are familiar. You have the right to be safe and to live your life without abuse. Let someone know what you are experiencing and what you need in order to be safe.

If You Are a Person of Color

You may have experienced stereotyping, racism, or a lack of response. You may have doubts about help that is available to you. You are not alone.

If You Are Physically Disabled

The person who is supposed to be taking care of you may be the same person who uses abuse. Perhaps it is very complicated because there are legal and financial issues. Sometimes abusers isolate you from friends and family. They may block access to other medical assistance or interfere with your communication. They may even refuse help or transportation. These are control tactics and they are not okay. There are legal remedies and people who are ready to help you.

Challenges Facing Survivors, continued

If You Are a Lesbian or Gay Survivor

Abuse survivors in homosexual relationships may have specific concerns. You may fear discrimination or lack of support from legal, employment, social, or faith groups. You may have kept your sexual identity a secret, and fear it being revealed. You may have specific legal questions as they pertain to parenting and custody issues. You have a right to help and protection. In seeking resources, also ask about your rights to confidentiality.

If You Are a Person of Faith

You may be looking to your faith community and/or your religious beliefs to help you through an abusive relationship. You may have experienced a community of believers that has not been trained to understand domestic abuse and violence, and perhaps you feel your needs were not met. Do not give up. There are wonderful people and resources from your tradition or denomination that speak against violence and seek to support you.

If You Are an Immigrant and/or Undocumented

You may be controlled by an abuser who has legal status or threatens to have you deported. You may have limited access to employment, housing, and resources, or have a language barrier. There are people to help you file for legal status and help with your legal questions.

If You or the Abuser Are Under 18 Years Old

Abuse and violence are very real and scary even in dating relationships. While there are some different rules when either one of you is under 18, help is still available. If you are under 18, you are still eligible to file for a Personal Protection Order.

Why Do Men Use Abuse?

This is a good question and a hard one to answer. Some men who abuse have grown up in homes where they were abused or saw their father abusing their mother. Some men believe that a man has the right to control his partner. Some men blame their partner for everything that goes wrong and then feel justified to hurt her. Many excuses can be used to explain abuse, but the reality is that each person makes a choice to abuse.

The most important thing to remember is that if someone abuses you, it is not your fault. People who abuse and control others are responsible for their own behavior. If the behavior is learned, it can be unlearned with appropriate treatment.

Why Do Men Use Abuse?, continued

Many men who batter show these signs of an abusive personality:

- Battered a previous partner
- Rigid sex roles
- Unrealistic expectations
- Pressure to commit quickly to a relationship
- Intense jealousy
- Belief that you belong to him
- Cruelty to animals
- Extreme differences in mood (“Dr. Jekyll and Mr. Hyde”)
- Attempts to control where you go, what you do, and who you see
- “Playful” use of force during sex
- Belief that his violence is your fault
- Hypersensitivity
- Blaming others for his problems or feelings
- Any force during an argument

Men who abuse need to answer the question, “why do I batter?” The behaviors, attitudes, and beliefs that go into battering are hard to change. Some men do not recognize that they have a problem until they are arrested or their partner leaves. Other men never take responsibility for their violence.

What About Couples/Marriage Counseling?

Many women request this kind of counseling. It is not recommended for two reasons. One reason being, you may feel safe in a counseling session to say things that you wouldn’t normally say in front of your partner. If his violence is not under control, and he is unhappy about what you have said, you could face more abuse when you get home.

Second, many couples/marriage counselors try to help by dividing responsibility for the problems evenly between the partners. But the violence is only the responsibility of the person who is violent. Not all counselors know how to recognize or treat domestic abuse.

As a couple, you and your partner may have other problems besides the abuse.

Couples/Marriage Counseling, continued

But unless the assailant changes and stops the abusive and controlling patterns, there is little hope of fixing the other things. Individual counseling is appropriate first. Reconciliation counseling may be an option after the abuse has stopped.

Counseling for Abusers (Batterer Intervention Services)

Treatment for batterers should be done in a group setting. Groups teach batterers how physical, emotional, and sexual abuse hurts their partners and their children. Groups also hold men accountable for their behavior and provide a setting for positive change. They cannot guarantee change, but it is possible for abuse to be unlearned.

Men may enter these programs voluntarily, or they may be referred by their probation officer following an arrest. See chapter three for programs that offer this specific counseling.

How Will I Know if He's Really Changing?

Only your partner can make the decision to change. Signs that indicate he may be taking responsibility for his abuse and attempting to change include:

- He is no longer violent or threatening (to you or others).
- You don't feel afraid.
- He listens to what you have to say and respects your opinion, even if he doesn't agree with it.
- He understands that he is responsible for his abusive behavior and that change is a lifelong process.
- You don't have to get his permission in order to see friends, get a job, go to school, or act independently in other ways.
- He acknowledges that his abusive behavior is wrong.
- He understands that his abuse has affected you and accepts the consequences of his behavior.
- He no longer lives by double standards (he can express anger but you can't, he can go out all weekend but you have to stay home, etc.).
- He understands that he can't control you.
- He no longer _____. (Fill in the blank with any behavior that used to happen when he became abusive.)

Safety Planning

Whether you have decided to stay in your relationship or leave, there are things that you can do to help keep yourself safe. Every situation is different. You may want to create your own personalized safety plan with a domestic abuse advocate.

Safety Planning While IN the Relationship

- Plan different escape routes from your house should your partner become violent, and plan where to go if you need to stay away overnight.
- Hide spare keys and important documents in places where they are safe and where you could grab them and leave quickly.
- Try to get out of dangerous places during arguments (such as the kitchen where there are knives or where weapons are stored).
- Obtain a private post office box or use another address for confidential mail.
- Set code words with friends, relatives, or your children that indicate an emergency. Plan how they are to respond if you say the code word in person or over the phone.
- Keep a working phone in a room with a door that locks so that you can call for help in an emergency.
- Open a secret bank account so that you will have access to funds should you need to flee.
- Have access to a phone, keep cell phone charged at all times.
- Make contact with a domestic abuse program. You may use shelter or non-residential services. See chapter three.

Safety Planning When the Relationship is Over

- Obtain a Personal Protection Order (PPO) and keep a copy with you at all times. Have additional copies in your home, vehicles, and workplace.
- Take a different route to work or school, shop at a different store, and use a different bank.
- Photocopy important documents.
- Change or re-key your locks or install a security system.
- Document incidents and/or file a police report.
- Carry a cell phone (keep it charged, even if it has no minutes).
- Teach your children how to dial 911 from home and cell phones.
- Make contact with a domestic abuse program.

Safety Planning, continued

Safety Planning in the Workplace

(used with permission from the National Coalition Against Domestic Violence, www.ncadv.org)

- Notify your supervisor and the human relations manager about the circumstances regarding your situation.
- Discuss options available to you , e.g., scheduling, safety precautions, employee/family assistance benefits.
- Submit a recent photo of the perpetrator to your safety manager in the event of a confrontation at work.
- Request that all information be treated with confidence to provide for your safety and well-being.

Safety Planning With Your Children

Children can learn to stay safe. Parents should teach their children to:

- Keep away from the fighting
- Get out of the home safely
- Find a trusted adult to talk to
- Go to a neighbor's home or other safe place
- Know their name, address and phone number
- Call 911

Supervised Parenting Time and Safe Child Exchange

If you are concerned for your safety, and/or the safety of your Child/ children during parenting time exchanges, the court can sometimes make referrals for professionally supervised parenting time and safe exchanges of children that will allow both parties to avoid contact with one another. See chapter three, YWCA Safe Connections Program.

Internet Safety

WARNING: Taking the actions below may not prevent an abuser from discovering your email and other internet activity. You should always use a safe computer to which your abuser will not have access such as a computer at a friend's house, your workplace or at your local library.

Internet Safety, continued

How An Abuser Can Track Your Online Activities

If an abuser knows how to read your internet browser's history, he may be able to see information you have viewed on the internet. In addition to your browser tracking the sites you visit, a record of where you have been on the internet may be found in other software on your computer such as spyware, keystroke loggers, hacking tools, Java, Flash and search tool-bars, and hardware such as servers and routers.

Most new browsers include a private browsing feature in which internet history is not tracked within the browser on your computer, but such a feature does not eliminate the possibility that an abuser can track what websites you have visited through other means, such as those stated above. Also, deleting all or part of the browser history or saved passwords might make an abuser suspicious. Therefore, you should use only a safe computer to which your abuser will not have access such as a computer at a friend's house, your workplace or at your local library.

If you use social networking sites, such as Facebook, you should be cautious of what information you post on those sites. Abusers and victims often have the same network of friends who may reveal posted information to your abuser, and your abuser may be viewing what you are posting.

If an abuser has access to your email account, he may be able to read your incoming and outgoing email. You should make sure you choose a password he will not be able to guess that includes a combination of letters and numbers.

If an abuser sends you threatening or harassing email messages, you can print and save them as evidence of this abuse. These messages may also constitute a federal offense. For more information on this issue, contact your local United States Attorney's Office.

Chapter Two: The Legal System

At some point, you may become involved with the court, police, lawyers, or others in the justice system. It can become very confusing, but it can help you in your efforts to protect yourself.

The justice system is divided into two types of cases: **Criminal** and **Civil**. The criminal justice system handles violations of criminal law. Civil cases are matters such as divorce, child custody, and lawsuits.

There are also several courts with different jurisdictions. The two that you will probably be dealing with are the **District** and **Circuit** courts. Each handles different types of criminal and civil cases.

District Court

The District Court handles all civil litigation (lawsuits) up to \$25,000, garnishments, eviction proceedings, and other proceedings. In criminal cases, district court handles all misdemeanors where punishments do not exceed one year (including arraignment, setting bail, trial, and sentencing) and conducts preliminary examinations in felony cases. Also, District Courts have a small claims division for civil cases up to \$3,000. In these cases, the people involved agree to waive their right to a jury, representation by a lawyer, and the right to appeal from the district judge's decision. If either party objects, the case will be heard by the general civil division of the District Court.

17th Circuit Court

The Circuit Court handles civil cases involving more than \$25,000, criminal cases where the offense is a felony or a serious misdemeanor, domestic relations cases (divorce, custody, child support), and child abuse, neglect, and delinquency cases. The Circuit Court also hears appeals from lower courts and appeals from some administrative agencies of state government (such as the Driver's License Appeal Division of the Secretary of State).

Each Circuit Court in Michigan has a Family Division that hears cases dealing with nearly every aspect of family law, including:

- adoption
- child abuse and neglect
- child and spousal support
- child custody
- delinquency
- divorce

- personal protection orders
- emancipation of minors
- parental consent waivers
- parenting time
- paternity

Clerk of the Court

The Clerk of the Court is the "keeper of the records" for all lawsuits filed in the Kent County Circuit Court. The Clerk of the Court's office is where you file for a divorce, other family matters (i.e., paternity, custody, and support), civil lawsuits where the amount of damages exceeds \$25,000, and other civil matters. In addition, the Clerk of the Court maintains all of the records filed in felony cases, and collects payments for fines, costs, and restitution ordered in criminal matters. Court files are public records, and may be inspected at the Clerk's office. Information about cases is also available over the phone.

While it is important to know what the Clerk of the Court does, it is also important to understand what the Clerk of the Court **cannot do - provide legal advice**. The law expressly prohibits the Clerk and her deputy clerks from advising people involved in a lawsuit on legal issues. This can be frustrating, especially for people who represent themselves.

Location

The Circuit Court Clerk's Office is located on the 2nd floor of the Kent County Courthouse (180 Ottawa Ave NW, Suite 2400, Grand Rapids, MI 49503). For directions, please refer to the 17th Circuit Court Map found on www.accesskent.com.

Dealing with the Criminal Justice System

Abuse is always wrong, but it only becomes a crime under certain circumstances. It is a crime when there is physical violence or a weapon involved or your assailant is stalking you.

Some tips that may help you deal 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 that "he slapped me twice in the face then kicked me in the right leg," rather than "he beat me".
- Show the police or advocates any injuries you have. Notify the police or advocates if bruises get worse after police have taken pictures. You can take your own pictures, but be sure to write down the date and time the picture was taken.
- Let police and prosecutors know about any witnesses.
- Show police or prosecutors any no-contact or personal protection orders. Let them know about past assaults or other past violent behavior of the defendant.
- Get as much information as possible, for example, incident numbers from the police, or the name of your detective.

Dealing with the Criminal Justice System, continued

- As the victim of a crime, you may have certain rights under the Crime Victim's Rights Act.
- **Keep this booklet with you.**

Legal Terms

Alleged—This word is used by the legal system to indicate something that has not yet been proven. You may hear “alleged” assailant or “alleged” victim.

Arraignment—This is when the judge informs the defendant of the charges against him, his constitutional rights, and the conditions and amount of his bond. At the arraignment, the defendant enters a plea.

City Attorney—The prosecutor that works for the city instead of the county. If the criminal charges are prosecuted as violations of city ordinances, ordinarily it will be the city attorney who will prepare and present the case against the assailant (defendant).

Complainant—The person, city, or state that files a suit, makes a complaint, or presses charges. In criminal cases, this can ONLY be the city or state.

Defendant (or Respondent in a PPO)—This is the person who is charged with the crime or the person whom the suit is filed against. If the assailant is arrested, he becomes the defendant.

Defense Attorney—The lawyer who represents the defendant in a criminal case. If the defendant has no money for an attorney, the court might appoint an attorney to represent him.

Plaintiff (or Petitioner in a PPO)—The person, city or state who sues or files the complaint (same as complainant).

Plea—The person who has been charged will, at some point, “enter a plea,” telling the court he is guilty or not guilty of the offense with which he is charged. Pleas also include standing “mute” or pleading “no contest.” “No contest” pleas are treated as guilty pleas by the sentencing judge. “Standing mute” is treated as a not guilty plea.

Probable Cause—Your statements, visible injuries, statements by witnesses, destroyed property, and anything else that causes an officer to believe that a crime took place. This is sometimes called “reasonable cause.”

Legal Terms, continued

Prosecutor—The attorney employed by the city or county. If the charges are brought under state law, it is the county prosecutor who will prepare the case and present the evidence against the assailant.

Subpoena—An official order of the court that tells people they **MUST** come to court. You may get a subpoena as a witness victim and if so you must show up at the time and place it says.

Suspect—The term used to refer to the person the police suspect committed the crime.

Venue—The neighborhood, place, or county where the incident occurred. It can also mean the geographical division for the court in which a prosecution is brought for trial.

Criminal Case Process

The following is an explanation of the process in a criminal case.

When The Police Are Called

Each police jurisdiction has a different policy for arresting suspects in a domestic violence assault. Your experience with the police may depend on where you live and sometimes which officer responds to the call. The law says that a police officer does not need to see the assault to arrest the assailant if he or she has probable cause to believe an assault took place.

All police departments in Michigan must have a written policy that emphasizes arrest as the preferred response in domestic violence situations when there is probable cause that a crime has been committed (Public Act 69, 1994). The decision to arrest, however, depends on the particular officer's assessment of the situation.

Most police departments have arrest policies that encourage arrest if they have probable cause to believe a crime took place. In most cases, the police will seek prosecution. Probable cause could include your statements, visible injuries or witness statements.

A police officer intervening in a domestic assault must provide the victim with a printed statement containing information about shelter programs and other services in the community, as well as information regarding the victim's legal right to obtain a personal protection order against the abuser. The statement must also advise the victim of the name and telephone number of the responding police officer and directions on how to obtain a copy of the police report.

Criminal Case Process, continued

In addition, police officers must complete and file a domestic violence incident report after investigating a domestic dispute or report of domestic violence. The report must include time, place, victim, suspect, existence of a personal protection order, witnesses, weapon used, and description of any injuries, etc., and must be sent to the prosecutor's office within 48 hours.

Domestic Assault Response Team (D.A.R.T.)

When the police are called, you may receive a visit or a follow up phone call from the Domestic Assault Response Team (D.A.R.T.). D.A.R.T. is dispatched by the Grand Rapids Police Department to assist domestic assault victims. The team helps the victim understand their rights, arranges for shelter or transportation to a safe place, and provides more information about the police, the court system, and community resources.

If Not Reported to the Police

If the police were not called at the time of the assault, you may call the police department or detective bureau the next day. Pictures can be taken at that time also. You will be given a time to come in and talk with the detective, and there will be forms to fill out. If a detective finds that there is enough evidence to seek a warrant, he or she will take the information to a prosecutor. An investigation can take up to a week or more, depending on the circumstances.

If An Arrest Is Made

If an assailant is arrested, he will be taken to the Kent County Jail. There may be an investigation and you may be asked to provide a statement about what happened. This does not mean that you are pressing charges. The city or state is pressing charges and you are a witness.

The case will then go to the prosecutor or city attorney's office for authorization. If there is sufficient evidence available in the opinion of the prosecutor or the city attorney that a criminal offense can be proven beyond a reasonable doubt in a court of law, then charges may be authorized.

Criminal Case Process, continued

If the complaint is signed, the case proceeds and the defendant will be held until the next court session when he will be arraigned. If it is a weekend, the person will still see a judge and a bond will be set, usually including an order to have “no contact” with you.

It is possible that while a prosecutor believes that an assault actually occurred, the suspect may not be charged because it appears that the case cannot be proven beyond a reasonable doubt.

Prosecutor’s Office

The Prosecuting Attorney appears for the State or County in all criminal prosecutions in Circuit Court and District Court, as well as delinquency and neglect proceedings in the Family Division of the Circuit Court.

The office is divided into the following divisions: Criminal, Appellate, Family Law, and Juvenile. Each division has specific attorneys assigned to it and is structured to serve that division’s unique needs.

The Prosecuting Attorney’s office is responsible for other legal functions, including:

- Keeping victims notified on the status of their case (Victim Witness Unit) and informing them of their right to participate.
- Representing custodial parents in support and paternity proceedings.

When the Assailant Is Charged

Once the complaint is authorized, the defendant will be arraigned in front of a District Court judge within 48 hours of arrest, either in person or by remote video. He will be informed of the charges against him and of his constitutional rights. Conditions and amount of bond will be set. In most cases, the defendant will be released on bond, but for your protection, the court may put a no-contact condition on his bond.

No-Contact Bond Condition

This is an order that tells a defendant he must not have contact with you in person, by phone, by mail, or indirectly. This means that you should not initiate contact with the defendant without the court’s permission. The order is not against you, but any contact between you and the defendant can affect what happens in the case. The order is a condition of the defendant’s bond unless the judge removes or changes the order. You can be present at the arraignment and request to speak with the judge about bond conditions.

Criminal Case Process, continued

Police officers can arrest without a warrant when a defendant violates a no-contact order. If they do not arrest, contact the police department to make a report, ask for an incident number, and report the contact to the court where the order was issued.

If the defendant is contacting you by phone, list all of the calls. Record calls on an answering machine or have someone else listen in. Your local phone service provider can usually trace harassing phone calls, but they will need a police report case number when you call. Save any letters or other mail and keep a record of when you receive them. You should notify the detective in charge of your case, or the court, of any violations of the no-contact order.

The process after arraignment is different for felonies and misdemeanors, but both are arraigned in District Court.

Misdemeanor Charges

Plea—At his arraignment, the defendant will enter a plea of guilty, not guilty, no contest, or stand mute. If the defendant pleads guilty or no contest, a pre-sentencing report is ordered. If the defendant pleads not guilty or stands mute, then there is a pre-trial conference at a later date.

The defendant can change his plea to guilty at any time during the following stages:

Pre-Trial Conference—This is a conference with the prosecutor and the defendant and/or his attorney only. They will meet to discuss whether the defendant will plead guilty to the crime charged or a different offense. If the defendant does not plead guilty, he may choose between a jury or a bench (judge only) trial. If the defendant chooses a jury trial, a jury selection will be scheduled before the trial date.

Trial—The prosecutor will try to prove that the defendant is guilty of committing the crime, beyond a reasonable doubt. The prosecutor, or city attorney in some jurisdictions, may call witnesses to testify in an effort to do this. The defendant is not required to call witnesses, nor is he required to testify, but he can if he wishes. As a victim you are a witness, and you may receive a subpoena.

Criminal Case Process, continued

If so, you must be present and you may need to testify. If the defendant is found guilty, the judge will usually order a pre-sentencing report.

Sentencing—If the defendant is convicted, the probation department typically prepares a pre-sentence report. At sentencing, the judge will have considered the probation department’s report and its recommendation. An important part of the pre-sentencing report is your input. In some cases, you will receive a victim-impact letter from the court and your response will be part of the report the judge will read. You also have the right to make a statement at sentencing (note: victim impact is not always available). The judge may order the defendant to serve time in jail, probation, community service, or to enter counseling and has the option of ordering the defendant to make restitution to you. A no-contact order may be part of his probation.

Appeal—The defendant has the right to appeal his conviction or sentence. Those defendants who plead guilty or no contest may appeal only under limited circumstances.

Felony Charges

Circuit Court Arraignment—The defendant is advised of the charges against him in front of a Circuit Court judge.

Preliminary Examination—This is a hearing before a misdemeanor judge to see if probably the right person has been charged with the right crime. You might get a subpoena for this court proceeding, and if you do, you must appear as directed. Sometimes, instead of demanding that the prosecutor prove to the judge that probably the right person was charged with the right crime, the defendant might plead guilty to a plea offer, or waive (give up) his right to the hearing to think about a plea offer. You should be prepared to tell the prosecutor or the victim witness advocate what you would like to see happen. There is not a guarantee it will happen (a lot of things go into a plea offer, if any is made in a given case), but your input is very important. If the judge finds probable cause to believe this defendant committed a felony, either because evidence was presented that convinced the judge of that, or the defendant waives his right to the hearing, it will be “bound over” to Circuit Court for more things to happen. In Circuit Court, there may also be motions or hearings before a judge about technical or legal issues.

Criminal Case Process, continued

Pleas—Many defendants will plead guilty at some time during the process. This means that the case will not go to trial.

Trial—The defendant can choose a jury trial or a bench trial (the judge decides if he is guilty). In a trial the prosecutor must prove beyond a reasonable doubt that the defendant is guilty of committing the crime with which he is charged. The defendant does not have to call witnesses, or testify, but he can if he wishes. You may receive a subpoena. If so, you must be present and you may have to testify. A bench warrant can be issued if you don't show up. If the defendant is found guilty, the judge will refer him to the pre-sentencing department.

Sentencing—If the defendant is convicted, the probation department will prepare a pre-sentencing report. At sentencing, the judge will have considered the probation department's report and its recommendation. An important part of the pre-sentencing report is your input. You will receive a victim-impact letter from the court. Your response will be part of the report the judge will read. You also have the right to make a statement at sentencing. The judge may order the defendant to serve time in jail, probation, community service, or to enter counseling and has the option of ordering the defendant to make restitution to you. A no-contact order may be part of his probation.

Appeal—The defendant has the right to appeal his conviction or his sentence. Those defendants who plead guilty or no contest may appeal only with the permission of the court.

Crime Victim's Rights Act

The State of Michigan guarantees crime victims a Bill of Rights based on an amendment to the state constitution. Below is a summary of these rights:

You have the right . . .

- to be treated with fairness and respect throughout the criminal justice process.
- to be reasonably protected from the accused throughout the criminal justice process.
- to be notified of the telephone number of the police department to contact.
- to determine if the defendant has been released from custody.
- to have your property which was taken during the investigation promptly returned to you except as otherwise provided by law.
- to a timely disposition of the case following the arrest of the accused.
- to receive an explanation of court procedures.
- to receive an explanation of procedures to follow if threatened or intimidated by the defendant.
- to be present throughout the entire trial unless you are called as a witness.
- to be free from threats of discharge from your employer because you are subpoenaed by the prosecutor to come to court.
- to consult with the prosecutor in order to give your views of the crime.
- to restitution.
- to receive notice of any scheduled court proceedings and any changes in that schedule.
- to receive notice if the defendant escapes custody while awaiting trial.
- to receive notice of the defendant's conviction and sentence.
- to make an impact statement to the court prior to sentencing.
- to receive an explanation of the eligibility requirements and address of the Crime Victim's Compensation Board.

Crime Victim's Compensation

There is a state-funded program based on the Michigan Crime Victim's Compensation Act of 1976 that may be able to provide financial assistance to domestic violence victims for medical and counseling bills as well as loss of earnings. This program provides assistance for victims who do not have insurance or public assistance to cover bills resulting from their victimization.

Below are the basic guidelines for qualifying for compensation from Crime Victim's Compensation:

- The crime must be reported to the police within 48 hours and the victim must cooperate with the police and the prosecutor.
- Medical expenses must have been at least \$200 or a loss of two continuous weeks' earnings must have occurred.
- The claim must be filed within one year from the date of the injury.
- The victim who is filing the claim must not be criminally responsible for the crime or have contributed to the crime.

Property losses are not covered by this fund. It is *only* for medical and counseling bills. The Victim Witness Unit will be able to answer any questions concerning this fund and assist you in filling out an application (see chapter three). You may also sue your assailant for personal injuries and property loss even if you were married. You should ALWAYS consult an attorney because it can be complicated and certain time limits may apply.

The Stalking Law (MCLA 750.411i)

Stalking is generally defined as a pattern of two or more unwanted contacts that would cause a “reasonable person” to feel terrorized, frightened, intimidated, threatened, harassed, or molested and actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

This law makes it a crime to repeatedly threaten or intimidate someone or to make repeated unwanted contact that causes emotional distress. Unwanted contacts includes telephone harassment, coming onto your property or making threats.

Personal Protection Orders can prohibit certain behaviors including the following:

- Following you
- Approaching or confronting you in a public place or on private property without your consent
- Entering into or remaining on property owned, leased or occupied by you without your consent
- Contacting you by telephone, mail, or other communication without your consent
- Placing an object on or delivering an object to property owned, leased or occupied by you

If the assailant violates the order, the police can arrest him immediately. If he is found guilty of violating the order, he could go to jail for no more than 93 days, and be fined no more than \$500. (MCL 600.2590)

The orders are effective when signed by a judge, enforceable upon service to the respondent anywhere in Michigan (and outside of Michigan as well), and remain in effect for at least 182 days (six months). The order can be renewed if it is still needed. It is a good idea to reapply before the expiration date. The County Clerk’s office is responsible for providing a copy of the order to the local police agency so it can be entered into the **Law Enforcement Information Network (LEIN)**. This means that it will be in the computer system at the police department and the officer will have access to it in his or her patrol car.

Please see page 34 through 37 for more information regarding Personal Protection Orders.

The Stalking Law, continued

What to Do if You're Being Stalked

- Ask once and only once to be left alone. Document this request.
- Contact the police so they can begin investigating and compiling evidence.
- Keep a record of dates and times at which you were called, followed or confronted and save any letters, gifts, or other items the person sends you.
- Record all telephone calls from the stalker, if possible.
- Point out the stalker to anyone who could serve as a witness, such as store security guards and get another person on the line if the stalker calls.
- Alert neighbors and co-workers and give them a description of the stalker.
- Get an unlisted phone number or an additional phone line, change your locks, and if necessary, seek safe shelter (see chapter three).
- Refuse to stay in contact with the stalker, even if they start acting “nice” and avoid encouraging them in any way.
- Seek help and support.

Civil Restraining Orders

Sometimes a judge will issue a “Civil” restraining order. This can prohibit the same behaviors but offers less protection for you because if the assailant violates this restraining order, he cannot be immediately arrested. It can be written, however, to prohibit a broader range of behaviors than the criminal order. For example, it can prohibit things like taking your property or coming to your child’s school.

If the assailant violates a civil restraining order, the police cannot arrest. They may discourage him from being there or may take a report. You must then file a motion for hearing on the violation. At the hearing, the assailant must show that he did not violate the order. If the assailant is found in contempt of court, he can be punished by a fine or jail.

Usually a personal protection order is more appropriate and more helpful in your situation. If you have an attorney, you should consult him or her for advice.

Personal Protection Orders

The Personal Protection Office assists victims of domestic violence and victims of stalking in obtaining personal protection orders (PPO), assists the petitioning party with enforcement of the orders and assists restrained parties with the processing of making objections. In 2010, the Circuit Court processed 1,934 Petitions for Personal Protection Order.

The PPO Office will assist in making the filing process go as smoothly as possible. Please remember that you have initiated your own lawsuit, you are representing yourself in this action. The PPO staff are not attorneys, investigators, enforcers or process servers.

Criteria For PPO

The petitioner and respondent:

- Are husband and wife and an action for annulment, divorce, or support (is/not) pending
- Were husband and wife
- Reside or resided in the same household
- Have a child in common
- Have or had an intimate dating relationship
- Have some other family relationship
- Are in a stalking situation as defined by:

MCLA 750.411(h), as used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate non-continuous acts evidencing a continuity of purpose.

(b) "Stalking" means 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.

Statutory Requirements

- Petitioner must be at least 18 years old unless accompanied by someone of that age or older who will consent to be petitioner's next of friend, preferably a parent.
- Personal Protection Orders are not for civil matters such as custody and neighbor disputes. (For help in neighbor conflict, contact the Dispute Resolution Center at 616-774-0121).

Personal Protection Orders, continued

Forms Available

This office makes available the proper personal protection forms, provides direction for completing and filing those forms, and offers information on local sources that deal with domestic violence. The initial paperwork (the instruction sheet, petition and affidavit) can be downloaded from www.accesskent.com under Courts & Law Enforcement, 17th Circuit Court, Forms section.

Other Requirements

Parties filing need to present valid ID (includes other State driver's license, passport or school identification). In addition, a signed personal protection order must be served upon the respondent and a proof of that service needs to be filed in the case.

Hours

General walk-in office hours Monday-Friday from 8:00 A.M. to 5:00 P.M. **Client interviews from 9:00 to 2:30 P.M.**

PPO Expiration Date

Your PPO is only in effect up to the expiration date. This is located near the bottom right of the order, sometimes in RED. *IF you need to extend your order*, you must come in to this office approximately three weeks before the expiration date, or call (616) 632-5067 to request the paperwork to renew. Permanent (five year) PPOs are available for long-term situations.

Enforcement Of Order

If a violation occurs, ***do not call the PPO office -- CALL THE POLICE.*** A police report is helpful, but not required to pursue a violation of the respondent through the courts. If no arrest is made and you wish to pursue the violation, contact the PPO Office for paperwork to schedule a hearing. The petitioner will need to follow the PPO conditions as well as the respondent. Please note that only the Judge may change the conditions of or dismiss the PPO.

Change Of Address

Keep the PPO office updated on any address or phone number changes for the duration of the order.

Personal Protection Orders, continued

Remember:

- *Language Interpreters* should be provided if requested, or you can bring a friend or relative to assist with this need.
- *Child care* is not provided by the court, so you may wish to bring a friend or relative to assist in this area. Judges do not like children to be in the courtroom.
- The *processing of the PPO* generally takes 24 to 48 hours. In most cases, the petitioner may expect to return the next business day to pick up the signed order. If the order is not signed/approved, the petitioner will be informed of the reasons for denial.
- The *jurisdiction for PPOs* fall under the Family Division of the Circuit Court.

What to Expect

The following is what happens when you go to the Personal Protection Office to file for a Personal Protection Order:

- Go to the 3rd floor of the courthouse to file a PPO in suite 3500.
- Front window staff will give the petitioner the petition and affidavit with instructions on how to complete the forms.
- Front window staff will request and make a copy of picture ID of the petitioner and next of friend, if required.
- Petitioner then completes paperwork and returns it to the front window staff.
- Front window staff attaches a copy of the original picture ID to the completed paperwork, and places it in file for PPO staff to interview in the order received.
- PPO staff, prior to meeting with the petitioner, will do a case look-up in the court's computer system and complete as much of the order as possible prior to the interview.
- PPO staff meets with the petitioner, answers any questions, and explains the petitioner's responsibilities. The PPO staff then completes the order and notarizes the signature of the petitioner.
- PPO staff makes copies of the petition, affidavit and cover-sheet, and places the originals and copies in a red folder.
- Petitioner takes the red folder with the original and copies to the Clerk's office, suite 2400, to open the case.

Personal Protection Orders, continued

- The Clerk's office will open the case while the petitioner waits. The Clerk's office keeps the original cover sheet, affidavit and petition, and then places the copies back in the red folder and gives it back to the petitioner.
- The petitioner returns the red folder and copies to the front window staff at the PPO office in suite 3500.
- The PPO staff will then take the paperwork to the assigned judge for review.
- Once the judge has made the decision to grant or deny the PPO, it is sent back to the PPO staff.
- The PPO staff will contact the petitioner by phone as soon as they receive the signed order from the judge. They will inform the petitioner that his/her order is ready to be picked up and if it has been granted or denied.
- After PPO staff calls, if petitioner does not pick up the signed order within 24 hours (unless a specific pick up date is stated by petitioner), the order will be mailed. The PPO staff will let the petitioner know this will happen if the order is not picked up in 24 hours.
- The petitioner must present picture ID when picking up the signed PPO.

U Visas for Non-Residents

Victims of domestic violence, sexual assault, and human trafficking who are not legal residents of the United States might be able to apply for a “U Visa.” This is a program set up by the federal government to provide legal status to victims of such crimes who might otherwise be afraid to report the crime to the authorities. The U Visa provides temporary immigration benefits, including the ability to stay in the country and employment authorization, to certain victims of criminal activity who: (1) have suffered substantial mental or physical abuse as a result of having been a victim of criminal activity; (2) have information regarding the criminal activity; and (3) assist government officials in the investigation and prosecution of such criminal activity. A U Visa might also be available to certain family members of the victim. It is possible for U Visa holders to become resident legal aliens if certain timeframes and regulations are met. Along with the U Visa, there are other programs provided by the immigration laws that might apply. As with most federal programs, the rules can be complicated and it would be best to check with a qualified immigration attorney or other agency for more information.

See Chapter Three: The Hispanic Center, Justice for Our Neighbors, Migrant Legal Aid

Family Court

In addition to the criminal justice system, you may find yourself involved in family court matters such as divorce, custody, parenting time, and/or child support. The following information is provided as a general description of the family court process and should not be perceived as legal advice. For legal advice, please consult the services of an attorney.

Divorce

Divorce is one option you may choose or be faced with. Here is some information to help you see how it works.

Michigan allows *no-fault divorce* [MALA 552.5, MSA 25.86]. This means you must show that your marriage “has broken down.” You may tell the court your basic reason for the divorce, but you don’t have to prove adultery or cruelty or give any specific reason.

With no-fault divorce, one spouse can get a divorce even if the other spouse doesn’t want one. And you don’t have to be living apart to file.

Divorce, continued

To get a divorce in Michigan, you must live in the state for six months and in the county for ten days prior to filing.

It is helpful to have an attorney to file for divorce, preferably one who is knowledgeable about domestic violence. You may be eligible for legal assistance at Legal Aid of Western Michigan (see chapter 3) if you meet their income guidelines and certain other criteria. The Grand Rapids Bar Association’s Lawyer Referral Service can also help you find a lawyer, but does not specify whether the attorney is familiar with domestic violence laws.

Divorce kits or “do it yourself” divorces may be an option but are recommended only if both spouses agree about property issues, where there is no danger, and there are no custody issues. Forms and assistance are available at the Legal Assistance Center in the Kent County Courthouse if this is the option you choose.

Many women seek shelter at the time their abusive spouse is served papers that tell him a divorce complaint has been filed. This can be a very dangerous time and may be something you want to consider. See chapter three for available resources.

Along with the complaint, **temporary orders** are usually requested which ask the court to decide about use of the marital home, custody and parenting time, spousal support and civil restraining orders that will be in effect until the divorce is final.

If there are no minor children, a divorce can become final after sixty days. If there are minor children, your divorce will not be final for at least six months. Delays often happen if your spouse contests the divorce or if there are disagreements about custody and/or property settlements.

Custody and Parenting Time

(Before recent changes in the law, parenting time was known as “visitation”)

If you are married and there are no custody orders, both parents have equal rights to the children.

Divorce—Custody, and Parenting Time, continued

In divorce actions, when there are children under the age of 18, the Friend of the Court is notified. You will receive a packet from the Friend of the Court that tells you of two meetings you must attend regarding Friend of the Court services and effects of divorce/separation on children. If you want the Friend of the Court to help you obtain a temporary order, you can request a conciliation conference. This is a joint meeting that results in a recommendation by the Friend of the Court to the judge about temporary custody and parenting time arrangements. These temporary arrangements will be in place until the divorce is final. The recommendation can be appealed in court. (If the judge issues temporary orders at a court hearing there is no conciliation meeting.)

If domestic violence is involved and it is unsafe for you and your spouse to meet together, be sure to let the Friend of the Court know so they can use safety precautions. If you have an attorney, he or she can handle this.

After temporary custody and parenting time is ordered and is in place, permanent custody and parenting time must be decided upon before the divorce is final.

Decisions made about permanent custody and parenting time will be put in place after the divorce is final. Either attorney can ask the judge to order a Friend of the Court custody or parenting time investigation and/or evaluation. Either party can also ask for a neutral, non-binding Friend of the Court mediation for any problems with custody or parenting time. For unmarried mothers, the mother has custody until there is a court order or written agreement between the parents. However, the police usually will not assist you in returning your child from the father until the judge enters a custody order. You can file a custody action with an attorney or by yourself, but it is complicated. If your child is living with you, contact the Office of Child Support to ask the prosecutor's office to file a paternity action or a support action that gives you sole custody and provides for child support. If the name of the child's father is not on the birth certificate or acknowledgement of paternity, the mother automatically has permanent custody and the father has no legal rights to the child.

Divorce—Custody, and Parenting Time, continued

Custody and parenting time orders may be for joint custody or sole custody. They may include orders for physical custody (where the child lives most of the time) and legal custody (the right to participate in important decisions in the child's life, such as school choices and medical decisions). Orders may be for reasonable parenting time (any arrangement agreed upon by the parents) or specific parenting time (usually every other weekend and an evening during the week). Many victim/ survivors of domestic violence find that specific parenting time is safer, since court papers state the specific times the assailant may be in contact with the former victim. The court can also order restricted or supervised parenting time if you can show that you are in danger or the children are at risk for abuse, neglect or parental kidnapping. Police reports, hospital records, and testimony of witnesses are types of evidence the court may consider.

The Circuit Court and the Friend of the Court can make referrals for professionally supervised parenting time and safe exchanges of children that will allow both parties to avoid contact with one another. This service can be provided on a sliding fee or no cost basis to participants, depending on the individual situation. See chapter three, YWCA Safe Connections Program.

The Friend of the Court is required to enforce parenting time that is ordered by the court. Every case is different. Contact your assigned caseworker for specific information on your case. If the court order needs to be changed, you can petition yourself or hire an attorney. The Friend of the Court has do-it-yourself forms to ask for changes in custody, parenting time, and support. You may pick them up at the Friend of the Court office or at the Legal Assistance Center (see chapter three).

There is a \$20 motion fee, as well as other domestic relations fees that you will be required to pay unless you ask to have the fee waived (and that request is granted by the court) due to receipt of public assistance or low income. The Court can order a Friend of the Court investigation regarding custody, parenting time, or child support (there is a \$300 fee that can be waived, see above). If you disagree with the Friend of the Court's recommendation, you can file a timely objection and ask for a court hearing.

The Friend of the Court

The Friend of the Court (FOC) is the collection, enforcement and investigative arm of the Circuit Court in the area of domestic relations. The action by the office is dictated by court order. Orders are issued by the court after the judge has made a determination and the written document is signed, then filed with the County Clerk. To obtain a domestic relations order from the Court, the issue has to be brought before the court through formal legal action. This is accomplished through private attorneys, the prosecuting attorney, or by action of one of the parties. The Friend of the Court does not become involved until an action is filed with the court.

Communication with the Friend of the Court Office

Please contact the FOC office in writing so that complete and accurate information is recorded in the case file. Written communications between the FOC and the parties ensure a complete record is maintained. Requests for enforcement of child/spousal support, parenting time, medical, etc., must be in writing. Whenever communicating with the FOC, always include the case number assigned to your case and keep your own copy.

You must keep the FOC informed of changes in vital information concerning your case. Provide the FOC with a written notice of any changes of: addresses, names, sources of income, medical insurance, telephone numbers, marital status of parties and minors, legal guardianships/ adoptions, financial status including bankruptcy, and physical custody of the child. Also, notify the FOC of the death of a party or child, the termination of parental rights, the reconciliation of parties, a child's high school graduation date and any other activity in any other court affecting your child.

in writing. Whenever communicating with the FOC, always include the case number assigned to your case and keep your own copy.

You must keep the FOC informed of changes in vital information concerning your case. Provide the FOC with a written notice of any changes of: addresses, names, sources of income, medical insurance, telephone numbers, marital status of parties and minors, legal guardianships/ adoptions, financial status including bankruptcy, and physical custody of the child. Also, notify the FOC of the death of a party or child, the termination of

The Friend of the Court, continued

parental rights, the reconciliation of parties, a child's high school graduation date and any other activity in any other court affecting your child.

You may obtain payment information by appearing in person at the Friend of the Court office, by written request, or by accessing the Friend of the Court's Interactive Voice Response (IVR) system at any time of day or night. You are supposed to include your name, case number, return address and contact telephone number in any written correspondence. To access the IVR, call (616) 632-6800, once connected, press 1. You will have to have your Social Security number available. You may also access your case information via the State of Michigan's website, MICase (<https://apps.michigan.gov/MiCase/public/Home.aspx>). It will be necessary to follow their procedure to sign up for access before you may actually view the information.

Access to FOC Records

The records maintained by the FOC are exempt from the Freedom of Information Act; therefore, they are not open to the general public. They are confidential records used to monitor your domestic relations case for the court. Michigan Court Rules grant certain individuals including the parties and the attorneys of record access to non-confidential FOC records of your case for review and copying. Copies of accessible records cost \$1.00 per page.

Appointments

To request an appointment, complete the request for access form. A copy may be requested either at the front desk reception area at the office on 82 Ionia NW or by phone and it will be mailed to you.

Clients should make sure of the location of their appointment. Enforcement hearings or other court actions are held at the Kent County Courthouse and not at the FOC office.

Other information about the FOC is available on the website www.accesskent.com, including:

FOC Address	General Information
Case Management	Support Review
Pre-Investigation	ParentingTime/Custody
Enforcement	Mediation
Conciliation	Troubleshooting
Citizen Advisory Committee	
Forms & Publications	

Chapter Three: Resources

DOMESTIC ABUSE SERVICE PROVIDERS

National Domestic Violence Hotline 1-800-799-SAFE

YWCA

25 Sheldon Blvd SE, GR, MI 49503

www.ywcawcmi.org

24-hour Hotline and Domestic Crisis Center	451-2744
Counseling and Support Groups	459-4652
Transitional Housing (Project H.E.A.L)	459-4652
Safe Connections	459-7062 x293
24-hour Nurse Examiner Program	776-7273

Safe Haven Ministries

3501 Lake Eastbrook SE Suite #335, GR, MI 49546

www.safehavenministries.org

Ramoth House Shelter	452-6664
Counseling & Support Groups	452-6664
After-hours Hotline	940-2394

Domestic Assault Response Team (D.A.R.T.)

180 Ottawa NW, GR, MI 49503 632-5641

Kent County Victim Witness Unit

180 Ottawa NW, Ste. 5400, GR, MI 49503 632-5400

61st District Court Victim Services

180 Ottawa NW, 5th Floor, GR, MI 49503 632-5643

www.grcourt.org

Fountain Hill Center

534 Fountain NE, GR, MI 49503 456-1178

www.fountainhillcenter.com

The Hispanic Center of Western Michigan 742-0200

1204 Grandville Ave SW , GR, MI 49503

<http://www.hispanic-center.org/index.html>

Bethany Christian Services- Grand Rapids 224-7550

901 Eastern Ave. NE, GR, MI 49503

The Little River Band of Ottawa Indians- Justice Center

888-723-8288

Resources, continued**LEGAL ASSISTANCE****Legal Aid of Western Michigan***89 Ionia NW, Ste. 400, GR, MI 49503*www.legalaidwestmich.org

774-0672

1-800-442-2777

Legal Assistance Center*180 Ottawa NW, Ste. 5100, GR, MI 49503*www.legalassistancecenter.org

632-6014

GRBA Lawyer Referral Service*161 Ottawa NW, Ste. 203B, GR, MI 49503*www.grbar.org

855-0273

Justice for Our Neighbors*227 E. Fulton, GR, MI 49503*

301-7461

Migrant Legal Aid*1104 Fuller Ave NE, GR, MI 49503*www.mmlap.com/

454-5055

(800) 418-3390

The Hispanic Center of Western Michigan*1204 Grandville Ave SW, GR, MI 49503*www.hispanic-center.org/index.html

742-0200

Friend of the Court*82 Ionia NW, Ste. 200, GR, MI 49503*[www.accesskent.com/CourtsAndLawEnforcement/](http://www.accesskent.com/CourtsAndLawEnforcement/FriendoftheCourt/foc_index.htm)[FriendoftheCourt/foc_index.htm](http://www.accesskent.com/CourtsAndLawEnforcement/FriendoftheCourt/foc_index.htm)

632-6888

Personal Protection Orders Office*180 Ottawa NW, Ste. 3500, GR, MI 49503*[http://www.accesskent.com/](http://www.accesskent.com/CourtsAndLawEnforcement/17thCircuitCourt/17cc_ppo.htm)[CourtsAndLawEnforcement/17thCircuitCourt/17cc_ppo.htm](http://www.accesskent.com/CourtsAndLawEnforcement/17thCircuitCourt/17cc_ppo.htm)

632-5067

CHILDREN AND TEENS SERVICES**Arbor Circle—The Bridge***1115 Ball NE, GR, MI 49505*www.arborcircle.org/children_teens.org

451-3001

Children's Assessment Center*901 Michigan NE, GR, MI 49503*www.cac-kent.org/

336-5160

Resources, continued

Child and Family Resource Council
118 Commerce SW, Ste. 210, GR, MI 49503 454-4673
www.childresource.cc/

Child Protective Services
121 Franklin SE, GR, MI 49507 248-9600

Fountain Hill Center
534 Fountain NE, GR, MI 49503 456-1178
www.fountainhillcenter.com

Parent's Assistance Hotline 1-800-942-HELP

RAP - Runaway Assistance Program
901 Eastern NE, GR, MI 49501 1-800-292-4517
www.bethany.org

Safe Haven Ministries
3501 Lake Eastbrook SE, Ste. 335, GR, MI 49503 452-6664
www.safehavenministries.org

YWCA
25 Sheldon SE, GR, MI 49503 459-4652
www.ywcawcmi.org

BATTERER INTERVENTION SERVICES

YWCA Men Choosing Alternatives to Violence
25 Sheldon SE, GR, MI 49503 459-4652
www.ywcawcmi.org

Men's Resource Center
534 Fountain NE, GR, MI 49503 456-1178
www.menscenter.org

Diversity Counseling and Therapy Center
744 Burton SE, GR, MI 49507 451-1965

HIV/AIDS AND SEXUALLY TRANSMITTED INFECTIONS

Planned Parenthood Centers of West MI
425 Cherry SE, GR, MI 49503 774-7005
www.ppwnm.org/

Resources, continued

Kent County Health Department
 700 Fuller NE, GR, MI 49503 632-7100
www.accesskent.com/Health/HealthDepartment/

HIV/AIDS Services- The Grand Rapids Red Project
 343 Atlas SE, GR, MI 49506 456-9063
www.redproject.org

FAMILY PLANNING

Planned Parenthood Centers of West MI
 425 Cherry SE, GR, MI 49503 774-7005
www.ppwnm.org/

Pregnancy Resource Center 456-6873
 415 Cherry St SE, GR, MI 49503
prcgr.org/

DA Blodgett- St. Johns 451-2021

Bethany Christian Services- Grand Rapids 224-7550
 901 Eastern Ave. NE, GR, MI 49503

SEXUAL ASSAULT SERVICES

National Sexual Assault Hotline 1-800-656-HOPE
www.rainn.org/get-help/national-sexual-assault-hotline

YWCA Sexual Assault Program / Nurse Examiner Program
 25 Sheldon SE, GR, MI 49503 776-RAPE
www.wycawcmi.org

Children's Assessment Center 336-5160
 901 Michigan NE, GR, MI 49503
www.cac-kent.org

EMPLOYMENT SERVICES

Women's Resource Center 458-5443
 678 Front NW, GR, MI 49504
www.grwrc.org/index.php

Resources, continued

ELDER ABUSE

Adult Protective Services

121 Franklin SE, GR, MI 49507

248-9600

EMERGENCY SHELTER FOR PETS

Humane Society of Kent County

3077 Wilson NW, GR, MI 49534

hskc.org/

453-8900

SPANISH SPEAKING SERVICES

Diversity Counseling and Therapy Center

744 Burton SE, GR, MI 49507

451-1965

Hispanic Center of West Michigan

1204 Grandville SW, GR, MI 49503

www.hispanic-center.org

742-0200

ADDITIONAL SERVICES AND REFERRALS

First Call for Help—United Way

459-6281 or 211

www.hwmuw.org

Network 180

790 Fuller NE, GR, MI 49503

www.network180.org

336-3909

Police, Legal, and Other Community Resources

<u>POLICE</u>	<u>EMERGENCY</u>	<u>BUSINESS</u>
Kent County Sheriff's Department 701 Ball NE, GR, MI, 49503 www.accesskent.com/CourtsAndLawEnforcement/SheriffsDepartment/sheriff_index.htm	911	632-6100
Grand Rapids Police Department 1 Monroe Center NW, GR, MI 49503 www.ci.grand-rapids.mi.us/684	911	456-3400
Cedar Springs Police Department 66 S. Main, Cedar Springs, MI 49319 www.cityofcedarsprings.org/departments/police-chief-roger-parent	911	696-1330
East Grand Rapids Public Safety 770 Lakeside Drive SE, EGR, MI, 49506 www.eastgr.org	911	949-7010
Grandville Police Department 3181 Wilson SW, Grandville, MI 49418 www.cityofgrandville.com/Services/Police/OverviewPolice.htm	911	538-6110
Kentwood Police Department 4742 Walma, Kentwood, MI 49512 www.kentwood.mi.us/police/	911	698-6580
Lowell Police Department 111 North Monroe, Lowell, MI 49331 www.ci.lowell.mi.us/police.asp	911	897-7123
Michigan State Police Rockford Post 345 Northland Dr. NE, Rockford, MI 49341 www.michigan.gov/msp	911	866-4411
Rockford Police Department 7 S. Monroe, Rockford, MI 49341 rockford.mi.us/pages/police.html	911	866-9557
Sparta Police Department 260 West Division Sparta, MI 49345 www.spartami.org/departement.php?d=24	911	887-8716

POLICE, continued

Walker Police Department 911 453-5441
4343 Remembrance NW, Walker, MI 49544
www.walker.mi.us/Departments/Police/DepartmentOverview.htm

Wyoming Police Department 911 530-7309
2300 DeHoop SW, Wyoming, MI 49509
www.ci.wyoming.mi.us/Police/police.asp

Kent County Courts

17TH CIRCUIT COURT OF KENT COUNTY <i>180 Ottawa NW, Grand Rapids, MI 49503</i>	632-5220
Judge George Buth <i>Courtroom 12A</i>	632-5020
Judge Nanaruth Carpenter <i>Courtroom 9A</i>	632-5076
Judge Kathleen Feeney <i>Courtroom 10A</i>	632-5087
Judge Patricia Gardner <i>Courtroom 9D</i>	632-5070
Judge Patrick Hillary <i>Courtroom 9B</i>	632-5206
Judge Donald Johnston <i>Courtroom 11D</i>	632-5032
Judge Dennis Lieber <i>Courtroom 10D</i>	632-5012
Judge Paul J. Denenfeld <i>Courtroom 6D</i>	632-5214
Judge James Redford <i>Courtroom 11A</i>	632-5092
Judge Paul Sullivan <i>Courtroom 10C</i>	632-5099
Judge Mark Trusock <i>Courtroom 11B</i>	632-5008
Judge Christopher Yates <i>Courtroom 10B</i>	632-5026
Judge Daniel Zemaitis <i>Courtroom 6C</i>	632-5203

DISTRICT COURTS—KENT COUNTY**59th District Court** (covering Grandville and Walker)

Judge Peter Versluis **538-9660**
3161 Wilson Ave SW, Grandville, MI 49418

Judge Peter Versluis **453-5765**
4343 Remembrance NW, Walker, MI 49544

61st District Court (City of Grand Rapids) **632-5525**
180 Ottawa NW, Ste. 1400, GR, MI 49503

61st District Court Domestic Violence Program **632-5643**
Suite 5500

Judge David Buter **632-5652**
Courtroom 7A

Judge Michael Christensen **632-5660**
Courtroom 7C

Judge Jeanine LaVille **632-5670**
Courtroom 8A

Judge Benjamin Logan **632-5675**
Courtroom 8C

Judge Kimberly A. Schaefer **632-5667**
Courtroom 8B

Judge Donald Passenger **632-5678**
Courtroom 8D

62-A District Court (City of Wyoming) **257-9814**
2650 DeHoop Ave SW, Wyoming, MI 49509

Judge Pablo Cortes **257-9814**

Judge Steven Timmers **257-7378**

62-B District Court (City of Kentwood) **554-0711**
4740 Walma Street, Kentwood, MI 49512

Judge William Kelly **554-0711**

DISTRICT COURTS—KENT COUNTY, continued

63 District Court (Northern, Eastern and Southern Kent County)

1950 East Beltline NE, GR, MI 49525

632-7770

Judge Steven R. Servaas

Judge Sara Smolenski

Reading Resources

The Battered Women's Survival Guide. Statman, Jan.

Chain Chain Change: For Black Women Dealing with Physical and Emotional Abuse. White, Evelyn.

Child Abuse, Domestic Violence, and Animal Abuse. Ascione, Fran and Arkow, Phil.

The Emotionally Abused Woman. Engel, Beverly.

Getting Free: A Handbook for Women in Abusive Relationships. NiCarthy, Ginny.

It's My Life Now: Starting Over After an Abusive Relationship or Domestic Violence. Dugan, Meg Kennedy and Hock, Roger.

Naming the Violence: Speaking Out Against Lesbian Battering. Lobel, Kerry.

No Safe Haven: Male Violence Against Women at Home, at Work, and in the Community. Koss, Mary.

Why Does He Do That?: Inside The Minds Of Angry and Controlling Men. Bancroft, Lundy.

Getting Free: A Handbook for Women in Abusive Relationships. NiCarthy, Ginny.

The Verbally Abusive Relationship. Evans, Patricia.

Reading Resources, continued

The Verbally Abusive Man, Can He Change?: A Woman's Guide to Deciding Whether to Stay or Go. Evans, Patricia.

Workbook for Women Healing From Domestic Violence.
Harbinger Publications.

Reading Resources for Women with Children

But I love Him: Protecting Your Teenage Daughter from Controlling, Abusive Dating Relationships. Murray, Dr. Jill.

Ending the Cycle of Violence: Community Response to Children of Battered Women. Jaffe, Peter; Lemon, Nancy; Sandler, Jack and Wolfe, David.

In Love and In Danger: A Teens Guide to Breaking Free of Abusive Relationships. Levy, Barrie. (also available in Spanish)

Mothers on Trial: The Battle for Children and Custody. Chesler, Phyllis.

What Parents Need to Know about Dating Violence. Levy, Barrie and Giggans, Patricia Occhiuzzo.

When Dad Hurts Mom: Helping Your Children Heal From Domestic Violence. Bancroft, Lundy.

Resources for Family/Friends

Family and Friends Guide To Domestic Violence: How To Listen, Talk and Take Action When Someone You Care About is Being Abused. Weiss, Elaine.

To Be an Anchor in the Storm: A Guide for Families and Friends of Abused Women. Brewster, Susan.

Religious Resources

Abuse and Religion: When Praying Isn't Enough. Horton, Anne and Williamson, Judith.

Keeping the Faith: Guidance for Christian Women Facing Abuse. Fortune, Marie.

Reading Resources, Continued

No Place for Abuse: Biblical and Practical Resources to Counteract Domestic Violence. Kroeger, Catherine Clark.

Refuge from Abuse: Healing and Hope for abused Christian Women. Kroeger, Catherine Clark and Clark, Nancy Nason.

Violence in Families: What Every Christian Needs to Know. Miles, Al.

Web Resources

Family Violence Prevention Fund
www.endabuse.org

Faith Trust Institute
www.faithtrustinstitute.org

FOCUS Ministries
www.focusministries1.org

Kent County Domestic Violence Community Coordinated
Response Team
www.kentcountydvcrt.net

Love is Not Abuse
www.loveisnotabuse.com

Michigan Coalition Against Domestic and Sexual Violence
www.mcadv.org

National Coalition Against Domestic Violence
www.ncadv.org

PASCH
www.peaceandsafety.com

Stalking Resource Center
www.ncvc.org

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday

