

# **VICTIM ADVOCATE WEBSITE**

## **1. Mission of Victim Advocates**

The Victim Advocates respond to the needs of crime victims in an empowering and proactive manner, striving to inform victims of their rights under the law in order to facilitate informed participation in the criminal justice system.

## **\*Services Provided by the Victim Advocate**

### **Upon request of the crime victim, Victim Advocates can:**

- a) Assistance completing Victim Impact Statements and Crime Victim Compensation (CVC) applications and appeals if a victim CVC claim is denied.
- b) Act as a liaison between the victim and Deputy Prosecuting Attorney
- c) Accompaniment at victim interviews, sentencing hearings, and trials
- d) Assist victims with return of property
- e) Trial preparation
- f) Safety planning
- g) Notify victims of hearing dates and changes to those dates
- h) Explain the court process
- i) Familiarize victims and witnesses with courtrooms prior to trials and hearings
- j) Provide a safe location for victims and witnesses to wait prior to testifying or attending hearings
- k) Provide information about available protection from threats or harm
- l) Assist victims with completing restitution paperwork upon request
- m) Inform victims of their rights
- n) Refer victims to necessary resources
- o) Notify victims of the final outcome of cases
- p) Contact employers to explain or verify a victim or witness' involvement in a case at the victim's request

## **2. Washington State Crime Victims' Rights by Constitutional Amendment**

SECTION 35 VICTIMS OF CRIMES - RIGHTS. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

[AMENDMENT 84, 1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.]

## **3. WA State Crime Victim's Bill of Rights, RCW 7.69.030**

There shall be a reasonable effort made to ensure that victims, survivors of victims, and witnesses of crimes have the following rights, which apply to any criminal court and/or juvenile court proceeding:

- a. With respect to victims of violent or sex crimes, to receive, at the time of reporting the crime to law enforcement officials, a written statement of the rights of crime victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county;
- b. To be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim, survivor, or witness is involved;
- c. To be notified by the party who issued the subpoena that a court proceeding to which they have been subpoenaed will not occur as scheduled, in order to save the person an unnecessary trip to court;
- d. To receive protection from harm and threats of harm arising out of cooperation with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available.

- e. To be informed of the procedure to be followed to apply for and receive any witness fees to which they are entitled;
- f. To be provided, whenever practical, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families or friends of defendants;
- g. To have any stolen or other personal property expeditiously returned by law enforcement agencies or the superior court when no longer needed as evidence. When feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property of which ownership is disputed, shall be photographed and returned to the owner within ten days of being taken;
- h. To be provided with appropriate employer intercession services to ensure that employers of victims, survivors of victims, and witnesses of crime will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearance;
- i. To access to immediate medical assistance and not to be detained for an unreasonable length of time by a law enforcement agency before having such assistance administered. However, an employee of the law enforcement agency may, if necessary, accompany the person to a medical facility to question the person about the criminal incident if the questioning does not hinder the administration of medical assistance. Victims of domestic violence, sexual assault, or stalking, as defined in RCW 49.76.020, shall be notified of their right to reasonable leave from employment under chapter 49.76 RCW;
- j. With respect to victims of violent and sex crimes, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the victim, and at any judicial proceedings related to criminal acts committed against the victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the crime victim;
- k. With respect to victims and survivors of victims, to be physically present in court during trial, or if subpoenaed to testify, to be scheduled as early as practical in the proceedings in order to be physically present during trial after testifying and not to be excluded solely because they have testified;
- l. With respect to victims and survivors of victims, to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing for felony convictions upon request by a victim or survivor;
- m. To submit a victim impact statement or report to the court, with the assistance of the prosecuting attorney if requested, which shall be included in all presentence reports and permanently included in the files and records accompanying the offender committed to the custody of a state agency or institution;

- n. With respect to victims and survivors of victims, to present a statement personally or by representation, at the sentencing hearing for felony convictions;
- o. With respect to victims and survivors of victims, to entry of an order of restitution by the court in all felony cases, even when the offender is sentenced to confinement, unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment; and

#### **4. WA State Child Victim's Bill of Rights, RCW 7.69A.030**

In addition to the rights that have been provided for all crime victims and witnesses, Washington law requires reasonable efforts be made to ensure the following rights for child victims and witnesses under the age of eighteen:

- a. To have explained in language easily understood by the child, all legal proceedings and/or police investigations in which the child may be involved.
- b. With respect to child victims of sex or violent crimes or child abuse, to have a crime victim advocate from a crime victim/witness program, or any other support person of the victim's choosing, present at any prosecutorial or defense interviews with the child victim. This subsection applies if practical and if the presence of the crime victim advocate or support person does not cause any unnecessary delay in the investigation or prosecution of the case. The role of the crime victim advocate is to provide emotional support to the child victim and to promote the child's feelings of security and safety.
- c. To be provided, whenever possible, a secure waiting area during court proceedings and to have an advocate or support person remain with the child prior to and during any court proceedings.
- d. To not have the names, addresses, nor photographs of the living child victim or witness disclosed by any law enforcement agency, prosecutor's office, or state agency without the permission of the child victim, child witness, parents, or legal guardians to anyone except another law enforcement agency, prosecutor, defense counsel, or private or governmental agency that provides services to the child victim or witness.
- e. To allow an advocate to make recommendations to the prosecuting attorney about the ability of the child to cooperate with prosecution and the potential effect of the proceedings on the child.
- f. To allow an advocate to provide information to the court concerning the child's ability to understand the nature of the proceedings.
- g. To be provided information or appropriate referrals to social service agencies to assist the child and/or the child's family with the emotional impact of the crime, the subsequent investigation, and judicial proceedings in which the child is involved.

- h. To allow an advocate to be present in court while the child testifies in order to provide emotional support to the child.
- i. To provide information to the court as to the need for the presence of other supportive persons at the court proceedings while the child testifies in order to promote the child's feelings of security and safety.
- j. To allow law enforcement agencies the opportunity to enlist the assistance of other professional personnel such as child protection services, victim advocates or prosecutorial staff trained in the interviewing of the child victim.
- k. With respect to child victims of violent or sex crimes or child abuse, to receive either directly or through the child's parent or guardian if appropriate, at the time of reporting the crime to law enforcement officials, a written statement of the rights of child victims as provided in this chapter. The written statement shall include the name, address, and telephone number of a county or local crime victim/witness program, if such a crime victim/witness program exists in the county.

## **5. Victim Notification**

### **a) *Thurston County Jail***

Victims or witnesses who wish to be notified of an inmate's release or transfer from custody must self-register for notification through the WA Statewide Victim Information & Notification Service by calling the toll-free phone number or registering on the website listed below:

- 1-877-846-3492
- [www.vinelink.com](http://www.vinelink.com)

### **b) *WA State Dept. of Corrections (DOC)***

Victims or witnesses wishing to be notified of the release of inmates sentenced to the DOC must self-register for notification through the WA Statewide Victim Information & Notification Service by calling the toll-free phone number or registering on the website listed below:

- 1-877-846-3492
- [www.vinelink.com](http://www.vinelink.com)

Victims of Defendants sentenced to the DOC on violent felony crimes or sex offenses are eligible to be enrolled in the DOC notification program upon sentencing of the defendant. Victims must self register by contacting DOC Victim Notification Program directly by or visiting the website listed below.

- 1-800-322-2201
- [www.doc.wa.gov](http://www.doc.wa.gov)

### **c) *Department of Social and Health Services***

This program can assist victims and witnesses of sexual assault or violent crimes track the location and provide release notification of a person who is in a Washington state psychiatric hospital, a facility for juveniles or the Special Commitment Center for sexual predators. This program is confidential.

- i. 1-800-422-1536 or 360-902-7833
- ii. E-Mail: [vw@dsos.wa.gov](mailto:vw@dsos.wa.gov)
- iii. Website: [www.wa.gov/dsos.VictimWitness](http://www.wa.gov/dsos.VictimWitness)

## 6. LOCATION/CONTACT INFORMATION FOR VICTIM ADVOCATES

### a) **Domestic Violence Team Advocates**

Advocates for victims of Felony, Gross Misdemeanor, Misdemeanor, and city of Lacey Domestic Violence crimes

Thurston County Prosecuting Attorney's Office  
Felony/Superior Court Domestic Violence: 360-754-2989  
Misdemeanor/District Court Domestic Violence: 360-786-5270  
City of Lacey/District Court Domestic Violence: 360-786-5540 x7562

### b) **Special Victims Team Advocate**

Advocate for victims of sexual assault and crimes against children.

Thurston County Prosecuting Attorney's Office  
Child Justice & Advocacy Center  
(360) 754-2899

### c) **Crime Victim Advocacy Network (CVAN) Advocates:**

Advocates for victims of crimes including: Assault, Robbery, Burglary, Homicide, Vehicular Assault, Vehicular Homicide, DWI/DUI Injuries, Hit and Run Injuries, Arson, Hate Crimes, Vulnerable Adult Abuse, Identity Theft, Theft, Fraud/Forgery, and Property Crimes.

*\*Excluded crimes: domestic violence, sexual assault, and stalking.*

**CVAN 24-hour toll-free victim assistance hotline: 1-866-711-2826**

**Visit us on the web: [www.cvan11.org](http://www.cvan11.org)**

**Thurston County-**  
2000 Lakeridge Drive SW, Bldg. 2, Rm. 258  
Olympia, WA 98502  
(360) 786-5601 or (360) 786-5540 x6824 office / (360) 528-1174 cell

**Mason & Grays Harbor Counties-**  
Community Action Council  
807 W. Railroad Avenue  
Shelton, WA 98584  
(360) 426-9726 x107 office / (360) 528-1179 cell

**Lewis County-**  
Human Response Network  
125 NW Chehalis Ave.  
Chehalis, WA 98532  
(360) 748-6601 office / (360) 880-5273 cell

**Pacific County-**  
103 6<sup>th</sup> St. Suite 1  
Long Beach, WA 98631  
(360) 642-2639 office / (360) 304-2486 cell

## Frequently Asked Questions

### a. What are protective orders?

- A protection order is an order that prohibits the respondent from contacting you. There are several kinds of protection orders, including an *Order for Protection* (for domestic violence cases,) *No Contact Order*, *Restraining Order*, and *Anti-Harassment Order*. You can apply for a protection order at the clerk's office for District or Superior Court. There may or may not be a charge to obtain a protection order. \*\*See section on Protection Orders for more information.

### b. What if I don't want to file charges or want them dropped?

- As the victim of a crime, your participation and cooperation are a valued part of the prosecution process. However, the State of Washington has a responsibility to hold offenders accountable for their actions when they break the law. This responsibility insures that the law is enforced consistently and that the community need for justice is met. Therefore, individual citizens do not have the ability to drop charges in a criminal matter in this state.

### c. When is the offender being released?

- i. The defendant may be released upon posting of a bail bond or cash if bail is set. The defendant may also be released on their own personal recognizance by a judge. If the defendant is sentenced, they may be afforded "good time," depending on the correctional facility where they are incarcerated at. Defendants may be eligible for work release or other options. It is best to check directly with the facility the defendant is incarcerated at to determine their custody status ([www.vinelink.com](http://www.vinelink.com))
- ii. \*\*\*See victim notification section\*\*\*

### d. What is the Victim Impact Statement?

- A Victim Impact Statement (VIS) is your chance to tell the judge how the crime has affected you, any lifestyle changes

you have made as a result of the crime, financial burden or hardships the crime has caused, and any sentencing recommendations you have for the defendant. You may request a VIS from the Victim Advocate if you do not receive one.

**e. What is my involvement in this process?**

- i. As a victim, you may be called to testify as a witness should the case proceed to trial. If your testimony is required, you will receive a subpoena.
- ii. You may request restitution for any medical expenses or property damage/loss as a result of the crime. You should receive paperwork in the mail from the Prosecutor's Office entitled "Victim Restitution Estimate" if your case is eligible for restitution. The defendant is responsible for payment of restitution if ordered by the court. Victims may attend the defendant's court hearings. Please advise the victim advocate on the case if you wish to attend any court hearings or give a VIS at sentencing.
- iii. In preparation for trial, the defendant's attorney or a Private Investigator hired by the defense attorney may request an interview with the victim or witnesses in the case. You may choose to be interviewed alone, or, if you wish, an advocate and/or the Deputy Prosecuting Attorney can accompany you or set up this interview and be present with you at the time of the interview. The advocate's role is to provide emotional support to the victim during the interview.

**f. What do I need to include in my request for restitution?**

- i. Restitution requests should be as detailed as possible and include written estimates of property loss, damage, copies of medical bills, and insurance statements, and be presented in a detailed, easy to read format for the Prosecutor to review. Your request should indicate clearly what amount of restitution is owed to you and if applicable, include documents/statements from your insurance company. Feel free to ask the victim advocate if you have any questions regarding the preparation of your restitution request.
- ii. Victims should submit restitution requests as soon as possible to be ordered at the sentencing of the defendant. The Prosecutor's Office has limited time under the law to have restitution ordered back to you, so it is important you submit your request as soon as possible.

- iii. If restitution is ordered in your case, the defendant would be required to pay the Court Clerk's office, who would then distribute the restitution payment to you via check.

**g. How do I get my property back?**

- i. In many cases, property belonging to the victim is taken as evidence of the crime by the investigating law enforcement agency. Property is held by the investigating law enforcement agency throughout the duration of the case. Property may need to be held for its evidentiary value or for additional testing should the case proceed to trial. If you are the victim and the evidence being held presents a significant hardship, you may inquire of the victim advocate for assistance in having your property returned sooner.

**h. Can I get restitution for things such as pain, suffering, and mental anguish?**

- i. Not through the criminal justice system. Restitution is ordered for out of pocket expenses directly related to the crime. If you would like to seek compensation for pain and suffering, you may wish to file a civil suit or a claim in small claims court (small claims are filed through Thurston County District Court, located in Building 3 of the courthouse complex) against the offender.

**i. What are the Preliminary Appearance, Arraignment, Pre-trial, Status Conference, and Trial?**

- The *Preliminary Appearance* is the defendant's first appearance in court after an arrest. At the time of the preliminary appearance, the Prosecutor will ask the court to establish probable cause that a crime or crimes have been committed. Once Probable Cause is established, the court will determine whether or not the defendant may be released under conditions of the court or detained on bail. If bail is set, and the defendant posts the bail, the court typically orders the defendant to have no contact with the victims, witnesses, or codefendants in the case and have a verified address. This also applies if the defendant is released on their own personal recognizance (PR).
- The defendant will be appointed an attorney if needed. No plea will be entered.
- *Notice and Summons or Arrest Warrant*: In some cases, an arrest is not made immediately; rather the case is referred to the Prosecutor's Office by a law enforcement agency. The Prosecutor's Office may file charges and summons the defendant into court for an Arraignment or request a warrant be issued. If this occurs, conditions of release will be set at the Arraignment hearing.

- The **Arraignment** is the court appearance during which the defendant pleads guilty or not guilty.
- The **Pre-trial** is the second court appearance where the defendant advises the court whether or not they wish to change their plea to guilty, ask for a continuance, or request the case to be set for trial. One might also hear this referred to as an omnibus hearing.
- The **Status Conference** is where the prosecuting attorney and defense attorney report on the progress of their cases and confirm whether the case is proceeding to trial.
- The **Trial** takes place when a defendant enters a plea of not guilty. The trial can be a jury trial or a bench trial (heard by the judge only). All trials in Juvenile Court are bench trials.
- If the defendant decides to change his/her plea to 'guilty,' a **Change of Plea and Sentencing Hearing** will be scheduled. At this time victims have a right to address the court verbally or submit a written statement describing the effects of the crime and views on sentencing. In Juvenile Court, juvenile respondents are typically sentenced on the same day of their other hearings.

**j. Can I contact the defendant?**

- Victims and witnesses are frequently asked not to contact defendants until a case is over. In some cases, contact with the defendant may be strictly prohibited. If you and the defendant were living together, the court will frequently order the defendant to find another place to stay if released from jail.

**7. Referrals & Resources for Crime Victims:**

- a) Social Services Resources: Housing/Rent Assistance, Emergency Shelter, Transportation, Counseling & Support Groups, Referrals
  - **Call 211**
- b) Crime Victim Compensation Program
  - This is a State agency operated through the Department of Labor and Industries. It is not associated with the Thurston County Prosecuting Attorney's Office, but advocates are able to facilitate communication, assist with applications and appeals.
  - <http://www.lni.wa.gov/ClaimsIns/CrimeVictims/About/default.asp>
- c) Civil Remedies
  - <http://www.co.thurston.wa.us/distcrt/>
- d) Counseling – If you are seeking counseling as a result of the crime, you may seek a referral from your medical provider.
- e) Monarch Therapy
  - For child/parent victims of sexual assault and child abuse
  - (360) 923-1884

- <http://monarchcjac.org/>
- f) Safeplace Domestic Violence & Sexual Assault Hotline
  - (360) 754-6300 (24hr)
- g) Providence Sexual Assault Clinic
  - Provides medical evaluations and crisis counseling to child and adult victims of sexual assault.
  - (360) 493-7469
- h) Financial Victims/Fraud
  - <http://www.ftc.gov/bcp/edu/microsites/idtheft/>
- i) Victim Support Services
  - (888) 288-9221
  - <http://victimsupportservices.org>
- j) Violent Crime Victim Services
  - Provides services for the victim/survivors of homicide. Advocates for families by offering them peer support groups, peer court support, crisis intervention, mental health referrals, and faith community referrals.
  - [www.vcvs.org](http://www.vcvs.org)
  - (253) 383-5254
- k) Child Protective Services (CPS)
  - CPS is a branch of DSHS designed to help protect children.
  - <https://www.dshs.wa.gov/ca/parent-resources/child-protective-services>
- l) Adult Protective Services (APS)
  - APS is also a branch of DSHS designed to help protect vulnerable adults.
  - <https://www.dshs.wa.gov/altsa/home-and-community-services/adult-abuse-and-prevention>
  - ENDHARM- hotline anytime day or night to report the abuse of a child or vulnerable adult 1-866-363-4276 (toll free) ENDHARM is TTY accessible.
- m) Family Reconciliation Services (FRS)
  - Free counseling for families in crisis (360) 416-7200
- n) Family Support Center of South Sound
  - Homeless Family Services, Family Services
  - (360) 754-9297
  - <http://www.fscss.org/>
- o) Community Youth Services (CYS)
  - Provides services to at-risk youth and their families
  - (360) 943-0780
  - <http://www.communityyouthservices.org/contact.shtml>
- p) Crisis Clinic
  - Helps connect people in physical, emotional or financial distress to resources
  - <https://crisisclinic.org>
  - 1-866-427-4747 (24hr)
- q) Yelm Community Services

- Provides services to community member such as; food and clothing bank, and emergency shelter.
  - (360) 458-7000
  - <http://yelmcommunityservices.com/>
- r) Emergency Shelter Network
- (360) 528-8999
- s) Interfaith Works
- Emergency Overnight Shelter
  - 1-844-628-7343
- t) Sidewalk
- Nonprofit located in Olympia, WA that aims to end homelessness.
  - (360) 515-5587
  - Emergency Shelter Hotline 1-844-628-7343
  - <http://www.walkthurston.org/>
- u) Washington Law Help
- Provides legal assistance to low income individuals
  - [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)
- v) CLEAR
- Hotline run by the Northwest Justice Project to screen low income client's legal needs and eligibility for services.
  - 1-888-201-1014
  - <https://nwjustice.org/clear-hotline>
- w) Office of Refugee and Immigrant Assistance
- <https://www.dshs.wa.gov/esa/office-refugee-and-immigrant-assistance>
- x) Immigration Advocates
- Information regarding immigration rights
  - [www.immigrationadvocates.org](http://www.immigrationadvocates.org)

## **8. Court Process**

- i. Click on this link to view a flow chart of the court process, courtesy of the WA State Office of the Administrator of the Courts. [www.courts.wa.gov](http://www.courts.wa.gov)

## **9. Domestic Violence**

### **a) Mandatory Arrest**

- The law requires a police officer responding to an incident of domestic violence to make an arrest if the officer has probable cause to believe that a domestic violence assault or other serious domestic violence offense.
- If the officer determines that family or household members have assaulted each other, the officer will arrest the person he or she believes to be the primary aggressor. State law also requires mandatory arrest for violations of No Contact Orders and Civil Protection Orders.

- A person arrested for a domestic violence offense will usually be held in jail until he/she appears before a judge, usually the following business day. The Court may require a defendant charged with domestic violence to sign a No Contact Order as a condition for release from jail prior to trial.
- b) Probation Supervision and Counseling
- Defendants who are found guilty or plead guilty to domestic violence offenses are placed on probation as part of their sentence.
  - Most defendants are court ordered to complete a specialized, state certified domestic violence treatment program. Compliance is monitored by the Thurston County Probation Department. Defendants must meet specified exit criteria before being discharged from treatment.
  - Alcohol/chemical dependency counseling and/or parenting classes may also be ordered.
  - Contact information:
    - Thurston County District Court Probation Department  
(360) 786-5452
    - Department of Corrections Headquarters  
(360) 725-8213
    - Friendship Diversion Services  
(360) 357-8021
- c) Domestic Violence Victim Advocates
- Advocates are available to assist domestic violence victims during the processing of a domestic violence case through Thurston County Courts. Victim Advocates may contact victims by letter or telephone to offer information about the court process and community resources or to explain the victim's options. Victim Advocates will explain the court process, and can appear with the victim at court proceedings.
  - Domestic Violence Victim Advocates may be reached at **(360) 754-2989**.
- d) Domestic Violence Statistics
- Check out these links for up-to-date statistics regarding domestic violence:
- <http://www.loveisrespect.org/resources/dating-violence-statistics/>
  - <http://ncadv.org/learn-more/statistics>
  - <http://www.thehotline.org/resources/statistics/>
  - <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/index.html>
- Characteristics of domestic violence:
    - Domestic violence is a learned behavior.

- Domestic violence typically involves repetitive behavior encompassing different types of abuse.
- The batterer, not substance abuse, the victim or the relationship, causes domestic violence.
- Danger to the victim and children is likely to increase at the time of separation.
- The victim's behavior is often a way of ensuring survival. If you or someone you know is a victim of domestic violence, help is available.
- The chemically dependent batterer may deal with his alcohol or drug problem without addressing his violent behavior. However, he cannot successfully address his violent behavior without addressing his substance abuse. Treatment programs for batterers will not accept men who are currently abusing alcohol or drugs.



e) Children of domestic violence:

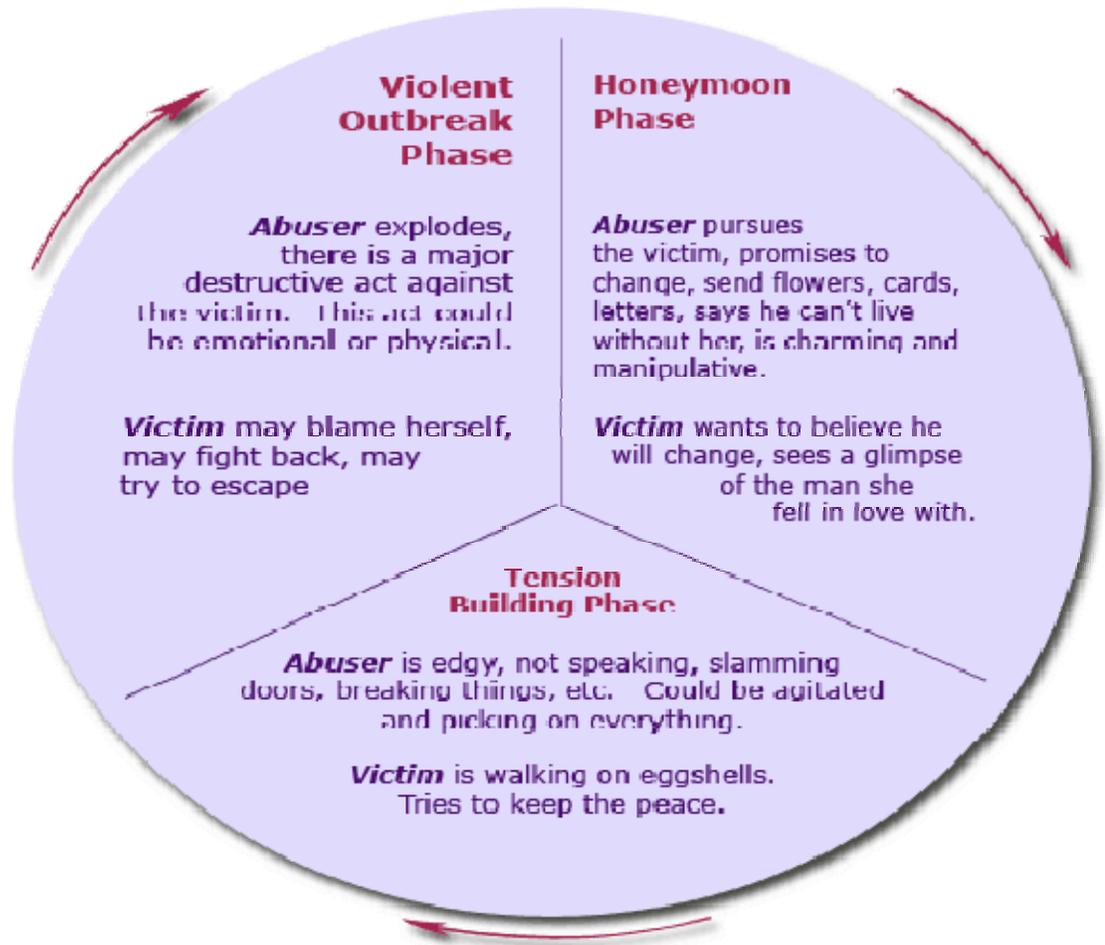
- Children are always at risk as potential victims of domestic violence to which battered persons are subjected, and many

children remain at risk to perpetuate the violence because family violence is repetitious.

- Some effects on children include:
  - speech problems
  - truancy
  - anxiety and/or depression
  - violence
  - social withdrawal
  - alcohol/drug abuse
  - poor academic performance
  - nervous disorders
  - suicide
- **\*Nearly 1/3 of all children who witness battering demonstrate significant behavioral and emotional problems.**
- Efforts to protect children from abuse and neglect often overlook one of the most important factors affecting children's safety in the home - adult domestic violence. Child abuse and domestic violence often occur in the same family and are linked in a number of important ways that have serious consequences for the safety of children. First, domestic violence often directly results in physical injury and/or psychological harm to children. Second, even when domestic violence does not result in direct physical injury to the child, it can interfere with both the mother's and the father's parenting to such a degree that the children may be neglected. Third, while an intervention into child abuse may be initially effective, the impact of that intervention will soon be sabotaged if domestic violence is also present, and if the perpetrator is not held accountable for stopping the violence and the adult victim is not protected.
- Children can be injured as a direct result of domestic violence. Batterers sometimes intentionally injure children in an effort to intimidate and control their adult partners. These assaults can include physical, emotional, and sexual abuse of the children. Children are also injured - either intentionally or accidentally - during attacks on their mothers. An object thrown or a weapon

used against the mother may hit her child. Assaults on younger children may occur while the mother is holding the child. Injuries to older children often occur when an adolescent attempts to intervene in violent episodes.

- Although many parents believe that they can hide domestic violence from their children, children living in these homes report differently. Research suggests that between 80 and 90 percent of these children are aware of the violence. Even if they do not see a beating, they hear the screams and see the bruises, broken bones, and abrasions sustained by their mothers.
  - Children of all ages are deeply affected by domestic violence. Infants exposed to violence may not develop the attachments to their caretakers, which are critical to their development; in extreme cases they may suffer from "failure to thrive". Preschool children in violent homes may regress developmentally and suffer sleep disturbances, including nightmares. School-age children who witness violence exhibit a range of problem behaviors including depression, anxiety, and violence towards peers. Adolescents who have grown up in violent homes are at risk for recreating the abusive relationships they have seen.
  - There is growing evidence that domestic violence can have lasting negative consequences. As these child-witnesses to domestic violence grow up, they are at greater risk for abusing alcohol or other drugs and for committing violent crimes of all types, eventually getting involved with the criminal justice system.
- f) Call Safeplace for more information on services for children of domestic violence
- (360) 754-6300



- What can you do about domestic violence if it happens to you?
  - Take the problem seriously, it will happen again.
  - Work out a safety plan for you and your children
  - Create a personalized domestic violence safety plan: [http://www.ncdsv.org/images/DV\\_Safety\\_Plan.pdf](http://www.ncdsv.org/images/DV_Safety_Plan.pdf)
  - File for a protection order.
  - Save evidence such as photographs of bruises and other injuries, ripped clothing, etc.
  - Call the police for help and tell them that you want a report filed. If no arrest is made, you can file charges yourself in a citizen's complaint.
  - In an emergency, call 911 for the police, get yourself and your children to a safe place, and seek medical attention.

- Remember that you are not alone. It is not your fault that your partner is violent.
- What assistance is available for victims of domestic violence?
  - Safeplace-- <http://www.safeplaceolympia.org/home.html>
  - Turning Point-- <http://www.turningpointe.org/>
  - Human Response Network-- <http://www.hrnlc.org/>

**WA STATE DV HOTLINE**  
1-800-562-6025

**NATIONAL DV HOTLINE**  
1-800-799-SAFE

g) What is stalking?

- More than seven million women and two million men in this country have been stalked, finds a study from the National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Stalking affects seven percent of women (one in 14 women) and two percent of men (one in 50 men) in the U.S. at some time in their lives. The study was published in the August 2006 issue of the American Journal of Preventive Medicine.



“Stalking in the United States, Recent National Prevalence Estimates” defines stalking as “being followed, spied on, or communicated with, without consent at a level perceived to be somewhat dangerous or life threatening.” It finds that individuals who are never married, separated, widowed or divorced report significantly higher rates of stalking than those who are married or living with a partner. Those 55 or older, or retired, are least likely to have been stalked.

Results are based on findings from the Injury Control and Risk telephone survey conducted from 2001 to 2003. Nearly 10,000 women and men aged 18 and older participated.

- Stalking can be any intentional incident of threatening, following, surveillance and/or coercive behavior that occurs more than once. According to Washington State Law (RCW 9A.46.110) a person commits the crime of stalking if:
    - He or she intentionally and repeatedly (two or more instances) harasses or follows another person.
    - The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person.
    - The stalker either intends to frighten, intimidate, or harass the person; or the stalker knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to intimidate, harass or cause fear.
  - Contrary to popular belief, stalking can affect anyone, not just celebrities. Stalking is a crime that causes constant anxiety and terror to the victim. It disrupts victims' lives by causing fear of every day occurrences: the doorbell, the phone ringing, a piece of mail, etc.
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## 10. Court Protective Orders:

### **Domestic Violence Protective Orders:**

- All Protection/No Contact Orders May Be Obtained Through the Thurston County Clerk's Office
  - (360) 786-5450
  - <http://www.co.thurston.wa.us/clerk/protectionorders.htm>
- Thurston County Clerk's Office—  
(<http://www.co.thurston.wa.us/clerk/>)

### **Protection Orders**

- [26.50RCW](#) - A protection order is a civil order issued by the court that tells the alleged perpetrator to stay away from the victim, the victim's children, and the place(s) the victim lives

or works. Generally if the alleged perpetrator does not obey the order, they can be arrested. To obtain an order, a victim must file paperwork with the court and have a hearing where the alleged perpetrator will have an opportunity to respond to the legal request for a protective order. If a victim is sixteen or older they can seek a protection order without involving their parent or guardian.

To get a domestic violence protection order, the victim must have a domestic relationship with the person who assaulted her/him. This means the victim and the perpetrator must be in a family or household relationship with each other to qualify for this type of order. Qualifying relationships include the following: a person to whom you are married or formerly married, or live with or formerly lived with, have children with, or are related by blood or marriage or that you dated or formerly dated. If you do not meet these relationship requirements you are not eligible for a domestic violence protection order.

### **Sexual Assault Protection Order**

- [7.90RCW](#) - A sexual assault protection order is a civil order issued by the court on behalf of a sexual assault victim. (1) The order can require the alleged perpetrator to stay away from the victim or other place(s) where the victim lives or works and to have no further contact with the victim.

Any person 16 or older who is a victim of sexual assault – including a single incident - may petition the court to obtain the order. Victims under 16 need a parent or guardian to petition on their behalf. A third party may also file on behalf of a vulnerable adult or any other adult who cannot file due to age, disability, health, or inaccessibility.

- A Sexual Assault Protection Order may also be obtained as part of a criminal case. If a victim reports the sexual assault to law enforcement and the assailant is being prosecuted, a judge may order a Sexual Assault Protection Order to keep the assailant away from the victim when he/she is released from custody.

The law defines “sexual assault” as:

- Nonconsensual (meaning lack of freely given agreement) sexual touching of the genitals, anus or breasts – either directly or through clothing.

- Nonconsensual sexual penetration, however slight, of the genitals or anus by another body part of another including the mouth or the use of objects.
- Forced display of the genitals, anus or breasts for the purpose of sexually arousing another. The sexual assault protection order is designed for victims who do not meet the “domestic relationship” requirement with the person who sexually assaulted her/him to qualify for a domestic violence protection order. If you are considering petitioning for a sexual assault protection order, you should meet with a sexual assault advocate or a lawyer to discuss the different available remedies and legal challenges with the various orders. A sexual assault advocate or a lawyer can help you to determine which order is most appropriate for your situation.
- If you need further help, please contact WCSAP Legal Services Department at 360-754-7583.

### **Criminal No Contact Order**

- Is a No Contact Order requested by the State or Deputy Prosecutor in conjunction with a criminal case.

### **Civil Anti-Harassment Order**

- [10.14RCW](#) - An anti-harassment order is a civil protection order that prohibits unlawful harassment. To get an anti-harassment order a victim must be able to show that the person has engaged in unlawful harassment. “Unlawful harassment” means a knowing and willful course of conduct directed at the victim which seriously alarms, annoys, harasses, or is detrimental to the victim, and which also serves no legitimate or lawful purpose. “Course of conduct” means a series of acts over a period of time, however short, all with a similar purpose. Sometimes it is difficult to show that there is a pattern if there was only one incident of sexual assault. However, a victim may still be eligible for such an order.

### **Restraining Order**

- The order issued to maintain status quo by prohibiting a party from doing any action or proposed action until further orders. For example a court issuing a restraining order prohibiting further development in a disputed property until the dispute is settled or issued as part of a divorce proceeding.

## **Vulnerable Adult Protection Order**

- [74.34.110RCW](#) - A vulnerable adult protection order is civil protection order that is brought on behalf of a vulnerable adult.
- WHO IS A VULNERABLE ADULT?

[74.34.020\(13\)RCW](#) - Under the law, a vulnerable adult is generally someone over the age of sixty who has the functional, mental, or physical inability to care for himself or herself; or is found incapacitated or who has a developmental disability or is admitted to any facility; or is receiving services from home health, hospice, or home care agencies or is receiving services from an individual provider.

## **Sexual Assault Victim Information**

- Monarch Children's Justice and Advocacy Center  
This multidisciplinary approach offers child victims and their families a place where they can access the help they need to heal emotionally and physically from abuse.  
Website: [www.monarchcjac.org/](http://www.monarchcjac.org/)  
(360)923-1884  
Monarch Therapy Program  
Offers Free Individual, Family and Group Therapy for Victims of Sexual Abuse (all Ages)
- Safeplace Rape Relief and Women's Shelter Services  
(360)754-6300 (24 hours)

### **Washington Coalition of Sexual Assault Programs**

Website: [www.wcsap.org](http://www.wcsap.org)  
2415 Pacific Avenue  
Olympia, WA 98501  
Phone: (360) 754-7583  
TTY: (360) 709-0305  
Fax: (360) 786-8707