

## **Legal Aftercare for the DV Survivor: Making the Protective Order More Than a Piece of Paper**

### **Presenters:**

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### **Brief Description:**

**This session will focus on tips for domestic violence survivors to ensure the order is more than just a piece of paper. This includes tips for obtaining a clear and enforceable order, counseling on safety planning, steps to take in the event of a violation and tips on interacting with police. The session will also include information on seeking civil contempt for violations, recruiting pro bono attorneys, and effectively presenting a contempt case. The session will also cover a discussion on the new ABA standards for representing victims of domestic violence and enforcement of protective orders after Castle Rock.**

### **Topical Outline:**

- I. Issuance of the Protective Order – What the Advocate Should Know
  - a. Execution of a valid order
  - b. Service of the Order
  - c. Enforcement issues that can arise from the order itself
  
- II. Enforcement of the Order
  - a. What types of behaviors are generally prohibited by the order
  - b. What acts are not violations
  - c. Examples of what violations are
  - d. Protected persons cannot violate their own order
  - e. What the protected person should do to ensure enforcement
  - f. Enforcement Issues when Parties have children in common – compliance with visitation orders
  
- III. Law Enforcement Response
  - a. Problems that can arise with enforcement

- b. What clients can do to help ensure a positive response from law enforcement
  
- IV. What is Contempt
  - a. Criminal Contempt
  - b. Civil Contempt
  - c. Contempt of Family Court Protective Orders
  
- V. Nature of Contempt Proceedings
  - a. Notice of the charge
  - b. Opportunity to be heard
  - c. Right to counsel
  - d. Testimonial Privileges/self-incrimination
  - e. Right to a speedy trial
  
- VI. Burden of Proof
  - a. Criminal Standard
  - b. Double Jeopardy
  - c. Importance of working with the District Attorney
  
- VII. How to Effectively Present a Case for Civil Contempt
  - a. Establish a Prima Facie Case of Contempt
  - b. Existence of a valid order
  - c. Knowledge of the order
  - d. Ability to comply
  - e. Willful disobedience of the order
  
- VIII. ABA Standards of Practice for Attorneys Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protective Orders
  
- IX. Impact of Castle Rock and Subsequent cases on Enforcement of the Protective Order
  
- X. Strategies to recruit pro bono Volunteers
  
- XI. Safety Planning With the Client

**Notes:**

