



WHATCOM COUNTY COORDINATED RESPONSE PROTOCOL

APPENDICES

Domestic Violence,
Children, and Child Maltreatment

APPENDIX

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APPENDIX A

Context is Everything: Domestic Violence in the Real World

By Billie Lee Dunford-Jackson, JD and Hon. Scott Jordan

NCJFCJ: Synergy, Volume 10, number 1, Winter 2006

CONTEXT IS EVERYTHING: DOMESTIC VIOLENCE IN THE REAL WORLD¹

By Billie Lee Dunford-Jackson, JD and Hon. Scott Jordan²

Introduction

The effective issuance and enforcement of custody and visitation orders, protection orders, and various other domestic relations orders, and the effective delivery of services to victims of domestic violence and their children, require all systems, including advocates, child protection workers, attorneys, the judiciary, law enforcement, and prosecution, to work in concert to achieve the best and safest outcomes for them. However, effective collaboration to achieve this outcome requires an understanding among the systems about the meaning of domestic violence. These various systems often define domestic violence in vastly different ways, which leads to confusion among them in advocating for and issuing and enforcing orders and delivering services. This system confusion not only makes an already complex domestic violence case even more complex, but also impedes the overall goal of achieving safe outcomes for victims of domestic violence and their children.

What is Domestic Violence?

As currently used, this term has two related but distinct meanings. It can refer to any single instance of physical or emotional maltreatment by one intimate partner against the other. Or it can refer to a course of conduct by one partner intended to assert and maintain control and power over the other. This course of conduct includes the use of physical harm and the threat of harm, but it involves a panoply of other control strategies as well. The course-of-conduct meaning is sometimes referred to as true domestic violence, in that it has the potential for much more universal, long-lasting and severe consequences for its victims and their children.

When a domestic violence case enters the system, whether in the form of victims and their children seeking services at a domestic violence shelter, a 911 call, a report to child protection services, a criminal prosecution, an application for an order of protection, or a divorce or other family action with contested child custody issues, understanding the meaning of the conduct in the particular case is crucial. Without a clear grasp of the nature of the violence involved and the context from which it came, systems run the risk of misunderstanding the behavior of the parties and harming rather than helping the family members as a result of their intervention.

Casual observers may miss the pattern that emerges from course-of-conduct domestic violence. To them, domestic violence may appear to be a series of isolated incidents where one partner to a relationship, acting out of anger, or perhaps in response to some action on the part of the other, strikes out and causes that other physical injury. Some conflicts between partners do in fact happen that way. In order to understand the nature of a relationship earmarked by conflict, it is necessary first to consider the context of the violent behavior to determine whether it exemplifies true domestic violence. And

that determination hinges upon a clear grasp of the dimensions and dynamics of domestic violence.

The Context of the Behavior

An analysis of the context out of which violent behavior arises is crucial. Otherwise, intervention could further endanger victims of ongoing violence, embolden the perpetrators of such violence by seeming to give them permission to continue their violent behavior, and expose the children of the relationship to further risk of physical and other types of harm. The context of violence encompasses three elements, all of which must be considered together:

- The perpetrator's **INTENT** in using violence;
- The **MEANING** of the violence to the victim; and
- The **EFFECT** of the act on the victim.

The Intent of the Perpetrator

Those who use physical violence in an intimate relationship may be acting from any of several motivations. A perpetrator may be suffering a mental incapacity which calls for clinical intervention; may tend to use violence to resolve conflict in general social contacts; may be acting out of stress, anger, or poor impulse control as a one-time assailant; may be acting in self-defense or in response to battering; or may be a true domestic violence batterer, motivated by the intent to exert power and control over the other partner in the relationship. How can you tell which is which?

- A generally violent fighter, unlike a batterer or someone responding to battering, uses violence in many contexts and relationships, including against random victims. Such individuals generally have poor communication skills and a paucity of problem-solving tools and so tend to default to violence when faced with any problem. Violent fighters are at risk of abuse of alcohol or drugs and often have criminal or employment histories that document their use of aggression in multiple contexts.
- A one-time perpetrator does not characteristically or routinely react in violence against either the target victim or others and does not use other tactics to obtain and maintain power and control over the target victim. Generally the violence is neither aggravated nor performed in response to ongoing abuse. Such people tend at the time of the assault to be suffering unusually high stress in some area of life, whether physical or emotional.
- A violent response to a pattern of violence and intimidation to which an individual has been subjected may constitute self-defense, and thus be non-criminal, or may be retaliatory in nature. The level of violence generally increases in response to the degree and length of the violent behavior directed at this individual, sometimes rising to extreme and even lethal levels. Perpetrators of this form of violence, however, seldom harm children or other family members and do not act violently to others in society.
- A true domestic violence batterer uses an ongoing constellation of power and control tactics, of which violence is only one, to intimidate and threaten the victim

into compliance. The other tactics may include such strategies as threats, economic control, isolation, insults and emotional abuse. These actions are based upon the batterer's belief that he or she is entitled to control the victim and often the children as well. Such a batterer generally uses violence only to the extent that other tactics appear to be ineffective; thus violent episodes often erupt in response to a victim's attempts to assert independence or to disagree with the perpetrator. However, even in the absence of violence, the power and control tactics, and the threats that such controlling tactics will escalate into violence, are always present. The violence in these relationships often escalates in severity and frequency over the years. Moreover, controlling batterers commonly become more violent at or immediately after separation from their victims, when they perceive their control to be threatened. They tend to be jealous in the extreme and to believe that they cannot live without their victims. Although their violence is not caused by drug or alcohol abuse, substance abuse may escalate the level of violence. Separate interventions to address both the violence and the substance abuse are necessary when both problems are present.

The Impact and Meaning of Violence to the Victim

It is readily apparent that the meaning and effect of the violence to the victim in each of these settings varies dramatically. Unlike the victims of the other types of violence, only the victim of the true domestic violence batterer lives with the constant risk of further violence and the unremitting potential of lethality. These victims also suffer the ever-present threat of non-violent abuse and intimidation. For them, there are no normal times.

The Dynamics of Domestic Violence

As indicated above, true domestic violence is an intentional pattern of coercive behavior, patterned and repetitive, in which the batterer engages with the sole purpose of achieving and maintaining power and control over the victim. The instruments the batterer selects to achieve this goal are designed to induce fear in and to punish the victim for non-compliance. Although women and men engage equally in conflict in the other contexts described above, study after study has shown that most true domestic violence batterers are men; and the great majority of victims of this type of abuse are women.³ Thus to the batterer, separation constitutes loss of control and is a time to escalate the use of his abusive tactics in order to:

- reestablish control;
- recapture what the batterer perceives as his or her rightful ownership over the victim;
- retaliate against the victim for what the batterer perceives as the victim's betrayal;
- take revenge for the batterer's perceived loss of integrity because of the victim's betrayal; and
- in extreme cases, if all else fails, to destroy the victim and sometimes the rest of the family and himself or herself.

It is the common practice of true batterers to engage in rule making. They believe it is their right to compose and enforce the rules by which their victims and children are to live; and they further believe that they have the right to use violence and threats of violence as necessary to enforce their rules. The rules have one purpose and one purpose only: control of the victim. However, the scope and detail of the rules vary from batterer to batterer, as do the tactics used to enforce the rules. Common enforcement tactics include coercion, intimidation, degradation, exploitation, and violence, often interspersed with gifts and promises to change.

Since batterers' partners do not necessarily comply willingly, the rules are not self-implementing. These abusers commonly make strategic use of enforcement, engaging in a cost/benefits analysis that includes the importance of the rule; the efficacy of a given control tactic; the risk of inflicting injury that cannot be concealed; and the concomitant risk of intervention, with social and legal consequences. Thus, the standard explanation that abuse results from uncontrollable anger or provocation has no validity in these circumstances.

In response, victims engage in a process of their own, continually analyzing which rules are crucial and must be obeyed to the letter; and which rules they can resist, and when and how and to what degree. Their decisions whether to comply or resist a particular rule hinge on a number of factors including:

- their cultural and religious beliefs;
- the extent to which compliance compromises their integrity or safety;
- the risks versus the benefits (for themselves and their children) of compliance or resistance in a given situation;
- legal, financial, social and other options and resources that may facilitate resistance;
- the opportunity to reflect and develop a safety plan;
- supports and connections that may make resistance possible and feasible; and
- hope that things can and will change.

In cases of true domestic violence, the batterer often seeks to maintain his control even after the relationship has ended and a court order has been entered. Tactics may include stalking or spying; courting the victim with flowers, letters, or gifts; withholding or delaying support; or undermining the victim's relationship with employer or friends. When there are children, the batterer may visit erratically to prevent the victim from making other plans; make unilateral parental decisions regarding such things as tattoos, piercing, or dramatic changes in hair style; keep the children from attending planned activities; and undermine the custodial parent's relationship with the children.

The Impact on Children

In cases involving children, the systems' primary concerns are the safety of the children and their best interests. Children's best interests are served when both their own physical and emotional safety and that of their primary caretaker are assured. Coupled with responsibility for the children, non-abusing parents must have both the autonomy and authority to act on the children's behalf, without interference by the batterer, and the

resources to protect their children and meet their needs. Systems can best accomplish these results by familiarizing themselves with the resources available to victims, children, and batterers in their communities; crafting or advocating for visitation orders with sufficient specificity and enforceability to assure the physical and emotional safety of children and their primary caretakers; and, when appropriate, allowing maximum access to the non-custodial parent consistent with safety requirements for children and their custodial parent alike. Systems that achieve these results and that enforce the terms of orders stringently, most surely protect the safety of children and their primary caretakers and do the best job of realizing children's best interests.

Conclusion

Whenever there are allegations of domestic violence, the systems that victims and their children reach out to must make a number of important decisions. Because such allegations are often denied, determining whether the violence actually occurred, and what it really means, is one of the first and most critical issues in achieving the best and safest outcomes for the targets of violence and their children. It is imperative that all systems involved in any domestic violence-related case understand both the true nature of domestic violence and the dynamics of the individual case, provide safe and appropriate services, and advocate for and create orders that assure the safety and protect the rights of all family members. Getting it wrong is likely to have drastic consequences.

¹ The original version of this article appeared in the National Council of Juvenile and Family Court Judges' *Today* magazine, Winter 2003, and was drawn largely from portions of *Enhancing Judicial Skills in Domestic Violence Cases*, the curriculum of the National Judicial Institute, a joint project of the NCJFCJ and the Family Violence Prevention Fund (FVPPF). Barbara Hart, JD, and Loretta Frederick, JD, are the Institute faculty members primarily responsible for developing and presenting the portions of the curriculum upon which this article is based.

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³ Matthew R. Durose et al., U.S. Dep't of Justice, *Family Violence Statistics: Including Statistics on Strangers and Acquaintances* 1 (June 2005, NCJ 207846) (reporting that the majority (73%) of family violence victims were female and that males were 83% of spouse murderers and 75% of murderers who killed a boyfriend or girlfriend); Shannan M. Catalano, U.S. Dept't of Justice, *National Crime Victimization Survey: Criminal Victimization, 2004* 10, (Sept. 2005, NCJ 210674) (reporting that of offenders victimizing females, 21% were intimates of the female victim, as compared to offenders victimizing males, of which only 4% were intimates of the male victim).

APPENDIX B

Whatcom County Community Agencies that Provide DV Services and Related Social Services

Whatcom County Community Agencies that Provide Domestic Violence Services and other related Social Services

AGENCY	DESCRIPTION OF SERVICES OFFERED
<p>Agape Home - Lighthouse Mission 910 West Holly Street Bellingham, WA 98225 (360) 733-5120 x112</p> <p>Brigid Collins 1231 N. Garden Street, #200 Bellingham, WA 98225 360-734-4616</p>	<p>Agape Home is the Women's Shelter of the Lighthouse Mission Ministries. They provide safe, alcohol- and drug-free housing for women and children as available, as well as limited case management services. Guests are expected to address root cause issues that led to their homelessness.</p> <p>Brigid Collins provides a menu of family support and intervention services that are frequently accessed by victims of Domestic Violence. These programs include parent child visitation; targeted intensive case management and therapeutic services for pregnant and parenting women with issues of addiction; Parent Child Interaction Training - an evidence-based parenting skill building program; and a mutual self-help parent support group. General systems advocacy and family support case managers are also available.</p> <p>CASAS is Western Washington University's 24-hour hotline for any WWU student who has been affected by any type of sexual violence, domestic/dating violence, and/or stalking in their life. The CASAS case manager assists students in accessing all available resources in an effort to ensure the student continues to be academically successful and has the tools necessary to heal from the incident(s).</p> <p>CASAS services include: 24 Hour Helpline for students, medical and legal assistance, professional consultation, emotional support, orders of protection, support groups (both sexual assault and domestic violence), and academic support</p> <p>CCS provides mental health counseling for children and their families with medical coupons or state sponsored insurance. CCS has a CHAP program for children at risk of hospitalization. CCS Recovery provides outpatient drug and alcohol counseling for teens, adults and non-using family members. CCS also has general parenting classes, parent support groups and supervised visitation.</p>
<p>CASAS: Crime and Sexual Assault Support Services Old Main 585B 516 High Street, MS 9039 Bellingham, WA 98225 360-650-3700 (Hotline) 360-650-7982 (Case manager)</p> <p>Catholic Community Services (CCS) 1133 Railroad Avenue Bellingham, WA 98225 (360) 676-2164 CCS Recovery 2806 Douglas Avenue Bellingham, WA 98225 (360) 676-2187</p>	<p>CASAS provides mental health counseling for children and their families with medical coupons or state sponsored insurance. CCS has a CHAP program for children at risk of hospitalization. CCS Recovery provides outpatient drug and alcohol counseling for teens, adults and non-using family members. CCS also has general parenting classes, parent support groups and supervised visitation.</p>

AGENCY, cont.	DESCRIPTION OF SERVICES OFFERED
<p>Domestic Violence & Sexual Assault Services of Whatcom County (DVSAS) 1407 Commercial Street Bellingham, WA 98225 Business line 360-671-5714 24 hr Hotline 360-715-1563 or 1-877-715-1563</p>	<p>DVSAS provides advocacy based counseling to victims of domestic violence and sexual assault, their family, and friends. Individual advocacy, medical, and legal advocacy are provided by trained staff and volunteers, focusing on safety and empowerment. Adult and adolescent support groups, prevention & community education, systems advocacy, and children's services are also available. Walk-in services are available 9-5 M-F and hotline 24 hours a day.</p>
<p>Dorothy Place – Opportunity Council 1111 Cornwall Avenue; Ste. C Bellingham, WA 98225 Phone: 360-734-5121 Fax: 360-734-2260</p>	<p>Dorothy Place is a secure 21-unit facility that provides support services and transitional housing for homeless single women and women with children who are victims of domestic violence.</p>
<p>Lummi Victims of Crime 2616 Kwina Road Bellingham, WA 98226 24-hour help line: 360-384-2285</p>	<p>Lummi Victims of Crime (LVOC) offers a variety of services to help any adult or adolescent who has been affected by domestic violence, sexual assault, elder abuse, assault & battery, survivor of homicide, child abuse/neglect and sexual assault. The population eligible for services includes Lummi Tribal members, Native Americans residing in Whatcom County and all residents of the Lummi Indian Reservation. This includes crisis intervention, advocacy and support, safety planning, legal advocacy, transportation to medical, legal and therapy appointments, emergency shelter, education/support groups, therapy referrals, traditional healing and emergency assistance. The LVOC is available 24 hours a day and 7 days a week through their 24-hour help line. The strictest confidentiality is guaranteed.</p>

<p>AGENCY, cont.</p>	<p>DESCRIPTION OF SERVICES OFFERED</p>
<p>Lydia Place P.O. Box 28487 Bellingham WA 98228 www.lydiaplace.org 360-671-7663</p>	<p>Lydia Place is a six-month transitional housing program that serves women and their children by offering life skills training, and support needed to enable them to move from poverty to self-support and independence. Lydia Place is designed to help women over age 18 who are homeless and have children, and are willing to participate in the life skills program. Descriptions of our services follows: <u>Women's program:</u> The Mandatory program is designed to provide families the opportunity to reorganize and restructure their lives. Services include case management; goal setting; referrals to other resources in the community; life skills training: communication skills, domestic violence awareness, effective parenting, budgeting and health; family advocacy; yearlong follow up program after graduating from the program. <u>Children's Therapeutic Program:</u> While the women attend classes, children work with children's program staff in group activities. Focus on: coping skills, communicating feelings, self-empowerment, safety and family. Art therapy: focused on giving children a way of coping with past abuse that they may have observed or experience.</p>
<p>New Way Ministries 205 S. BC Ave. #117 Lynden, WA 98264 www.new-way-ministries.org 360-354-9930</p>	<p>New Way Ministries is a non-profit organization that provides six month transitional housing to women and their children. There are 9 units for residents to live in while they are working to accomplish their goals. Their kitchen, dining area, living room and laundry are designed for community living use. The New Way Ministries program offers support, resources and tools for residents to make decisions and changes so that homelessness is no longer a part of their life. The program includes case management, a children's program, and mandatory life-skills classes on topics such as: parenting, relationships, finances and nutrition.</p>
<p>Nooksack Tribal Domestic Violence Program Adeline Aure 4058 Mount Baker Hwy Deming WA 98244 Phone: 360-592-5176</p>	<p>The Nooksack Tribal Domestic Violence Program provides the following support to Native American victims of DV and their children, including coordination of counseling, advocacy, transportation, temporary housing, and other necessary resources.</p>

AGENCY, cont.	DESCRIPTION OF SERVICES OFFERED
<p>Northwest Justice Project</p> <p>CLEAR toll-free advice/referral: 1-888-201-1014 M-F 9:30-12:30; Tu 3:30-6:15 CLEAR DV provider/client support: 1-800-606-4819</p> <p>1814 Cornwall Avenue Bellingham, WA 98225 734-8680; 1-800-562-8836 FAX 734-0121 www.washingtonlawhelp.org</p>	<p>Northwest Justice Project (NJP) is a non-profit, statewide organization providing free civil legal help to low-income persons with selected legal problems. NJP serves DV victims in several ways. It maintains a website, www.washingtonlawhelp.org, with an array of legal rights materials and self-help information for a wide variety of legal issues. NJP operates the statewide toll-free CLEAR line for clients with trained advocates assessing legal issues, providing legal advice or brief services, and if possible referring clients for more extended assistance to local legal resources. NJP also operates the CLEAR DV line for community DV staff and their clients, with experienced DV attorneys providing specialized legal advice and brief assistance in individual cases. NJP’s Bellingham office provides direct representation to many DV victims and their families in areas of family law, DSHS assistance programs, federal housing benefits and rights, access to health care, consumer right, access to public education, and employment rights. NJP has Spanish-speaking staff and other available interpreter services</p>
<p>Northwest Youth Services (NWYS) 1020 N. State Street Bellingham, WA 360-734-9862 360-734-4720 FAX Safe Home Hotline 676-1022 or 1-800-456-1022</p>	<p>NWYS provides support, counseling, shelter and transitional housing for runaway and homeless youth. Counseling Services are offered primarily through DSHS contracts for Family Reconciliation and Family Preservation Services. DV victims can receive in-home counseling and case management to stabilize their families. People can access these services by calling their local DCFS office. At risk teens and their families can receive support by calling our 24-hour Safe Home Hotline. Teens (12-17) who are homeless may be sheltered in one of our confidential Host Homes. Young Adults (18-21), including pregnant and parenting singles, may receive housing and case management for up to 18 months in our transitional living program. NWYS also offers the Teen Court Program and a support group for GLBTQ teens.</p>

<p>AGENCY, cont.</p>	<p>DESCRIPTION OF SERVICES OFFERED</p>
<p>Violence Intervention Professionals Bryan May, MA, MHP Mental Health Specialist Domestic Violence Specialist Chemical Dependency Specialist 2130 James Street Bellingham, WA 98225 Phone: 360-756-9929 Fax: 360-756-9899</p>	<p>Washington State Certified Domestic Violence Batterer’s Treatment Program: Violence Intervention Professionals (VIP) provides the following services, all on a sliding fee basis:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Day and evening sessions <input type="checkbox"/> DV treatment for males and female ages 17 and older for up to one year <input type="checkbox"/> Assessment and therapy for domestic violence, mental health and chemical dependency-related issues <input type="checkbox"/> Individual, couples, and family counseling. VIP does not do couples counseling where DV has been present <input type="checkbox"/> Parenting After Violence classes for both males and females who have children affected by exposure to domestic violence <input type="checkbox"/> Parenting Classes for couples in blended families <input type="checkbox"/> Anger control classes
<p>Waterfront Counseling Donald E. Staal, MA, LMFT #1553 Corner of Pine & Cornwall, Bellingham Mail: PO Box 463 Custer, WA 98240 PH: 360.738.7752 FAX: 360.738.7769</p>	<p>Washington State Certified Domestic Violence Batterer’s Treatment Program: 1 ½ hour treatment groups: six for men, one for women Evaluations: questionnaire & battery of tests; usually recommend 32 or 52 sessions over 12 months, depending on severity & frequency of abuse and extent of psychological issues Anger Management: Two groups for men and women Treatment of impulsive anger issues; includes court ordered treatment of those arrested for disorderly conduct, school fights, and malicious mischief. Licensed Marriage and Family Therapist: Accept many insurances and DSHS; therapy for men, women, adolescents, children; Treatment for PTSD, anxiety, depression, anger, ADD/ADHD, OCD, ODD, bipolar I & II, various personality disorders (APD, BPD,NPD, HPD), relationship issues (couples, marriages, divorces, controlled separations, parent-adolescent, parent-child, sibling-sibling, multigenerational patterns), victims of crime, and dissociation. Also experienced in and available for workshops, retreats, seminars, prepare/enrich testing, parenting classes, and graduate and undergraduate coursework.</p>

AGENCY, cont.	DESCRIPTION OF SERVICES OFFERED
<p>Whatcom Counseling & Psychiatric Clinic 3645 East McLeod Road Bellingham, WA. 98226 360-676-2220 Toll free calls: 1-888-311-0120 TTY (Relay Operator) 1-800-833-6384 Fax: 360-676-7750 24 hour Emergency calls: 1-800-584-3578 TTY 1-425-339-3301 Rainbow Center: 360-752-2577 Triage Center: 360-676-2205</p>	<p>Whatcom Counseling & Psychiatric Clinic offers comprehensive and personalized mental health & psychiatric outpatient services to residents of Whatcom County. The clinic is a not-for-profit community mental health clinic licensed by the State of Washington. The Clinic has served Whatcom County for 50 years. Our clinical staff are highly skilled psychiatrists, nurses, mental health therapists and case managers who provide an array of comprehensive therapeutic services. We combine our professional technical skills with genuine compassion to give our clients the support and encouragement they need to recover. We serve adults, children and families, and elders. Counseling Services include: individual therapy, group therapy (including DBT), and case management. Medical Services include: psychiatric evaluation, consultation with Primary Care Physicians, Patient Education, and Medication Management. Other services include: Emergency Services and Crisis Respite located at the Whatcom County Behavioral Health Triage Center. Rainbow Center – a member run activity and drop-in center offering peer support and socialization for persons with mental illness. Our Special Services Program also offers Homeless Outreach, Rental Assistance, Vocational Services, and Jail Services, including Jail Diversion.</p>
<p>Womencare Shelter 4140 Meridian, Suite 210 Bellingham, WA 98226 (360) 734-0617 Crisis Line: (360) 734-3438 Fax:(360) 647-3544</p>	<p>Womencare Shelter provides access to confidential emergency shelter staffed 24/7, 24 hour crisis line, children's advocacy, women's support advocacy, legal advocacy including support through all civil and criminal processes, intakes to Project SAFER, systems advocacy, housing advocacy working in direct relationships with transitional housing providers in Whatcom County, King County and with the Bellingham Housing Authority, children's art group twice weekly, women's art group/support group twice weekly, nurse practitioner once a week, all food and basic needs, culturally appropriate food resources, bus passes, financial assistance, TANF assistance, clothing vouchers, emergency motel stay, emergency transportation, high risk out of county emergency transport, safety planning including ACP, identity change, 911 cell phone, information based referrals, personal advocacy, community education, bi-lingual advocacy, immigration assistance and immigrant support group.</p>

APPENDIX C

Protocol for CPS/CWS Contacting Womenscare Shelter

PROTOCOL FOR CPS/CWS CONTACTING WOMENCARE SHELTER

When a client of CPS/CWS is residing in Womenscare Shelter, and the CPS/CWS worker mandates that the resident disclose where they are staying, the resident can disclose that they are staying at Womenscare Shelter and give them our mailing address of the business office: 4140 Meridian St. #210 Bellingham, WA 98226. In order to comply with Womenscare Shelter confidentiality policy, the protocol should be as follows when a CPS/CWS client is residing at Womenscare Shelter:

- 1) CPS/CWS workers call Womenscare Shelter Helpline (734-3438) to talk to the advocate on duty.
- 2) Womenscare Shelter advocates ensure a Release of Information (ROI) has been signed before confirming or denying a resident is currently staying with us.
- 3) Once the ROI has been voluntarily signed, the advocate then can talk to the CPS/CWS worker regarding the resident/client.
- 4) If there is an order signed by a judge to remove the child/ren from the parent residing at the shelter, CPS will call the shelter and inform the advocate of this order and arrangements will be made for the parent to meet with CPS/CWS at Womenscare Shelter's Business Office or the DCFS office.
- 5) If CPS/CWS worker needs to talk to a resident, follow step 2 and 3. Instead of the advocate talking to CPS/CWS, inform the resident that CPS is on the line for them.

APPENDIX D

Whatcom County Law Enforcement
Child Abuse Investigation Protocol

WHATCOM COUNTY ABUSE INVESTIGATION PROTOCOL

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Whatcom County Child Abuse Investigation Protocol

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Whatcom County Child Abuse Investigation Protocol

I. PURPOSE OF PROTOCOL

- A. *This protocol is intended to assist prosecutors, law enforcement, caseworkers for the Division of Children and Family Services [hereinafter CPS], advocates and other specialists who participate in the investigation of allegations of child abuse. Members of these agencies are represented on the Steering Committee for the Whatcom County Children's Advocacy Center and the Whatcom County Sexual Assault Team.*
- B. *The mission of this collaborative effort is to provide, protection, healing and justice for child abuse victims and their families by reducing the number of interviews of the victim, offering consistent and skilled services, increasing efficiency in prosecution and avoiding duplication of efforts by community agencies.*
- C. *This operational protocol supports a successful conclusion to investigations and minimal trauma to victims and families by:*
 - *Formalizing a working protocol among agencies and individuals responsible for or participating in the investigation of allegations of child sexual abuse;*
 - *Providing support for victims and their families;*
 - *Promoting a well-coordinated, efficient, thorough and reliable investigation;*
 - *Fostering collaboration and integration of services through a multi-disciplinary team approach;*
 - *Ensuring that children involved in the investigation are protected, and treated with respect and dignity.*

The undersigned agree that these goals can best be achieved through the implementation of a comprehensive and unified approach that recognizes both the training and experience, as well as the special duties and obligations, of each participating agency (see Appendix D).

These goals and the protocol that follow represent an ideal situation. The availability of personnel and resources will often impact the manner in which an investigation is triaged and conducted.

II. DEFINITIONS

- Child Abuse refers to neglect and/or physical or sexual abuse of children.
- Offender refers to a suspected perpetrator, whether adult or juvenile.
- Child or victim will be used interchangeably.
- CAC refers to the Whatcom County Children's Advocacy Center. This entity is a coalition of county agencies responding to child abuse and includes representatives of law enforcement, the Prosecutor's Office, St. Joseph Hospital and the medical community, Child Protective Services, mental health and other treatment providers and advocacy staff. This coalition provides for

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a coordinated response to investigation, prosecution and treatment of alleged sexual and physical abuse.

- CPS refers to all Child Protective Services, whether from the Division of Children and Family Services, Division of Licensed Resources (DLR) or Tribal Child Protective Services.
- Law Enforcement (LE) refers to any law enforcement agency such as local Police Departments, the Sheriff's Office and Tribal Police Departments.
- Multidisciplinary Team (MDT) refers to a collaborative, multi-agency approach to investigation, case management and treatment for victims.
- Prosecutor's Office (PA) refers to the elected Whatcom County Prosecuting Attorney, his/her Deputy Prosecutors, the Municipal Court Prosecutors and Tribal Prosecutors who may be involved in the pursuit of justice for victims.
- Sexual Assault Team refers to a regularly scheduled meeting of multi-disciplinary staff working on investigation and prosecution of sexual abuse and child abuse in the county. It is coordinated by the Prosecutor's Office.

III. WHATCOM COUNTY CHILDREN'S ADVOCACY CENTER

The CAC is a coalition of agencies participating in the response to allegations of child abuse in Whatcom County. These agencies include law enforcement, Prosecuting Attorney's Office, CPS, St. Joseph Hospital, the Whatcom County Health Department, Brigid Collins Family Support Center and other community treatment and advocacy staff.

IV. A MULTIDISCIPLINARY TEAM APPROACH

The most effective response to allegations of child abuse is collaborative and integrated. A Multidisciplinary Team, representing law enforcement, advocacy and victim services, CPS, the CAC and the PA's office meets weekly to review active cases of sexual abuse and child abuse. Coordination and assignment of investigation activities and victim interviewing, and discussion of prosecution strategies and family support needs are shared as needed. Results of the MDT meetings are documented by the CAC Coordinator in the CAC case files.

V. INTERAGENCY REPORTING OF CASES

Reports to CPS or law enforcement are required or permitted by many people and professionals pursuant to RCW 26.44.030. This section addresses interagency reports of such cases regardless of the origin of the report in the community.

To ensure necessary communication, each agency agrees to report cases of suspected child abuse promptly with the following content:

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A. Initial Report Contents

Pursuant to RCW 26.44.040, reports should include the following information:

1. Name, address and age of the alleged victim;
2. Name, address and age of the alleged perpetrator;
3. Name, address and phone number of the mother, father, legal guardian or custodian, and any person having physical custody of the victim;
4. Current location of the victim, and any plans to relocate the victim;
5. Facts describing the allegation of abuse;
6. All other information bearing on the allegation of abuse or the identity of the alleged perpetrator;
7. Evidence of the nature and extent of previous injuries or abuse;
8. Confirmation of notification to other agencies of the above.

B. Report by CPS to Law Enforcement

When CPS receives an initial report of an allegation of criminal child abuse the law enforcement agency which would be charged with the investigation should be contacted.

1. Reports should be made as soon as practical [but within 24 hours] by telephone, facsimile, e-mail or in person;
2. If a report is made orally, CPS should provide a written report to the appropriate law enforcement agency by facsimile, hand delivery or email within three (3) business days of the oral report¹.

C. Report by CPS to the CAC

When an alleged victim reports abuse and support services are desired the CPS staff will inform the CAC Coordinator of the alleged abuse within 72 hours when practical. Notice may be made via telephone, fax or e-mail. If notice is by phone, the initial written report should follow.²

D. Report by Law Enforcement to CPS

When law enforcement receives an initial report of child abuse, it should report this information to CPS with three (3) business days by means of telephone, facsimile, email or in person, except as follows:³

¹ See, RCW 26.44.030(4)

² See, RCW 26.44.030(7)

³Third party reports do not need to be sent

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1. Immediate notification should be made to CPS when the victim child is reasonably believed to be in danger. CPS should be contacted by phone or through the after hours system.⁴
2. Law Enforcement should send copies of the case report to CPS in addition to the initial report.

E. Report by Law Enforcement to the CAC

When the alleged victim reports abuse and desires support services the Investigator should inform the CAC Coordinator of the alleged abuse within 72 hours when practical. Notice may be made via telephone, fax or e-mail. If notice is by phone, the initial written report should follow.

F. Report by Law Enforcement to Prosecutor

When law enforcement receives a report of an allegation of child abuse, the prosecutor should be notified immediately if any of the following factors are present:

1. Complex case (Section VIII). Such cases include one or more of the following: multiple jurisdictions, multiple victims or multiple offenders.
2. Acute episode of sexual abuse. An acute episode is any sexual abuse allegedly occurring within the last 72 hours and which may involve penetration or a transfer of trace evidence.

In all other cases, the prosecutor should be notified at the completion of the investigation or as needed.

G. Report by Prosecutor to Law Enforcement

When the prosecutor's office receives an allegation of child abuse, notification of the law enforcement agency where the abuse occurred should be made as soon as practical and no later than seventy-two (72) hours after the report.

H. Multi-Jurisdictional Reporting

When a report is received indicating that more than one law enforcement jurisdiction may be charged with investigating the report, the following procedure applies:

1. A report should be made as soon as practical to the CPS and law enforcement agency in the State and County where acts alleged to be child abuse occurred so that appropriate coordination of investigation can occur;

⁴ See RCW 26.44.030(5)

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2. A report should be made as soon as practical to the CPS and the law enforcement agency in the State and County where the victim is currently located;
3. A report should be made as soon as practical to the CPS and law enforcement agency in the State and County where the suspected perpetrator(s) is located;
4. The reports referenced above should be sent by law enforcement and CPS to their counterparts in the other jurisdictions.

1. Initial Law Enforcement Report

1. Patrol officers may take initial complaints from witnesses and victims to determine the nature of the allegations and to assess risk to the victim(s) and witnesses;
2. If the patrol officer determines that there is reason to believe a child was abused, the officer should, in consultation with his/her supervisor, determine if the victim or witnesses are at risk and make appropriate safety plans;
3. CPS should be notified as soon as practical;
4. If the complaint presents as a complex investigation, the prosecutor should be notified immediately;
5. The victim and a supportive member of the victim's family should be advised of support and advocacy services available at the prosecutor's office and at the CAC;
6. Law enforcement, CPS, the CAC and the prosecutor's office should coordinate their assistance.

VI. RESPONSIBILITY FOR THE INVESTIGATION

CPS, law enforcement and prosecution have different obligations. The following guidelines enhance cooperation and reduce the possibility of confusion. Proper coordination during the investigation will reduce the number of interviews with the child victim.

A. Law Enforcement as Lead Agency

Law enforcement will be the "lead" agency in any investigation involving child abuse. Being designated as the "lead" agency with primary responsibility for an investigation does not preclude or reduce the importance of any other agency involved in the investigation.

Each participating agency should provide requested or required assistance during the investigation. Where a joint investigation is involved, CPS should participate in the initial investigation with law enforcement as resources permit. CPS prioritizes the assignment of cases based on evaluated risk to the alleged victim and family.

B. Joint Investigation with Law Enforcement and CPS

Joint investigations require a high degree of coordination, cooperation, understanding and flexibility. To minimize interviews investigations should be conducted jointly by law enforcement and CPS whenever possible.

1. The agency “receiving the initial report” should contact the other agencies as provided for in Section V.
2. The involved agencies should assign appropriate and adequate personnel to investigate.
3. The assigned law enforcement officer and CPS caseworker should make contact as soon as possible to discuss the investigation and form an initial plan for the investigation. This plan will often need to be modified given the changing dynamics of the investigation. Investigators should confer as necessary to monitor the progress of the investigation, conduct on-going planning and coordinate their agency’s actions.
4. The investigators should initially decide:
 - a. Which Law Enforcement Agency has the primary responsibility for the investigation.
 - b. When to initiate the investigation. The safety of the child is a paramount consideration. An investigation should not be delayed where the circumstances indicate a present or continuing danger to the child. Aside from this consideration, investigators and supervisors should appropriately identify the priority of the case.
 - c. The sequence of the investigation. The investigators and their supervisors should determine the necessary steps in the initial investigation and the order in which each should be performed to optimize the informational outcome. A division of labor may be appropriate. A checklist should be developed to identify necessary interviews, including: the victim, possible secondary victims, family members, collateral witnesses; and, the physical evidence that needs to be located, gathered or recorded.
 - d. Which investigator should be designated as the recorder during interviews. An accurate account should be developed from the interview. The resulting reports should be promptly prepared and disseminated to the appropriate agencies within five (5) business days.

C. Mutual Assistance

Law enforcement should seek the assistance of CPS in the following circumstances:

1. When CPS has necessary specialized interviewing skills;
2. When advice or resources are needed to place children in temporary or protective custody;
3. When children taken into temporary custody need medical evaluation or treatment.

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CPS should seek the assistance of law enforcement in the following circumstances:

1. Where evidence of criminal activity is detected;
2. Where there may be a risk to the case worker;
3. Where circumstances indicate that children may need to be placed in protective custody.

D. Timing of Investigations

Upon receipt of a report of child abuse, law enforcement should initiate an investigation. An investigation should be initiated immediately where:

- The circumstances indicate that a child is at risk,
- Immediate action is necessary to prevent future harm to the child,
- To prevent removal of the child from the jurisdiction,
- To prevent the loss of evidence or testimony.

Where emergent factors are not present, the initiation of the investigation may be delayed when necessary to:

- Respond to a higher priority incident;
- Coordinate a joint initial investigation;
- Avoid compromise of the investigation or increased risk to the child or children.

VII. INTERVIEWS

A. Victim Interview

1. Child Interviews

When a child suspected of being a victim of sexual abuse is under 16 years of age or has obvious or significant developmental delays, the interview should be conducted by a person who has received training as required by RCW 43.101.224 or RCW 74.14B.010. Interviewing children and those with developmental disabilities should be done in a manner that minimizes trauma, reduces the number of investigative interviews through near verbatim documentation, avoids leading or coercive questions, and keeps in mind the emotional comfort of the child regardless of where the interview is conducted. Trained staff from CPS and Law Enforcement will be assigned to such cases if possible and will jointly determine their roles in conducting the interview. When responding to a report of child abuse a law officer untrained under these laws will generally do initial questioning to determine the general nature of the complaint and assess safety factors, and will contact a Supervisor.

2. Persons Present During Interview

The lead agency should determine whether or not the child wishes to have a 3rd person present during the interview, and if so, should make reasonable efforts to accommodate the child's wishes. Unless the child objects, the lead agency should make reasonable efforts to include a 3rd party in any interview so long as the presence of the 3rd party will not jeopardize the course of the investigation.⁵

3. Location of the Interview

The CAC provides a safe, child-focused atmosphere for interviewing children. Recording equipment allows for partnering agency representatives to view the interview and communicate with the interviewer to produce the most complete interview possible. If the interview takes place in another location, the interviewer should attend to the child's needs for comfort and protection. Appropriate and supportive interview settings at the offices of CPS, law enforcement, the Prosecutor's and CAC are available.

4. Interview of Other Potential Child Victims and Witnesses

Where other children in the household, facility or institution are thought to be possible victims or witnesses those children should be promptly interviewed. Plans should be made among the involved agencies to avoid trauma and possible cross-contamination by the parent, caregiver, suspect, other victims and individuals. These plans may include multiple interviewers, limiting advance knowledge of the interviewers and conducting interviews with careful attention to accepted interview standards.

B. Suspect Interview

Interviews of persons suspected of abusing children require special training, experience and skill. Whenever possible, officers with this experience should conduct interviews. A suspect should always have an opportunity for an interview. A signed written statement should be taken from a suspect. Suspects, who are in custody at the time of the interview, should execute a written advisement and waiver of their constitutional rights form. Under Washington and Federal law, a suspect who is not in custody and who will not be arrested out of the interview need not be advised of his/her *Miranda* warnings.

C. Other Witnesses

Other persons who have information pertinent to the investigation should always be interviewed. A signed written statement should be taken if possible.

⁵ See 26.44.030(10)

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The lead agency should determine who will conduct these interviews and when they should be conducted. All participating agencies should make reasonable efforts to assist with these interviews. As a minimum, interviews should be conducted of the non-offending household members, siblings, facility staff, neighbors and collateral witnesses. Particular care should be taken to take a “near-verbatim” statement of all persons to whom the child “initially disclosed” the abuse.

VIII. PROCEDURES FOR “COMPLEX” INVESTIGATIONS

A “Complex Investigation” is any investigation that involves: multiple jurisdictions where offenses have occurred; multiple victims; or multiple offenders. These investigations may be further complicated by the possibility of cross-contamination among victims and/or witnesses, organizational or familial loyalty, transient connection to the location of the alleged abuse (e.g. daycare facility), or a combination of these and other factors.

A. Immediate Action

Cases involving one or more of these components require an immediate and coordinated response. The agency first discerning that the case is “complex” shall advise his/her superior and cause the Prosecutor [410-6364] or his Chief Deputy [410-6365] to be notified. A deputy prosecutor will be assigned to the case at that time. The first priority should be safety of the involved children.

B. Initial Investigation Meeting

Arrangements should be made immediately for a staffing meeting on the case. This meeting should be set up by the assigned prosecutor within 24 hours of the designation of “complex case” for the purpose of sharing information, planning and coordination. It should be attended by the lead investigator from each of the involved agencies and a representative from victim services. Other resources should be present as needed. It is quite possible that official action is needed in advance of this meeting. If so, coordination will be by phone. Victim safety is the paramount concern.

C. Investigative Checklist

1. At this meeting a “checklist” of tasks should be developed to:
 - a. Identify and assign for interview each possible child victim;
 - b. Identify and assign for interview each possible suspect;
 - c. Identify and assign for interview each central collateral witnesses;
 - d. Identify and assign for interview each non-central collateral witness;
 - e. Identify children in need of medical exams; warn and triage with medical personnel for this task;

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- f. Arrange for the collection of physical evidence separate from the responsibilities of the interviewing team;
 - g. Discuss and set the order in which each of these tasks should be executed to minimize contamination and maximize evidence gathering;
 - h. Make arrangements for placement of children in a safe environment where the possibility of contamination by other victims/witnesses is minimized or monitored;
2. Begin outlining support services for the victims involved including resources beyond the agencies represented in the team.

D. Interviewing

1. Interviews should be conducted by personnel specially trained and experienced in child sexual assault cases, subject to available resources;
2. An interview of a potential victim or a potential suspect should be conducted by two (2) investigators. It may be useful for one investigator to interview and one to record. Prompt written reports are vital to effective information sharing. Quotes and “near verbatim” account from young victims and suspects are essential to an accurate and coordinated investigation.
3. CPS is presently equipped with portable field recorders that record interviews in a digital format. This agency also has resources to provide the interview on CD or in a transcribed format (within 5 days in an emergent situation).
4. Care should be taken not to provide case-related information to victims and witnesses.
5. Parents and caregivers should be promptly advised of the investigation and its progress, if this can be done without compromising the investigation.
6. Normal interviewing tools and protocols should be used with the same or greater attention in the “complex case”, including the use of non-directive or non-leading questions, not contaminating potential victims or parents with outside information and accurately recording the content of the interviews.
7. While child victims and witnesses should have a support person present, care should be taken to determine that the support person is not also a witness, victim or possible perpetrator.

E. Follow-up Investigation and Meetings

Further meetings for the “Complex Case” team should be held on a regular basis, as needed. The weekly meeting date for the Sexual Assault Team may be a preferred time in that additional resources and input are available.

These meetings should be used to:

- Update members on the progress of the investigation;
- Develop checklists for further follow-up;
- Debrief the investigation.

It can be expected that this meeting format will be used throughout the charging and trial process.

In all other regards the normal investigative protocol should be followed.

IX. MEDICAL EXAMINATION, TREATMENT, EVIDENCE

Whenever there is an allegation of child abuse, the lead investigative agency should ensure that the child receives appropriate medical examination and treatment, either at the CAC, Emergency Department of St. Joseph Hospital or through a private medical provider. The lead agency, CPS and CAC should consult on the nature and extent of the examination. This should include consideration of the special training and experience of the person providing treatment. The victim's family should be consulted unless this would compromise the investigation.

A. Acute Incident of Sexual Abuse

Any sexual assault within the last 72 hours, which may involve penetration or a transfer of trace evidence, is an acute incident. This type of report should be the subject of an immediate response.

In an acute situation the lead agency should consult with CPS and the on-call prosecutor about the propriety of an "after-hours" medical exam at St. Joseph Emergency Room.

Where medical forensic evidence is collected, the law enforcement agency should arrange to transfer the evidence to the medical examiner for review or the evidence room for later transport to a crime lab for examination, as appropriate. [Typically, the hospital will arrange for the transfer of samples directly to the medical examiner's office. This can be confirmed by a call to the medical examiner (738-4557)].

The lead agency should make arrangements to secure medical releases as appropriate from the suspect, the victim and family members in order to secure medical and exam history in a timely fashion.

Medical information should be treated with sensitivity and shared with other involved agencies as necessary for the investigation and the protection of the child.

The Victim-Witness Unit in the prosecutor's office and CAC should assist victims and their families in obtaining services for support and medical costs.

B. Acute Incident of Physical Abuse:

An acute incident of physical abuse typically involves a complaint of recent and serious abuse. An appropriate response to an acute incident is dictated by the severity of the reported or observed injuries. These injuries may involve blunt trauma, broken bones, serious burns, internal bleeding or shaken baby syndrome.

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These complaints should be the subject of an immediate response. Law Enforcement and CPS should immediately consult and coordinate with each other and an on-call prosecutor.

While immediate attention to the treatment and safety of the child is vital, it is equally important that the investigation assemble the following information/items as soon as possible and ideally within the first twenty-four (24) hours:

- Timeline showing the probable time of injury and persons having contact with the victim before, during and after the probable time of injury;
- Medical releases should be secured from the parents and other adults as dictated by the investigation;
- Photographs, x-rays, etc. of injuries;
- Photograph and collect mechanism of injury and related items [bat, belt, etc.]; location;
- Identification of and recorded interviews [signed statements, audio, video recordings] of all verbal children and adults who had physical contact with the victim over the last 48 hours to two weeks [depending on the physician's description of the age of the injury];
- Adequate interviewing resources to complete this aspect of the investigation prior to an opportunity for contamination;
- Consultation with physician expert on the probable mechanism and time of injury contrasted with the explanations offered from witnesses;
- Blood samples for toxicology from victim and/or adults as appropriate.

C. Non-acute Incidents of Sexual and Physical Abuse

The purpose of a non-acute medical evaluation is to:

- Ensure the child that he/she is healthy.
- Provide medical evaluation, diagnosis and treatment as needed.
- Provide reassurance and education to the child and family.
- Provide an additional opportunity for disclosure.
- Collect and document forensically significant findings.

In non-acute cases, and when the victim is under 16 years of age, the lead agency should contact and consult with the CAC. Examination times will be arranged with the clinic or primary care physician based on the evidentiary considerations.

X. PROTECTING CHILDREN DURING THE INVESTIGATION AND TRIAL PROCESS

Efforts should be coordinated to protect child victims from further unnecessary trauma during the investigative and pre-trial process. Such actions attempt to:

- Protect the child from the offender and his/her influence;

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- Find a familiar, protective placement if a child is taken into protective custody by law enforcement;
- Minimize the number of interviews of the child by investigators by conducting “joint” interviews;
- Provide the child and his/her parents/caregivers information on his/her rights as a child victim and the availability of support/advocacy services.

XI. CONFIDENTIALITY AND INFORMATION SHARING

All written and oral information exchanged or disclosed to the undersigned agencies should be maintained by the recipient agency as confidential information. This information can only be used for purposes of advancing an investigation. Confidential information cannot be disseminated any further absent express permission or the application of a court rule, court order or applicable statute.

Agencies sharing information will make all attempts to ensure:

- Integrity of the criminal investigation
 - Confidentiality
 - Protection of the child
 - Protection of individual rights
1. Initial complaints of suspected abuse should be exchanged within one business day (24 hours). This may be accomplished by phone or fax.
 2. The initial investigative reports should be exchanged within 48 hours of their preparation under most circumstances.
 3. Law Enforcement, CPS and the Prosecutor should maintain a record of the investigation and report of the charging decision.
 4. The Prosecutor should notify the law enforcement agency, CPS and the victim within five (5) business days of any charging decision.⁶

XII. CASE CLOSURE

In the event the investigation cannot be closed through the filing of a charge, appropriate services can be offered to the child and family.

- A. If prosecution is declined, the prosecutor should outline the facts and concerns in a memorandum to the NO ACTION file maintained in the prosecutor’s office.
- B. Where follow up investigation is needed, the prosecutor should develop these concerns at the Sexual Assault Team meeting and provide a detailed

⁶ see RCW 26.44.030(6)

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memorandum listing the follow-up request or the reasons for declining to prosecute.

1. For computer posting, this memorandum will be labeled as “no action” for one of the following reasons:

- *Follow-up requested* (resubmitted to law enforcement for further investigation)
- *No Crime* (where complaint is not proven)
- *Insufficient Evidence* (inactive pending further information)
- *Statute of Limitations*
- *Lacks Prosecutorial Merit* [where charge may be sustainable but case does not warrant the use of further resources]

2. In addition to the communication at the Sexual Assault Team meeting, the reviewing prosecutor should send copies of this memo to the lead detective and the Sexual Assault Coordinator/Victim-Witness Coordinator in the Prosecutor’s Office.

The assigned prosecutor or the appropriate coordinator should notify the Victim and his/her family within five (5) business days of the decision. If concerns or questions remain, a meeting with the assigned prosecutor can be arranged.

XIII. APPENDICES

Appendix A-- Collection of Physical Evidence

1. Primary Responsibility

Law enforcement should assume the primary responsibility for the collection, packaging, processing and preservation of physical evidence. It should also take primary responsibility for any recordation (photographs, videotaping, diagrams, etc.) of evidence or the crime scene.

2. Acute Incident

Where the abuse is suspected to have occurred in the last 14 days, special attention should be given to identifying, securing, preserving and sampling the crime scene, the suspect’s and the victim’s clothing and other areas where bodily deposits or transfers could still exist. This should also include the search for and

⁷ follow up requests which can be accomplished within 2 weeks don’t require computer posting

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the collection and preservation of collateral evidence, including but not limited to, videotapes, pictures, magazines, lotions, sex devices, etc., connected with the suspected crime.

The prosecutor should be consulted for a search warrant as needed. Prosecutors are available 24 hours a day through dispatch. Telephonic warrants will typically be sought after business hours.

Any evidence collected should be packaged and labeled with an identifying marking by the person who collected it. It should be properly secured and stored. The person collecting the evidence should prepare a report documenting where and when each item of evidence was found, the condition of the item and the surrounding circumstances as appropriate.

3. Photographs

- a) All physical injuries should be photographed and described in reports;
- b) Where there is an allegation of physical abuse, full body photographs should be taken of the alleged victim to document the presence or absence of injuries. More detailed photographs and procedures may be called for in cases where there is an allegation of bites, impact with a known object, etc.;
- c) The hands and other relevant parts of the suspect's body should be photographed to document injuries and marks related to identification or abuse;
- d) The location where the abuse is alleged to have occurred should be photographed/videotaped with a simple diagram to record the location of the abuse and assist the victim/witness.

4. Diagrams and Measurements

Diagrams and measurements of rooms, building or residences should be taken by law enforcement to document the scene where appropriate.

5. Other Evidence

- a) Diaries, letters, notes, family calendars, where appropriate;
- b) Lotions, sex devices and related items;
- c) Movies, magazines, photographs;
- d) Other items used in the crime or grooming process;
- e) Bedding, clothing, towels, paper towels, as appropriate.

Appendix B. Child Sexual Abuse-- Investigative Checklist:

Evaluate and Triage

- Is the child currently "at risk"?
- Has there been a sexual act in the last 72 hours?
- Is this a "complex case" [multiple victim or multiple suspects or daycare facility—Call a Prosecutor]?
- Is a Search Warrant needed [pornography, lotions, computer, bedding]?
- Tipped phone; Intercept?

Interview of Child

- Identify Suspect

Where did abuse take place?

Inside a home:

- child's bedroom
- mom's bedroom
- family/living room
- bathroom
- kitchen
- sibling's bedroom
- garage
- Other: _____

Outside home:

- yard, deck, porch
- barn, outbuilding
- vehicle
- camping, vacation
- park
- Other: _____

What happened:

Fondling/rubbing/touching:

- under clothing
- over clothing
 - his fingers/her chest
 - his mouth/her chest
 - his fingers/her vagina
 - his penis/her vagina
 - his tongue/her vagina
 - her mouth/his penis
 - her fingers/his penis
 - other _____

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Penetration/ oral sex

- digital/vaginal [his fingers in her vagina]
- penile/vaginal [his penis in her vagina]
- penile/anal [his penis in her anus]
- digital/anal [his fingers in her anus]
- mouth/vagina [his mouth on her vagina]
- mouth/penis [her mouth on his penis]
- mouth/anus [his mouth on her anus]
- other _____

When did it happen:

- many times
 - grades _____
 - Teachers _____
 - house where living _____
- few times
 - grades _____
 - teacher _____
 - house when living _____
- one of last times
 - month or season

Medical Exam:

- Is one needed? [penetrating event]
- Acute penetrating incident
 - >13 = St. Joseph hospital
 - <=13 =Sexual Assault Clinic 734-4616
- Chronic penetrating or non-penetrating abuse
 - <= 13 = Sexual Assault Clinic 734-4616
 - > 13, consult with Sexual Assault Clinic or Prosecutor

Suspect Interview:

- Is *Miranda* applicable?
- Will S corroborate some of events in V's description?
- Will S provide opinion as to reason for V's report?
- Will S take polygraph: [Glen Hutchings, BPD, 676-6921; Kevin Bowhay, SO, 676-6650]

Collateral Witnesses Interviews:

- Interview persons to whom child disclosed
- Siblings
- Parents, relatives
- Teachers, counselors
- Was account consistent?
- Child reputation for truthfulness

Evidence:

- Trace evidence from crime scene, suspect, and victim
- Physical items used as part of abuse (lotion, pornography...)
- Photographs of scene, injuries, etc.
- Diagram of scene
- Family tree, where complex

Appendix C. Child Physical Abuse --Investigative Checklist

Whether or not a physical abuse investigation can be filed as a crime often turns on the first hours and organization of the investigation. It is vital to: determine the time frame during which the injury(ies) occurred; all the people who had access to the child during this time; and get recorded statements from each of these people before their memories are tainted or influenced. This will often involve simultaneous interviews with multiple investigators.

IS THE CHILD CURRENTLY “AT RISK?”

- Is medical attention needed now?
- Is this a “Complex Case”? [multiple victims, multiple suspects, daycare facility—call a prosecutor]
- Is a Search Warrant needed? [to collect the instrument of abuse, photograph the scene—call a prosecutor]
- Have all the verbal children and adults been identified who had contact with the child during the time of abuse?

CHILD INTERVIEW:

- Is the child verbal? [who, what, when, where, how]
Use same non-leading format as in sex abuse interviews
- Document age and developmental stage of child
- What triggered the incident
- Identify suspect
- Location of abuse (where it happened)
- Multiple incidents or single incident ?
What is normal discipline in home?

DOCUMENT INJURIES TO THE CHILD:

- Accidental or inflicted?
- Injury : Is injury from hand or fixed or flexible object?
 - Soft tissue bruise
 - Burn
 - Broken bone
 - Internal injury
 - Document through color photographs with a scale
 - Location
 - Configuration
 - Distribution
 - Multiple resolving injuries present
 - Defense type injuries
 - Is injury or condition compatible with the history provided
- Treatment: what, if any, date, location and provider

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MEDICAL EXAM :

- Needed or completed
- Emergency room or child's primary care physician?
Name, phone, address
- Obtain medical release for treatment records for incident
- Obtain medical release for ALL child's medical records
- Full body x-ray's needed ?

WITNESSES INTERVIEWS

- Identify those who contacted child in 72 hour period prior to incident
[this period may be shorter or longer based on developed facts]
- Interview those identified above, separately
 - First responders
 - Neighbors
 - CPS history
 - Siblings
 - Teachers
 - Non involved parent
 - Attending physician
 - Care givers

EVIDENCE

- SEARCH WARRANT ?
- Document injuries through color photographs with scale
- Document condition of home with photographs
- Locate and secure items used in abuse: belt strap, hairbrush, etc.
- Document scene of incident with photographs
- Scene diagram
- Medical records, X-rays

SUSPECT INTERVIEW

- Miranda applicable?
- Does suspect corroborate event as victim described?
- Is injury explanation plausible given age and development of child (can the child physically do what was said?)
- Will suspect take polygraph?

Whatcom County Child Abuse Investigation Protocol

Appendix D. CAC Contacts

<u>Organization</u>	<u>Contact person</u>
Prosecutor's Office	Mac Setter, Chief Criminal Deputy 676-6707 ext. 50311, cell 410-6365 Joan Gaasland-Smith, Sexual Assault Specialist 676-6707 ext. 50325 Willie Foster, V/W, ext. 50315
Whatcom County Children's Advocacy Center	Gail Tierney, CAC Coor. 734-4616, ext. 28 Margaret Jahn, ARNP, WCHD, 738-2508, ext. 32098
Child Protective Services	Laurie Alexander, Supervisor 647-6129
Whatcom Co. Sheriff's Office	Kevin McFadden, Det. Sgt. 676-6707 ext. 50420
Bellingham Police Department	Tim Lintz, Det. Sgt. 738-7361
Blaine Police Department	Mike Haslip, Chief 332-6769
Everson Police Department	Erik Ramstead, Chief 966-4212
Ferndale Police Department	Michael Knapp, Chief 384-3390
Lummi Law and Order	Gary James, Chief 384-2266
Lynden Police Department	Jack Foster, Chief 354-2828
Nooksack Police Department	Larry Mount, Chief 592-9065
Sumas Police Department	Chris Haugen, Chief 988-5711
St. Joseph Hospital Womencare Shelter Brigid Collins Family Support Center Domestic Violence and Sexual Assault Services	734-5400 671-8539, Hotline: 734-3438 734-4616 671-5714, Hotline: 715-1563
Dept. of Corrections	676-2110
Attorney General's Office	Barbara Sharp, Assistant A.G. 676-2193

Appendix E. Member Agencies

Randy Carroll, Police Chief, Bellingham

William Elfo, Sheriff, Whatcom County

Chris Haugen, Police Chief, Sumas

Erik Ramstead, Police Chief, Everson

Gary James, Police Chief, Lummi PD

Jack Foster, Police Chief, Lynden

Larry Mount, Police Chief, Nooksack PD

Mike Haslip, Police Chief, Blaine

Michael Knapp, Police Chief, Ferndale

Jim Shaw, Police Chief, WWU

Whatcom County Child Abuse Investigation Protocol

David S. McEachran, Prosecuting Attorney, Whatcom Co.

Kathy Ramsay, Area Administrator, Div. Of Children and Family Services,
Whatcom Co.

Byron Manering, Director, Brigid Collins Family Support Services

Janet Davis, Community Health Manager, Whatcom County Health Dept.

Pat Wentworth, Director, Trauma, Emergency and Observation Services, St.
Joseph Hospital

Kathleen Marshall, Director, Domestic Violence and Sexual Assault Services

Barbara Sharp, Asst. A.G. Attorney General's Office

APPENDIX E

Checklist for Cases Where There Is Domestic Violence and Children

CHECKLIST FOR CASES WHERE THERE IS DOMESTIC VIOLENCE AND CHILDREN

This checklist is intended for use by all judicial officers, prosecuting attorneys, defense attorneys, probation officers, victim advocates, and others who appear in court. It is to be used in cases, civil or criminal, in which there is evidence of domestic violence and in which children are involved either directly or through their relationship with any of the parties. The checklist is designed to insure that the necessary questions are asked and information provided to allow the court to make knowledgeable and reasoned decisions at all stages of the case.

1. CHILDREN

- a. Present during incident?
- b. Were children assaulted or directly threatened?
- c. Age of children?
- d. Is abuser a legal or biological parent, step-parent or guardian of the children?

2. OTHER COURT INVOLVEMENT

- a. Is either party on probation or pre-trial release conditions?
- b. Which court(s)?
- c. Protection orders (civil) or No Contact Orders (criminal)
- d. Any court dates coming up (protection order hearings, etc.)?
- e. Is there a dissolution of marriage action?
- f. Is there a paternity action?
- g. Is there a parenting plan or visitation schedule?
- h. Is there a dependency action?

3. CPS OR DSHS INVOLVEMENT

- a. Has CPS contacted either party?
- b. Is CPS considering legal action if an order is not in place?
- c. Are children in DSHS care (either voluntary or by court order)?

APPENDIX F

Memorandum of Understanding – Legal Advocacy Project

Domestic Violence & Sexual Assault Services of Whatcom County
and Washington DSHS – Division of Children and Family Services

MEMORANDUM OF UNDERSTANDING

LEGAL ADVOCACY PROJECT

DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES of WHATCOM COUNTY AND WASHINGTON DSHS – DIVISION OF CHILDREN AND FAMILY SERVICES

March 2007

PROJECT PURPOSE

Domestic Violence & Sexual Assault Services of Whatcom County (DVSAS) shall provide legal advocacy and other supportive services to adult victims of domestic violence who are active to Washington DSHS – Division of Children and Family Services (DCFS)' Child Protective Services/Child Welfare Services and/or who are dependents of Whatcom County Dependency Court. This project is intended to provide legal advocacy and other related services that increase the non-offending parent's capacity to protect his/her children from exposure to domestic violence in the home. This will be accomplished by providing services that enhance victim safety, hence lowering the number of child removals from the home and/or hastening the child's return to the non-offending parent.

The term "victim" used in this document refers to the non-offending parent who is a victim of domestic violence.

This proposal outlines the respective roles each agency will have in implementing this project.

PROJECT PROCEDURES

Domestic Violence & Sexual Assault Services (DVSAS)

The DVSAS Legal Advocate can provide services to victims of violence who are under investigation by DCFS for alleged child abuse and/or neglect. These services will include, but are not limited to, information and referrals, crisis intervention, safety planning, legal advocacy such as assistance with obtaining protection orders, accompanying victims to superior court civil hearings and juvenile court dependency hearings; and assistance in accessing additional domestic violence services including support groups and shelter.

- The DVSAS Legal Advocate will provide consultation to the DCFS Social Work staff and other service providers involved with the family in the DCFS' development of comprehensive risk and safety assessments, child removal decisions, case planning, and service delivery.
- The DVSAS Legal Advocate will participate in the Family to Family's Family Team Decision Making meetings, and other case staffings as

appropriate.

- The DVSAS Legal Advocate will provide Dependency Court Legal Advocacy to victims that includes, but is not limited to, attending court hearings and requesting permission to provide input to aid the court, assisting victims to better understand court hearings/orders and the child welfare system
- The DVSAS Legal Advocate will be available for consultation with DCFS staff prior to child removal when a planned removal is being considered, in cases where there is domestic violence.
- The DVSAS Legal Advocate will assist victims to apply for civil orders of protection and serve as Court Advocates at their Superior Court civil hearings.
- The DVSAS Legal Advocate is willing to serve as a Domestic Violence Expert Witness in Juvenile Court hearings.
- The DVSAS Legal Advocate will request releases of information from the adult victim and work to facilitate communication between the adult victim and the DCFS Social Work staff.
- DVSAS will provide ongoing supervision to the Legal Advocate and ensure the Legal Advocate is trained to provide the services described.
- DVSAS will provide representation on the DCFS Child Protection Team and other case staffings as appropriate.
- DVSAS will provide a minimum of two (2) in-service trainings on domestic violence-related topics for DCFS staff for the duration of this project.

Washington DSHS – Division of Children and Family Services (DCFS)

- DCFS will refer for follow-up services to DVSAS, the Child Abuse Hotline referrals that are assigned for investigation and where the child is identified as a witness to domestic violence.
- The DCFS Social Work staff will request releases to share confidential information with the DVSAS Legal Advocate, and refer the victim to the Legal Advocate for services.
- The DCFS Investigations Social Work staff will seek the assistance and input of the DVSAS Legal Advocate in developing risk assessments, case plans and service plans on the cases that include domestic violence. In doing

so, the DCFS Social Work staff will provide the DVSAS Legal Advocate all pertinent information gained from the investigation to enable the DVSAS Legal Advocate to make informed assessments.

- The DCFS agrees to provide a training for DVSAS on child abuse and neglect and pertinent agency procedures.
- The DCFS agrees to identify a staff person who will be responsible for liaison activities between DCFS and DVSAS.

PERIOD OF PERFORMANCE

This Agreement covers the period of performance: March 1, 2007 through March 1, 2008.

TERMINATION OF AGREEMENT

Notwithstanding any provisions of this Agreement, DVSAS or DCFS may terminate this Agreement for convenience by providing written notice of such termination, specifying the effective date thereof, at least thirty (30) days prior to such date.

APPROVAL

Domestic Violence and Sexual Assault Services and the Washington DSHS – Division of Children and Family Services acknowledge and accept the terms of this Agreement.

Kathleen Marshall
Executive Director

Kathy Ramsay
Area Administrator

Date

Date

APPENDIX G

Domestic Violence & Sexual Assault Services' Post-Arrest Risk Assessment Tool

**DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES
POST-ARREST RISK ASSESSMENT**

Date _____

This form to be completed by an on-call advocate

On Call Advocate Initials _____

VICTIM INFORMATION

Name _____ DOB _____ Race _____ Sex: F M

Address _____ Zip _____

Phone (H) _____ (W) _____

Other info _____

Disabilities? yes no unknown **Pregnant?** yes no unknown **First contact with DVSAS?** yes no

In case you are not available at the phone numbers listed above, is there a person through whom you can be reached?

Relationship _____ Phone (H) _____ Phone (w) _____ Message OK No Message

ASSAILANT INFORMATION

Name _____ DOB _____

Sex: F M Race _____ Relationship to victim _____

Do you know if your partner/former partner (referring to the person who has just been arrested):

Yes No

___ ___ Has been convicted of assaulting you in the past five years? When? _____

___ ___ Has been convicted of domestic assault in another country or state? Where? _____

___ ___ Has been convicted of assaulting another victim in the past two years? When? _____

___ ___ Is currently on probation? Where? _____ P.O. Name _____

___ ___ Is currently unemployed?

___ ___ Was abused as a child by a family member?

___ ___ Witnessed the physical abuse of his mother?

___ ___ Shows remorse about violence towards you?

___ ___ Commits nonviolent crimes?

___ ___ Has a history of violence to others (besides family members)?

___ ___ Experienced any unusually high stress in the past 12 months (loss of job, death, financial crisis)?

___ ___ Abuses alcohol or street drugs? If yes, what kind? _____

___ ___ Ever been to alcohol/drug treatment?

___ ___ Do you think the court should consider ordering an alcohol/CD evaluation/ treatment?

Why? _____

INCIDENT

Description of incident: _____

Yes No

___ ___ Did you have injuries? Visible Not Visible Both Description: _____

___ ___ Was a weapon involved? What kind? _____

___ ___ Does your partner/ former partner own, carry, or have ready access to a firearm?

___ ___ Did the children witness the incident?

___ ___ Were the children involved in any way? If so, how?

___ ___ Were pictures taken? By Whom? _____

Victim Name: _____ Assailant Name: _____

The following questions are designed to help assess the dangerousness of the situation. Answering these questions can help both you and the court decide what safety measures should be put in place to help protect you and will be helpful in providing rehabilitation for the offender.

Please describe past violence and/or injuries (worst incident, type of injuries, frequency): _____

During the course of your relationship, has your partner (the person who has just been arrested):

- | | <u>Yes</u> | <u>No</u> | |
|-----|------------|-----------|--|
| 1. | _____ | _____ | Become increasingly more violent, brutal, and/or dangerous to you? |
| 2. | _____ | _____ | Caused injuries to you which required medical attention? |
| 3. | _____ | _____ | Choked you or strangled you? |
| 4. | _____ | _____ | Injured or killed a pet? |
| 5. | _____ | _____ | Threatened to kill you? |
| 6. | _____ | _____ | Forced sex or used sex to make you do something you didn't want to do? |
| 7. | _____ | _____ | Used a weapon against you or your children or threatened to use one? |
| 8. | _____ | _____ | Seemed preoccupied or obsessed with you (following, or stalking, very jealous, etc.)? |
| 9. | _____ | _____ | Increased the frequency of assaults upon you? |
| 10. | _____ | _____ | Ever threaten or attempted to commit suicide? |
| 11. | _____ | _____ | Assaulted you when you were pregnant? |
| 12. | _____ | _____ | Do you believe that s/he may seriously injure or kill you? |
| 13. | _____ | _____ | Have you separated or tried to separate from your partner in the past twelve months? |
| 14. | _____ | _____ | Have you sought outside help (DVSAS, police, shelter, counseling) during the past 12 months & how often? |
| 15. | _____ | _____ | Do you feel isolated from sources of help (car, phone, family, friends, etc)? |
| 16. | _____ | _____ | Have you ever tried to protect your partner from the court system (trying to drop charges, reduce bail, change your statement, etc)? |

Please elaborate on 'yes' answers: _____

How safe do you feel at this point in your relationship on a scale from one to five? (circle one)

1 – in much danger 2 – not safe 3 – uncertain 4 – somewhat safe 5 – very safe

Other information you would like the court to know about the danger you may be in (an event, a specific threat, a feeling you may have):

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| _____ | _____ | Would you like the court to order the assailant to have limited or no contact with you? |
| _____ | _____ | Would you be interested in a protection order? |
| _____ | _____ | Is there a friend or family member who would be supportive of you? |

This information is used to assist us in providing services to you and to evaluate our services. We ask your permission to give this information and photos to other agencies that hold offenders accountable and provide protection for victims. Can we share this information with: (check any or all victim agrees to)

- Prosecutors:** for recommending conditions of release from jail and for recommending sentencing
- Judges:** for setting conditions of release from jail and for deciding a sentence
- Probation Officers:** for setting supervision guidelines and recommending sentencing for probation violations
- Researchers:** for a study to improve policy and service responses to domestic violence

Consent Obtained ~ Verbal Release (for assessments completed by telephone) Date: _____ Time: _____

Signature _____ Date _____

APPENDIX H

Jacqueline Campbell's
Danger Assessment Tool

DANGER ASSESSMENT

Jacquelyn C. Campbell, PhD, RN, FAAN

Copyright 2004 Johns Hopkins University, School of Nursing

Several risk factors have been associated with increased risk of homicides (murders) of women and men in violent relationships. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of abuse and for you to see how many of the risk factors apply to your situation. Using the calendar, please mark the approximate dates during the past year when you were abused by your partner or ex partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
 2. Punching, kicking; bruises, cuts, and/or continuing pain
 3. "Beating up"; severe contusions, burns, broken bones, miscarriage
 4. Threat to use weapon; head injury, internal injury, permanent injury, miscarriage
 5. Use of weapon; wounds from weapon
- (If any of the descriptions for the higher number apply, use the higher number.)

Mark Yes or No for each of the following:

("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

1. Has the physical violence increased in severity or frequency over the past year?
2. Does he own a gun?
3. Have you left him after living together during the past year?
3a. (If have *never* lived with him, check here____)
4. Is he unemployed?
5. Has he ever used a weapon against you or threatened you with a lethal weapon?
5a. (If yes, was the weapon a gun?____)
6. Does he threaten to kill you?
7. Has he avoided being arrested for domestic violence?
8. Do you have a child that is not his?
9. Has he ever forced you to have sex when you did not wish to do so?
10. Does he ever try to choke you?
11. Does he use illegal drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack", street drugs or mixtures.
12. Is he an alcoholic or problem drinker?
13. Does he control most or all of your daily activities? (For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here: ____)
14. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
15. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here: ____)
16. Has he ever threatened or tried to commit suicide?
17. Does he threaten to harm your children?
18. Do you believe he is capable of killing you?
19. Does he follow or spy on you, leave threatening notes or messages on answering machine, destroy your property, or call you when you don't want him to?
20. Have you ever threatened or tried to commit suicide?

Total "Yes" Answers_____

APPENDIX I

Social Risks of Battered Women

Adapted from

Safety Planning with Battered Women:

Complex Lives/Difficult Choices,

Jill Davies, Battered Women's Justice Project

Social Risks of Battered Women In addition to the risks to victim safety posed by the abuser, there are a number of external conditions, pressures norms and practices which are illustrative of a complex network of needs and problems which are individual to each victim. These diverse social factors of a battered women's life impact her choices and decisions. These sometimes "invisible" hurdles may compromise her safety, and have been termed "social risks".

Batterer Generated Risks	Life Oppression Generated Risks	Intervention Generated Risks (action/inaction)
Physical Physical injury or Death HIV-STD Pregnancy	Economics Impact on job Ability to get/hold a job Welfare/AFDC issues	911 Failure to assess risk to victim Dispatch priority for DV calls Language accessibility
Psychological Psychological harm Substance abuse Long term trauma effects/PTSD Suicide threats/victim or abuser	Education/training Access to education/training Language issues	Police Response Failure to determine context of violence, history & risk Arresting the wrong person No primary aggressor determination Inadequate evidence collection
Children Physical injury Psychological harm Loss of children Parenting impact	Discrimination Racism Classism Heterosexism Ageism	Booking/Release from Custody Bail determination not related to risk/danger Victim notification of release not timely
Relationship Loss of relationship Cultural/religious implications Loss of caretaker/childcare	Housing Discrimination Affordability Eviction/homelessness	Arraignment Lack of offender information -criminal history -existing Protective Orders
Family, Friends & Community Cultural implications Threat or injury to them Loss of support, isolation Ostracization	Physical Health Substance abuse treatment access Lack or loss of health insurance	Victim Advocate/Witness Contact Confusion about confidentiality Timing of referral for services Lack of culturally relevant services
Financial Standard of living implications Loss of income/job Housing issues Loss/damage to possessions	Mental Health Lack of resources Provider biases Use of information in civil court proceedings (custody)	Prosecution Reliance on victim to prosecute Retaliation by batterer
	Access to Services Location/Transportation Childcare Culturally relevant	Sentencing Ignoring history and risk Victim-blaming judicial demeanor
	Legal Status Her arrest Partner's arrest Family Court orders Immigration/residency Status	Probation/Supervision Inappropriate treatment referrals Lack of culturally relevant services for abuser Use of victim for revocation No victim follow-up
		Child Protection Coersion to get protective order Ignoring violence in custody study Damaging relationship with children

Adapted from Safety Planning with Battered Women: Complex lives/Difficult Choices, by Jill Davies, Battered Women's Justice Project, 800-903-0111, Ext. 1, www.BWJP.org

It is important to understand that each victim's safety, behavior and choices in the context of these social risks. In each case, the evaluator might consider, which risks increase if she leaves the relationship? Which risks increase if she stays in the relationship?

APPENDIX J

Resource and Referral Information for Victims of Domestic Violence

Resource and Referral Information for Victims and Survivors of Domestic Violence



updated in 2006

For more information please contact
Domestic Violence & Sexual Assault Services:
1407 Commercial Street
Bellingham, WA 98225
Business (360) 671-5714
Hotline (360) 715-1563 or 1-877-715-1563



*Domestic Violence
& Sexual Assault*

S E R V I C E S

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DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES

AGENCY RESPONSIBILITIES AND CLIENT RIGHTS

Domestic Violence and Sexual Assault Services (DVSAS) assists people dealing with sexual assault or domestic violence issues. It is important to DVSAS that all people seeking services from the agency be fully aware of their rights as they apply to confidential information. Please review the following agency policies and procedures regarding confidentiality and client services.

Clients of DVSAS have the right to confidential, respectful, and timely services by trained and well-supervised volunteers or staff.

Staff and volunteers of DVSAS are to obtain a Release of Confidential Information signed by the client if they are to release any client information. The only time that staff or volunteers are to break confidentiality without a release is when they suspect that a child, dependent adult, or developmentally delayed adult has suffered abuse/neglect, in the case of suicide or threat of harm to another, or when subpoenaed by a court of law.

For the purpose of monitoring and improving the quality of our services, certain client information is collected and documented including: demographic information, identified needs, and any services received. This information is kept in secured client files and a secured agency database. Non-identifying information is then used to generate statistical reports for staff, the Board of Directors and funding sources. At times, funding agencies may review client records in order to verify data. Any person reviewing the files will sign a confidentiality agreement before being permitted to access the files.

Without a Release of Confidential Information client records can only be accessed by non-agency personnel by court subpoenas. In the event of a subpoena, DVSAS is legally obligated to provide requested records or testimony. Staff will make every effort to contact the client to notify them of the subpoenaed request.

Clients may access their records with staff on DVSAS premises and/or request copies of the contents of their file.

To maintain confidentiality of current and past records, unauthorized personnel will not be left alone with access to client files. After hours, all client file cabinets will be locked. All computers that contain client information will be safeguarded with a password known only to authorized personnel. Client files will be retained for 7 years after the close of the client file. Records will be burned or shredded in a controlled environment. Inactive client files will be stored in a locked area that is not accessible to any person other than staff. The areas in which client files are stored will conform to current fire codes. The areas will be kept in a condition that will provide reasonable protection from other kinds of damage. In the event that there is dissolution of the agency, all client files will be kept for seven years, and then destroyed.

Clients 13 years and older can give consent for their confidential services. Clients who are under 13 years of age or are dependent adults must have consent from a parent or guardian.

Clients participating in agency related public appearances or activities that would require disclosure of the identity as DVSAS clients will be asked to sign a waiver.

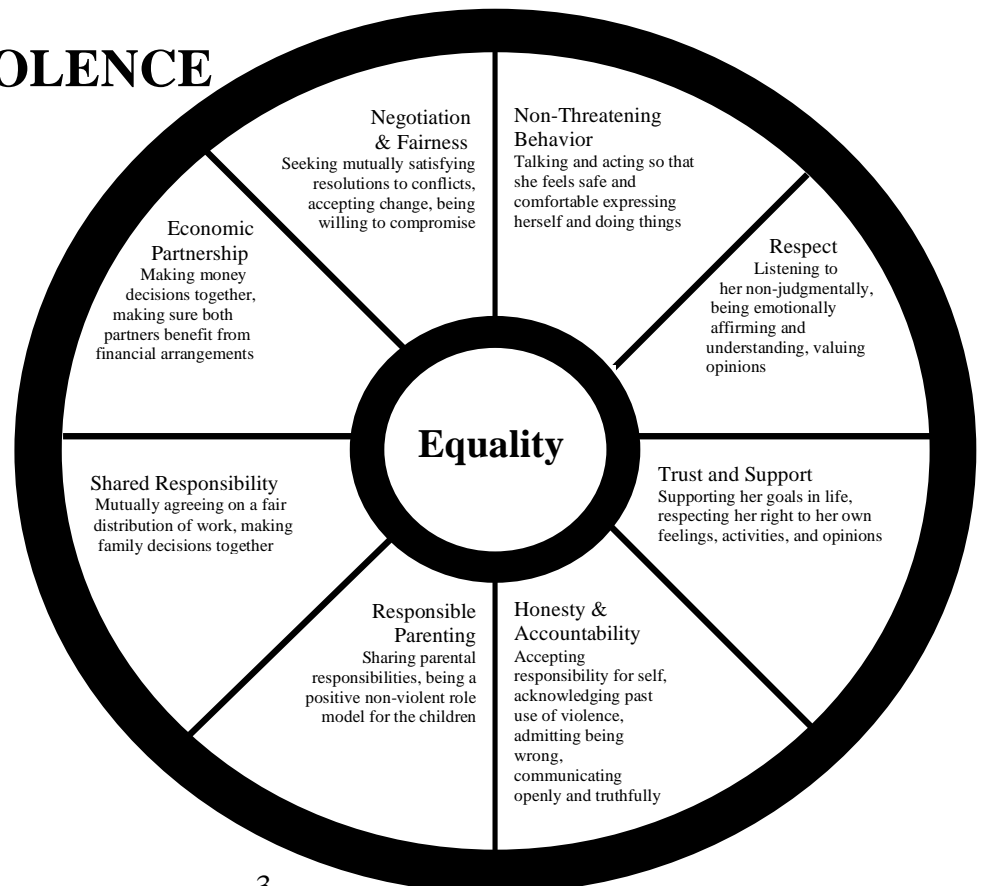
Board members, personnel or consultants will not receive preferential treatment when applying for or receiving agency services.

What is Domestic Violence?

Domestic Violence is not consensual. It is a pattern of behavior used by an individual to establish and maintain coercive control over one's intimate partner. Domestic violence consists of physical, sexual, psychological, and/or emotional abuse. Over time the abusive behavior becomes more frequent and severe. Acts of domestic violence are committed by both adults and adolescents.



NON-VIOLENCE



Types of Domestic Violence

Emotional/psychological abuse: Emotional and psychological abuse can be recognized when one partner continuously degrades or belittles the other or makes continuous accusations that the other is stupid, unattractive, a bad parent, unfaithful or other similar faults. Although emotional, psychological and financial abuses are not criminal behaviors, *they are forms of domestic violence* and could possibly lead to other forms of abuse.

Controlling with Body Language & Gestures: As with the other types of abuse, body language and gestures can be used to maintain control over the victim. Body language may show the victim that the abuser is angry and that abuse will soon occur. Body language and gestures can also be a way of controlling the victim in a public setting because the behavior of the abuser may seem normal to others but indicates to the victim that abuse will occur when they get home.

Sexual Abuse: Abusers may view their victims as sexual objects. Sexual acts that occur in a relationship become abusive when they are committed without the consent of both partners. Force and/or violence may be used or threatened if the partner does not agree to the sexual activity. When a person submits to sexual acts out of fear or coercion, it is rape. Rape that occurs within an intimate relationship is called Partner Rape (also known as Wife Rape, Spousal Rape, or Marital Rape).

Physical Abuse: Physical abuse, or battering, can range from mild to life-threatening or lethal acts of violence. Battering often, but not always, begins with acts that are believed to be trivial and escalates in severity and frequency over time. The violence is used by the abuser to keep and maintain control over the victim.

“Crazy-Making”: A form of emotional abuse, crazy-making occurs when the abuser finds ways to make the victim question his or her own sanity and concept of self. This may include moving around or hiding the victim’s possessions so that the victim begins to believe he/she is unable to keep track of things. An abuser may also try to defeat the victim by convincing him/her that what they felt were their own personal strengths are actually weaknesses, such as making the victim believe that he/she is selfish rather than independent.

These lists identify a series of behaviors typically demonstrated by batterers and abusive people. All of the following forms of abuse, psychological, economic and physical, come from the batterer's desire for power and control (www.annamarie.org). These lists allow people to recognize if their situation is a violent one. The more of the following behaviors that apply, the more dangerous the situation may be.

Emotional & Economic Warning Signs:

- **Destructive Criticism/Verbal Abuse:** Name-calling, mocking, accusing, blaming, yelling, swearing, making humiliating remarks and/or gestures.
- **Pressure Tactics:** Rushing you to make decisions through "guilt-tripping" and other forms of intimidation.
- **Abusing Authority:** Always claiming to be right, telling you what to do, making all the big decisions.
- **Disrespect:** Interrupting, changing topics, not listening or responding, twisting your words, putting you down in front of others.
- **Abusing Trust:** Lying, withholding information, cheating, being overly jealous.
- **Breaking Promises:** Not following through on agreements, not taking a fair share of responsibility, refusing to help with childcare or housework.
- **Emotional Withholding:** Not expressing emotions, not giving support or attention, not respecting feelings or opinions.
- **Blaming, Minimizing, Denying:** Making light of behavior and not taking concerns seriously, saying the abuse did not happen, shifting responsibility for abusive behavior.
- **Self-Destructive Behavior:** Abusing drugs/alcohol, threatening suicide or other forms of self-harm, deliberately doing or saying things that will have negative consequences.
- **Isolation:** Preventing or making it difficult to see friends or relatives, monitoring phone calls, telling you where you can and cannot go.
- **Economic Control:** Interfering with your work or not letting you work, refusing to give you money, continuously taking money, taking the car keys and/or the car, threatening to report you to welfare or other social service agencies.

Acts of Violence:

- **Intimidation:** Making angry or threatening gestures, use of physical size to intimidate, standing in doorway during arguments, shouting contests, reckless driving.
- **Destruction:** Destroying possessions, furniture, punching walls, throwing and/or breaking objects.
- **Threats:** Making and/or carrying out threats to hurt you or others.
- **Birth Control:** Use of coercion to partake in birth control or coercion and threats to prevent use of birth control.
- **Sexual Violence:** Degrading treatment based on you sex or sexual orientation, using force or coercion to obtain sex or perform sexual acts.
- **Physical Violence:** Violent behavior towards you and the children or pets, slapping, punching, grabbing, kicking, choking, pushing, biting, burning, stabbing, shooting.
- **Weapons:** Use or threatening the use of weapons, keeping weapons around that frighten you, threatening or attempting to kill you and those you love.

Who is affected by Domestic Violence?

Domestic violence affects people from all walks of life. Domestic violence is a pattern of assaultive and coercive behaviors, including physical, sexual, economic, and psychological aggression that adults and adolescents use against their intimate partners in current or former dating relationships of heterosexuals, gay men and lesbians. Domestic violence can affect anyone, anytime, anywhere in their life.

Below is a list of those whose lives can be affected by domestic abuse:

- ❖ Women
- ❖ Children
- ❖ Men
- ❖ Wives
- ❖ Husbands
- ❖ Friends
- ❖ Students
- ❖ Gay Men
- ❖ Lesbian Women
- ❖ Employers
- ❖ Employed persons
- ❖ Unemployed persons
- ❖ Neighbors
- ❖ Co-workers
- ❖ Cousins
- ❖ Aunts
- ❖ Uncles
- ❖ Adolescents
- ❖ Family members of any relation
- ❖ Elderly Communities
- ❖ Persons with disabilities
- ❖ Persons with or without religious backgrounds

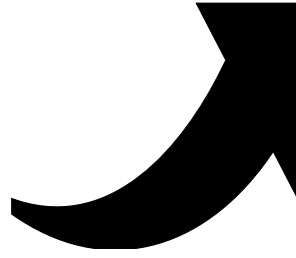
Domestic Violence Does Not Discriminate

VIOLENCE CONTINUUM

Without intervention, the pattern of assaultive behavior in many abusive relationships can escalate in frequency and severity. The continuums to the right show the escalation of abuse when it is **progressive**. (This does not apply to all abusive relationships. Abusive relationships also may be severely violent from the beginning or involve a consistent level of violence.)

Emotional Abuse

- Demeaning Jokes
- Silent Treatment
- Controls Money/Finances
- Put Downs
- Withholds Emotional Support
- Degrades
 - culture/religion/
 - gender/profession
- Threats and Harm to Children
- Ignores Feelings
- Yelling/Screaming
- Invasion of Partner's Privacy
- Breaking Objects/Punching
 - Walls
- Blaming/Accusing
- Monitoring Activities
- Jealousy
- Demands all Attention
- Threats
- Isolation/Elimination of
 - Support System
- Deprivation of
 - Sleep/Food/Medicine



Physical Abuse

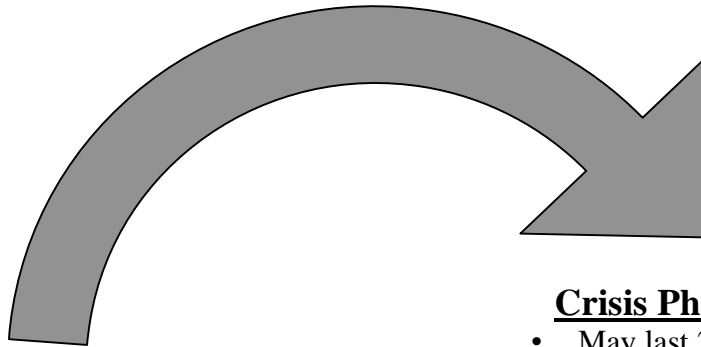
- Pinch, Scratch, Pull Hair
- Deny Physical Needs
- Grab/Jerk
- Bite, Choke
- Twist Limbs
- Bruise
- Punch, Slap, Kick
- Throw Objects
- Target Hit
- Throw Victim
- Forced Ingestion of
 - Drugs/Alcohol
- Deny Medical Attention
- Abuse During Pregnancy
- Burn
- Beating
- Poison
- Lacerations/Broken Bones
- Use Weapons
- Disable or Disfigure

Sexual Abuse

- Crude Sexual Jokes
- Embarrassing Sexual
 - Comments
- Treat like Sex Object
- Criticism of Sexuality
- Unwanted Touching
- Forced to Look At/Engage in
 - Pornography
- Requiring Sex as a Duty
- Withhold Sex as a Punishment
- Promiscuous in Front of Partner
- Control Contraceptive
- Forcing Sex During Illness
- Forcing Partner to have Sex
 - with Others
- Sex After Violence "Please
 - Forgive Me"
- Rape
- Beat After Sexual Intimacy
- Using Sex to Injure
- Sadism/Death
- Marking or Disfiguring on

Cycle of Violence

Adapted from Lenore Walker. The Battered Woman. 1979

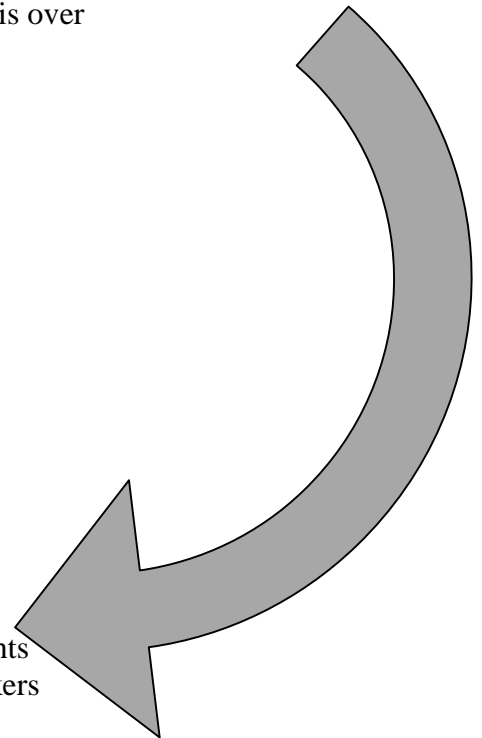


Tension Phase

- May last for weeks and months
- Stress builds during this stage
- Communication breaks down
- Victim senses growing danger, tries to avoid
- "Minor" violence/abuse occurs incidents occur more often, intensity increases
- Family denies, minimizes, blames external factors
- Hopes "somehow" things will change

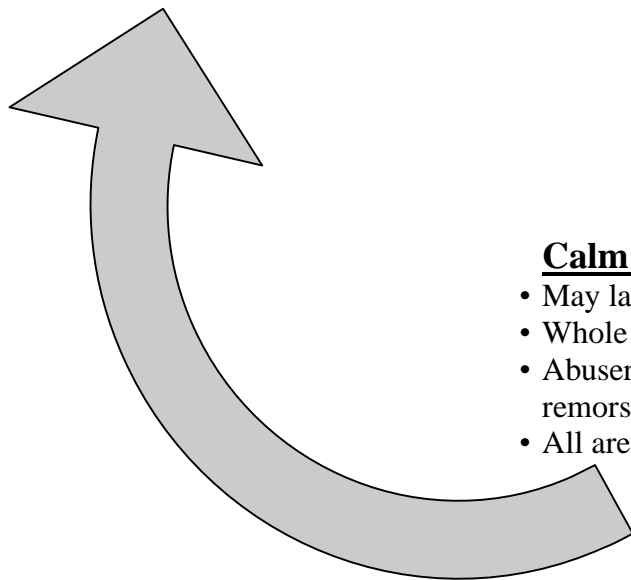
Crisis Phase

- May last 2-24 hours, or a few days
- Anxiety extremely high
- Major, uncontrolled violence occurs
- Explosive, acute, unpredictable
- May be serious injuries, death
- Abuser blames victim
- Victim accommodates in order to survive
- Victim may escape, returns when crisis is over



Calm Phase

- May last for days or weeks
- Whole family in shock at first
- Abuser may be extremely remorseful, seeks forgiveness
- All are relieved that crisis is past
 - Victim worn down, accepts promises, presents
 - Children become caretakers to "keep the peace"
- Abuser may display kind, loving behavior
- Family welcomes this "honeymoon" stage
- Symbiotic bonding reinforced
- Family wants to believe that violence won't recur
- Survival via denial and negotiation



Dynamics of Domestic Violence – The Cycle of Violence: Lenore Walker

Battering often occurs in the context of something that we call the *Cycle of Violence*. We have found that even though every relationship is unique, abusive relationships often follow similar cycles. In 1979, Lenore Walker interviewed 1500 battered women. She found that woman after woman described the same kind of cycle in her relationship. She identified this cycle of violence.

TENSION: We start the cycle in this relationship at the “okay” stage. The couple is basically okay, interactions are positive or close. Then, as “real life” sets in, tensions start building. We call this the tension building stage. These tensions may be anything from a bad day to major life changes like pregnancies or job loss. It’s good to note here that all relationships have periods of tension. In healthy relationships, the couple may disagree or argue, but both have equal power in the relationship. In battering relationships, the abusers need for power and control underlie anger and laming. The tension continues to escalate. Survivors often describe feeling like they’re “walking on eggshells” during this time.

EXPLOSION: Ultimately, there is an explosion or battering incident. Abusers may hit, attack, verbally assault, threaten, or scream at their partners. Many people feel battering incidents occur because someone is so angry or so drunk that they lose control of themselves. We hear comments like, “if she hadn’t kept nagging me I wouldn’t have lost my temper, or ”I was so out of it, I didn’t know what I was doing.” Actually, abusers TAKE CONTROL when they batter. They take control of the immediate situation, their partner, their physical space and usually the outcome of the situation. Domestic violence is a crime of power and control not passion out of control.

LOVING & CONTRITE: After the explosion comes the honeymoon or loving and contrite stage. The batterer is likely to have actually experienced a physiological release of tension. The batterer is frequently sorry, feeling guilty and willing to try anything to make up. There may be flowers or gifts, dates and romance as in the beginning of the relationship. The couple may even make love in an attempt to reestablish intimacy and security after the explosion. The batterer will also be blaming her for “having to hit her” and will minimize what just happened. She will be in shock, upset, possibly hurt. She will be confused and may feel guilty that somehow she may have caused it. She will want to believe his promises. Both partners deny how bad the abuse was and that it could happen again. We point out here that no woman wants a relationship to end, she wants the battering to end. In this loving and contrite stage, the increased intimacy and promises to get help or never do it again give her hope that things might change.

After a while, the loving stage fades again and we start around the circle once more. They both may believe that it will never happen again, that it was a one-time occurrence. The couple convinces themselves that each incident is isolated and unrelated to the next. There are two things we know about the cycle:

1. Without intervention, this cycle does not get better; it actually becomes more frequent.
2. The violence escalates over time. Without intervention, the abuse gets worse, and the loving and contrite stages are less apologetic. Eventually the loving and contrite stage drops out entirely. When crisis callers describe a cycle of violence with no loving and contrite stage, we know she is probably in a great deal of danger.

Myth vs. Fact

Myth vs. Fact

Definition of a MYTH: "A notion based more on tradition or convenience rather than fact."

1. Myth: Abuse means physically hurting someone.

Fact: Abuse comes in many forms: physical, verbal, emotional/psychological, and sexual (RCW 26.50.010).

2. Myth: Battering or partner abuse rarely occurs. It is a thing of the past.

Fact: A woman is beaten every 12 seconds (Ms. Magazine, 2000). One out of every four American women (28%, US Dept. of justice, 1994) report that they have been physically abused by a husband or boyfriend at some point in their lives. Thirty percent of Americans say they know a woman who has been physically abused by her husband or boyfriend in the past year (Lieberman Research Inc., 1996).

3. Myth: Abuse happens elsewhere, but not in my town, not in Bellingham.

Fact: According to the 2002 Bellingham Police and Sheriff's arrest reports:

*A combined number of 2,624 people were charged and/or arrested for Domestic Violence violations in Whatcom County.

*An additional 1,239 incidents of verbal abuse occurring in Bellingham alone were investigated and reported.

*Throughout the state of Washington, 50,117 reports of Domestic Violence offenses occurred in 2002 (13.6 % of all reported offenses).

4. Myth: Domestic Violence only occurs in poor, urban areas.

Fact: Women of all cultures, races, occupations, and ages are battered. Batterers can include husbands, boyfriends, lovers, and/or partners. Many of the men who are treated for battering are well respected in their communities and professions.

5. Myth: Women are just as violent as men toward their partners.

Fact: Among all female murder victims in 1999, 33% were known to have been slain by husbands and boyfriends. Only four percent of the male victims were known to have been slain by wives or girlfriends (Federal Bureau of Investigation, 1999).

6. Myth: Battering is only a momentary loss of temper.

Fact: Battering is the establishment of control and fear that occurs in a relationship through violence and other forms of abuse. The batterer uses acts of violence and other series of behaviors (intimidation, threats, and isolation) to coerce and control the other person. (March of Dimes, 1999).

7. Myth: Domestic Violence is just a push, slap, or punch; it does not produce serious injuries.

Fact: Battered women are often severely injured: 22-35% of women who visit the emergency room are there for injuries related to ongoing partner abuse (David Adams, "Identifying the Assaultive Husband in Court: You be the judge." Boston Bar Journal, 1989.)

8. Myth: It is easy for battered women to leave their abuser.

Fact: Many factors prevent battered women from leaving their abuser, such as finances, children, religious/cultural beliefs, hope for change in relationship, embarrassment, and threat of greater harm. Women who leave their batterers are at a 75% greater risk of being killed by the batterer than those who stay (<http://www.ncadv.org>, 2000).

9. Myth: Low self-esteem causes victims to get involved in abusive relationships.

Fact: Traditional theories presumed that individuals with adequate self-esteem would not "allow" themselves to be abused by intimate partners or spouses. In fact, there is little support for the theory that low self-esteem causes victims to become involved in abusive relationships, however, some victims may experience a decrease in self-esteem as a result of being abused, since perpetrators frequently degrade, humiliate, and criticize victims (<http://www.abanet.org/domviol/myths.html>).

10. Myth: Batterers abuse their partners/spouses because of alcohol or drug abuse.

Fact: Alcohol or substance abuse does not cause batterers to abuse their partners, though it is frequently used as an excuse. Substance abuse may increase the frequency or severity of violent episodes in some cases (Jillian & Scott, 1996). Because substance abuse does not cause domestic violence, requiring batterers to attend only substance abuse treatment programs will not effectively end the violence. Such programs may be useful in conjunction with other programs, such as batterer intervention programs (<http://www.abanet.org/domviol/myths.html>).

11. Myth: Perpetrators of domestic violence abuse their partners/spouses because they are under a lot of stress or unemployed.

Fact: Stress or unemployment does not cause batterers to abuse their partners. Since domestic violence cuts across socioeconomic lines, abuse cannot be attributed to unemployment or poverty. Similarly, advocates note that if stress caused domestic violence, batterers would assault their bosses or co-workers rather than their intimate partners (<http://www.abanet.org/domviol/myths.html>).

FRIGHTENING FACTS

- ❖ Every 12 seconds a woman is battered in the United States (Ms. Magazine, 2000).
- ❖ In 1996, approximately 1,800 murders were attributed to intimates with nearly three out of four of these involving a female victim (U.S. Department of Justice, 1998).
- ❖ Domestic Violence is the largest single cause of injury to women in the United States, more than car accidents, muggings, and rapes (Surgeon General of the U.S., 1990).
- ❖ Between 4 and 8 million women each year are battered by their partners or former partners (NCJRS, July 2000).
- ❖ Nearly 2 in 3 female victims of violence were related to or knew their attacker (Violence Against Women: A National Crime Victimization Survey Report [NCVSR], 1994).
- ❖ Almost 6 times as many women victimized by intimates (18%) as those victimized by strangers (3%) did not report their violent victimization to police because they feared repeated abuse from the offender (NCVSR, 1994).
- ❖ Twenty years ago, the first battered women's shelter in the U.S., Women's Advocates, was opened in St. Paul, Minnesota. This program is still in existence today (National Coalition Against Domestic Violence, 2001).
- ❖ Women are 7 to 14 times more likely than men to report suffering severe physical assaults from an intimate partner (National Institute of Justice and Centers for disease Control and Prevention, July 2000).
- ❖ Weapons are used in 23% of Domestic Violence incidents (Bureau of Justice, 1999).
- ❖ In Washington State between 1997 and 2000, 91 women and 35 children, friends, and family members were killed by an intimate partner (U.S. Department of Justice, 2000).
- ❖ In 25% of all violent relationships, the woman is beaten while pregnant (Stark & Flitcraft, 1992).
- ❖ A reported 5% of females say that they have been or currently are being stalked by an intimate partner (Bureau of Justice, 2000).
- ❖ Men that live with men (15%) are more likely than men that live with women (7%) to have abuse in their relationships (NCJRS, July 2000).
- ❖ Each year medical expenses from Domestic Violence total at least \$3-5 billion. Businesses forfeit another \$100 million in lost wages, sick leave, absenteeism, and non-productivity (Domestic Violence Health Care Providers, 3rd edition, 1991).
- ❖ One out of every four teenagers is in a violent relationship (U.S. Department of Justice, July 2000).

Local Domestic Violence Statistics

Whatcom County Statistics:

These statistics include information from the Whatcom Law Enforcement Agencies including the Bellingham Police Department and the Whatcom County Sheriff's Office.

2004

- 1685 domestic violence offences resulting in arrest were committed (including both felonies and misdemeanors).
- 1381 verbal domestic incidents that did not result in arrest were responded to by the Bellingham Police Department and the Whatcom County Sheriff's Office.
- The per capita rate of reported domestic violence incidents was 9.5 (per 1,000 people). (The average for the last six years was 8.9).
- 445 protection orders were filed in the Whatcom County Courts.
- 3016 domestic violence victims were served by DVSAS.
- 282 women and children sought emergency shelter from a domestic violence situation.

2003

- 1564 domestic violence offences resulting in arrest were committed (including both felonies and misdemeanors).
- 1351 verbal domestic incidents that did not result in arrest were responded to by the Bellingham Police Department and the Whatcom County Sheriff's Office.
- 405 protection orders were filed in the Whatcom County Courts.
- 2830 domestic violence victims were served by DVSAS.
- 358 women and children sought emergency shelter from a domestic violence situation.

2002

- 1485 domestic violence offences resulting in arrest were committed (including both felonies and misdemeanors).
- 1239 verbal domestic incidents that did not result in arrest were responded to by the Bellingham Police Department and the Whatcom County Sheriff's Office.
- 337 protection orders were filed in the Whatcom County Courts.
- 2649 domestic violence victims were served by DVSAS.
- 290 women and children sought emergency shelter from a domestic violence situation.

Bellingham Whatcom County Commission Against Domestic Violence, "Domestic Violence in Whatcom County 1998-2004," released May 2006.

Legal Options

Legal Actions

Protection Order:

- ⇒ This type of order typically applies to persons who are married or have been married, dating or have dated, co-habiting, and/or have children in common.
- ⇒ If the situation is emergent, a temporary two-week order will be issued. During this 14-day period, the temporary order remains in full effect. A hearing will be set within 14 days and the respondent will be given notice of that hearing. If the petitioner does not appear in court on the day of the hearing, the protection order will be dropped. If the hearing is held, the court will decide if the order should be made effective for one year or longer.
- ⇒ **Protection orders can:**
 - Order the respondent not to threaten or hurt the petitioner.
 - Order the respondent not to enter the petitioner's residence or place of work.
 - Give one parent temporary custody of the children.
 - Set a schedule for visitation with minor child(ren).
 - Grant the petitioner possession of essential personal effects.
 - Order the respondent to leave a shared residence.
 - Grant the petitioner use of a vehicle.
 - Order the respondent to attend counseling.
- ⇒ **Protection Orders cannot:**
 - Order child support and establish permanent child custody.
 - Order maintenance (alimony).
 - Assign property to either party.

Anti-harassment Order:

- ⇒ This type of order typically applies to situations when the persons are not married or related to each other. For example, neighbor disputes and stalker situations.
- ⇒ This type of order is helpful when a person is being harassed but has not been assaulted or threatened with physical harm.
- ⇒ It is very important to document a pattern of harassment, beginning with the most recent incident. Be as accurate as possible with dates and events.



**For more information and free legal advocacy, contact Domestic Violence and Sexual Assault Services of Whatcom County--
Hotline: (360) 715-1563 (local)
(877) 715-1563 (toll free)**



Domestic Violence
& Sexual Assault

SERVICES

Domestic Violence and Sexual Assault Services

1407 Commercial Street, Bellingham WA 98225 (360) 715-1563

PERSONALIZED SAFETY PLAN

Safety plans help victims anticipate the dangers they still face. Before you attempt to leave or take any legal or financial steps to separate from your abuser, you should be aware that the danger of violence escalates when a woman attempts to leave.

◀ WHEN TO USE A SAFETY PLAN

Safety plans can be made for a variety of situations: for dealing with an emergency, such as when you are threatened with a physical assault or an assault has occurred; for continuing to live with or to date a partner who has been abusive; or for protecting yourself after you have ended a relationship with an abusive partner.

◀ USE WHAT YOU ALREADY KNOW

If you are being battered, you probably know more about safety planning and risk assessment than you might realize. Being in a relationship with an abusive partner – and surviving – requires considerable skill and resourcefulness. Any time you do or say something as a way to protect yourself or your children, you are assessing risk and enacting a safety plan. You do it all the time. It's just not always a conscious process.

◀ THINK IT THROUGH

It can be a helpful safety strategy to evaluate risks and make safety plans in a more intentional way. Whether you are currently with your partner or have ended the relationship, and whether you choose to use the available services system or to involve the police, there are certain things that are helpful to consider in planning for your future safety

◀ BE AWARE OF DANGERS

If you are planning to leave your partner or already have left, be aware that batterers often escalate their violence during times of separation, increasing your risk of harm, including serious and life-threatening injury. Making a separation safety plan can help reduce the risks to you and your children. Be aware.

These factors may increase the risk of danger to you:

- suicide threat of abuser
- homicide threat of abuser
- abuser is unemployed
- children in the home are not biologically his

◀ EVALUATE YOUR OPTIONS

Only you can judge who it's safe to tell about your situation and who to ask for help. Sometimes, people who don't have good information about domestic violence respond to survivors in ways that aren't helpful, even when they mean well. On the other hand, you might feel comfortable asking for help from someone you know. It's your decision. The important thing is for you to identify all the people who might be willing and able to help you. Make a list of their phone numbers and attach it to your safety plan for easy reference.

◀ PLAN AHEAD

You don't have to wait for an emergency to ask for help. In fact, it's a good idea to talk to people who can help before there's a crisis. Find out what they are willing and able to do for you. That way, you'll know in advance if you have a place to stay, a source of financial assistance, or a safe person to keep copies of important papers.

◀ REDUCE YOUR RISK

No survivor has control over her or his partner's violence, but people can and do find ways to reduce their risk of harm. This safety plan is a tool to assist you in identifying options, evaluating those options, and committing to a plan to reduce your risk when confronted with the threat of harm or with actual harm. There's no right or wrong way to develop a safety plan. Use what applies or change it to reflect your particular situation. Make it your own, then review it regularly and make changes as needed.

◀ BEING READY FOR A CRISIS

I can leave.

- If I decide to leave, I will _____
_____.

(Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)

- I can put my purse/wallet and car keys _____ so I can leave quickly.
- I will leave money and an extra set of keys with _____ so I can leave quickly.
- I will keep copies of important documents or keys at _____.

I can get help

- I can tell _____ about the violence and request that they call the police if they hear noises coming from my home.

I can teach my children how to use the telephone to contact the police and fire department. I will make sure they know our address.

If I have a programmable phone, I can program emergency numbers and teach my children how to use the auto dial.

I will use _____ as my code word with my children or my friends so they will call for help if needed.

If I have to leave my home, I will go to _____.

If I cannot go to the above location, I can go to _____.

The **Domestic Violence Hotline** number is (360) 715-1563.

I can call **Womencare Shelter** if I need shelter. Their number is (360) 734-3438.

If it's not safe to talk openly, I will use _____ as the code word or signal to my children that we are going to go, or to my family and friends that we are coming.

I can use my judgment.

When I expect that my partner and I are going to argue, I will try to move to a space that is lowest risk, such as _____.

(Try to avoid arguments in the bathroom, garage, kitchen, near weapons or in rooms without an outside exit.)

I will use my judgment and intuition. If the situation is serious, I can give my partner what he or she wants to try to calm him/her down. I have to protect myself until I/we are out of danger.

I also can teach age-appropriate strategies to my children.

◀ PLANNING TO LEAVE

I will call the **Domestic Violence Program** and get help making my plans. The hotline number is: (360) 715-1563. The number for **Womencare Shelter** is: (360) 734-3438.

I will leave extra clothes with _____.

I will keep important numbers and change for phone calls with me at all times. I know that my partner can learn who I've been talking to by looking at phone bills, so I can see if friends will let me use their phones and/or their phone cards.

I will ask _____ and _____ to see who would be able to let me stay with them or lend me some money.

I can increase my independence by opening a bank account and getting credit cards in my own name; by taking classes or getting job skills; by getting copies of all the important papers and documents I might need and keeping them with _____.

I can rehearse my escape plan and, if appropriate, practice it with my children.

◀ AFTER I LEAVE

- I can change the locks on my doors and windows or request that my landlord do so.
- I can replace wooden doors with metal ones.
- I can install additional locks, window bars, poles to wedge against doors, security system, metal face plates around door locks, etc.
- I can buy rope ladders to be used for escape from second-floor windows.
- I can install smoke detectors and put fire extinguishers on each floor in my home.
- I will teach my children how to use the phone to make a collect call to me if they are concerned about their safety.
- I can tell the people who take care of my children which people have permission to pick them up and make sure they know how to recognize those people.
- I will give the people who take care of my children copies of custody and protection orders, as well as emergency numbers.

◀ AT WORK AND IN PUBLIC

- I can inform my boss, the security supervisor and the employee assistance program, if available, about my situation. The number of the EAP office is _____.
- I can ask _____ to screen my calls at work.
- When leaving work, I can _____.
- If there's trouble when traveling to and from work, I can _____.
- I can change my patterns – avoid stores, banks, doctor's appointments, self-service laundries and _____, places where my partner might find me.
- I can tell _____ and _____ that I am no longer with my partner and ask them to call the police if they believe my children or I are in danger.

◀ WITH AN ORDER OF PROTECTION

- I will keep my protection order _____. (Always keep it on or near your person.)
- I will give copies of my protection order to the local police or sheriff and to departments in towns where I visit friends and family.
- I will give copies to my employer, my religious advisor, my closest friend, my children's school and day-care center and _____.
- If my partner destroys my order or if I lose it, I can get another copy from the court that issued it.
- If my partner violates that order, I can call the police and report a violation, contact my attorney, call my domestic violence program advocate, and/or advise the court of the violation.
- I can call the domestic violence program if I have questions about how to enforce an order if I have problems getting it enforced.

◀ MY EMOTIONAL HEALTH

- If I am feeling down, lonely, or confused, I can call the **Domestic Violence Hotline** at (360) 715-1563 or **Womencare Shelter** at (360) 734-3438.
- If I have left my partner and am considering returning, I will call _____ or spend time with _____ before I make a decision.
- I will remind myself daily of my best qualities. They are _____, _____, _____ and _____.
- I can attend support groups, workshops or classes at the local domestic violence program or _____ so I can build a support system, learn skills, and get information.
- I will look at how and when I drink alcohol or use other drugs. If I am going to drink or use other drugs, I will do it in a place where people are committed to my safety.

◀ ITEMS TO TAKE WHEN LEAVING

- Identification for myself
- Children's birth certificates
- My birth certificate
- Social Security cards
- School, vaccination records
- Money, checkbook, bankbook, ATM cards
- Credit cards
- Medication
- Keys – house, car, work
- Driver's license, car registration
- Insurance papers
- Public assistance ID/Medicaid cards
- Divorce or separation papers
- Passports, green cards, work permits
- Lease, rental agreement or house deed
- Car/mortgage payment book
- Children's toys, security blankets, stuffed animals
- Sentimental items, photos
- Personalized safety plan

◀ TECHNOLOGY SAFETY

- I can start a new email account that my partner won't know about.
- I can change the password for my email accounts, online banking, and other important log-ins to something non-generic that my partner won't know.
- I can make sure that when looking at Internet websites or sending emails regarding my attempt to leave, I use a "safe" computer, such as at the library, coffee shop, or DVSA.
- I can change my cell phone account to be in my own name so that my partner will not have access to my phone records or location. If my partner is on my cell phone account and there is a GPS tracker in my phone, my partner can call the cell phone company and find out where I am.
- I can delete my call history and caller id on my phone after I make important phone calls.
- I will attempt to stay in locations where my cell phone has reception so that I can make emergency phone calls if necessary. If I am driving, I will notice landmarks or mile markers so I can give my location easily if I have to call 911 from my cell phone.

◀ KEEP YOUR PLAN IN A SAFE PLACE

If you are unable to find a safe place to keep a written safety plan where your partner won't find it, maybe you can ask a friend to keep a copy for you. If not, you can ask your local domestic violence program to keep your plan for you. Whether it's safe to write down your plan or not, it's still important to make one.

◀ WHAT CAN DOMESTIC VIOLENCE & SEXUAL ASSAULT SERVICES OFFER ME?

- **Breaking The Cycle**
A family history of abuse can be a devastating legacy. We can help you and your family recover from the trauma of abuse to build a life free from violence.
- **Personal Advocacy**
Trained advocates work with each person to help create an individualized plan to cope with the effects of abuse. Advocates offer encouragement as they support survivors of abuse to explore options, make decisions and find resources.
- **Support Groups**
Drop-in groups are a safe and supportive place to learn about the dynamics of abuse. They offer an opportunity to hear from others who have experienced domestic violence while gaining specific tools to cope with the effects of abuse. Groups for youth and children are available during some of the times adult groups meet. Call (360) 715-1563 for information regarding schedules.
- **Legal Advocacy**
Trained advocates are available to help clients file protection orders and police reports and to attend court proceedings.
- **Healthy Relationships for Teen Girls.**
An 11-week group for teen girls is offered in many local schools. The curriculum teaches girls how to recognize and avoid abuse while helping them develop the skills they need to make and maintain healthy relationships.

Workplace Safety Plan

You may want to create a safety plan for your job to reduce the chance that your batterer will be able to harass or harm you while you are at work. Review your daily routine and think about how you can protect yourself while you are at work.

- ◆ Inform your supervisor or a trusted co-worker of your situation and provide building security personnel with a photograph of your abuser.
- ◆ If you have already obtained an order of protection, keep it with you at all times and leave a copy with your supervisor.
- ◆ If you do not already have a protection order, think about filing one.
- ◆ Vary your routes to and from work each day, and arrange for someone to escort you to and from your car, bus, or train.
- ◆ Ask for help in screening your phone calls at work.
- ◆ Provide your supervisor and co-workers with the name and telephone number of an emergency contact person in case you cannot be reached.
- ◆ Plan what you will do in various situations if the abuser confronts or attacks you.
- ◆ If you need to leave your situation permanently (leave the community), ask whether or not your company has a relocation program and how it is operated.



Further Reading Resources...

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You Can Be Free: An Easy-to-Read Handbook for Abused Women. Davidson, Sue and NiCarthy, Ginney. The Seal Press, Seattle, WA, 1989.

WEB SITES:

The Northwest Network of Trans, Bi, Lesbian, and Gay Survivors of Abuse

<http://www.nwnetwork.org/>

Washington State Office of Crime Victim Assistance

<http://www.orca.wa.gov/>

National Coalition Against Domestic Violence

<http://www.ncadv.org/>

Family Violence Prevention Fund

<http://www.frvp.org/>

National Organization for Women

<http://now.org/issues/violenceIndex.html>

APPENDIX K

Information for Petitioners in Civil Domestic Violence Cases

INFORMATION FOR PETITIONERS

IN CIVIL DOMESTIC VIOLENCE CASES

ARE YOU A VICTIM OF DOMESTIC VIOLENCE IN NEED OF A CIVIL DOMESTIC VIOLENCE PROTECTION ORDER?

What Is a Protection Order? A Protection Order is a Court order that restricts or prohibits one member of a family or household (the "Respondent") from contacting, approaching, or in any way harassing another person (the "Petitioner"). It is issued between parties who are or have been part of the same family or living arrangement, parents with children in common, and/or persons who are or have been in a dating relationship and are at least 16 years old. It was created to help protect people from domestic violence and is issued in cases where domestic violence has occurred or has been threatened. A violation of the Order is a serious offense.

What does a Protection Order do? A Protection Order often prohibits the Respondent from going to the Petitioner's home, place of work, school or other specified places. It can also prohibit the Respondent from contacting or interfering with the custody of the parties' children or going to the children's schools or daycare. It may allow the Petitioner to have exclusive rights to a residence, exclusive use of a vehicle or other property as well as provide financial or other assistance necessary to keep the Petitioner and children safe by providing enough money to support the children, have a roof over their head, make car payments, and the like.

How is a Protection Order enforced? The police can enforce a Protection Order once it is signed by the Court. The Respondent cannot be held in violation of the Protection Order unless it has been served on him or her so it is important to keep a certified copy with you at all times. This will allow law enforcement to enforce the order immediately when you call 911 and/or to serve the Respondent if he contacts you before he is served with the Protection Order. The law enforcement information sheet that you fill out with your petition will accompany the Protection Order when it is sent over to law enforcement by the court. It is helpful if you can provide an address where Respondent can be served. The Protection Order will be entered into the law enforcement computer by the law enforcement agency where the Petitioner lives so that it can be enforced.

What If the Respondent Knowingly Violates the Order? Violation of the Order is a serious offense. The police will enforce the order. You should call 911 every time the Respondent violates or threatens to violate the terms of the order. A knowing violation of the order by the Respondent will result in arrest and possible jail even if you initiate the contact.

How Do I Get a Protection Order?

Temporary A temporary Protection Order is issued when the Court feels there is imminent danger to the Petitioner and/or her children. This first Order is valid for up to 14 days and protects you until the court hearing. You can get this emergency temporary order by going to Room 304 at the Whatcom County Courthouse, 311 Grand Street, Bellingham. Forms are available there and, once they are filled out, the Court personnel will see to having the order issued by the judge. This can be done the same day if you come in by 1:00 p.m. Once the Order is signed by the Court it is effective immediately. The Court will send copies or may ask you to take the copies to Law Enforcement to be served on the Respondent.

Permanent The Court will set a date and time for a hearing within 14 days of the temporary order or the date of your petition if there is no temporary order granted. At that hearing, the Court will consider issuing a more permanent order that may last a year or longer. To obtain a more permanent order, *you must appear in Court for this hearing or your order will expire.* The Respondent may also choose to appear at this hearing to testify to any reasons why the permanent order should not be granted or dispute some portion of it. If the Respondent fails to appear to contest the order, the Court will normally grant the Protection Order which can last for a year or longer.

How Can I Get Help Obtaining an order? The Staff at Room 304 of the Courthouse can provide the necessary forms, process the paperwork and bring it to a judge for issuance. Domestic Violence and Sexual Assault Services (360-715-1563) can also provide the necessary forms and help you fill them out free of charge. An advocate can go with you to Court for the hearing on the permanent order. A private attorney can help you get an order and represent you in any hearings.

There is no charge to the Petitioner for obtaining a Protection Order.

What Will Happen When I Go To Court?

The Petitioner does not have to personally go before a Judge to get a Temporary Order, but must appear at the hearing for a more permanent order. In certain circumstances a party may appear by phone. You may bring an advocate to sit with you or an attorney to represent you at the hearing.

At the hearing, the Court will give both parties a chance to testify and bring witnesses. Testimony will be limited to the facts relating to the case, not the parties or witnesses opinions or conclusions. The testimony will be under oath. The Court may ask questions of parties and witnesses and the parties may ask questions through the judge regarding the other party's testimony.

When the Court has heard from the parties and witnesses, it will make a decision. If a Protection Order is granted, each party will receive a copy. You are entitled to a reasonable number of certified copies to leave with schools, daycares and other places and persons to protect you and your children. The order will also be put into a law enforcement computer so that it can be enforced and will be served on the Respondent if he or she does not appear at the hearing. If you do not appear for the court hearing, the order will expire. If you are unable to make it to the hearing due to an emergency that day, you may call the court before the end of the day and the Court will reschedule the hearing, if the Respondent does not come to the hearing, the Court may sign the Protection Order. If the Respondent does not appear at the hearing, the Protection Order must be served on her or him before a violation can occur.

What should I do once I have my Order? You should keep a certified copy with you at all times and distribute certified copies to schools, child caregivers, and others who might be need it for the protection or you or your children. You may also want to contact DVSAS (360-715-1563), Womenscare Shelter (360-734-3438), or Lummi Crime Victims Assistance Program (384-2285) to get help making a plan to keep you and your children safe and to get information about other services available to you.

Can An Order Be Modified? The Court can modify an order at the request of either party if a good reason is shown.

There are other orders available to you. If a Protection Order is not right for your situation, contact DVSAS (360.715.1563) or an attorney to discuss your legal options.

APPENDIX L

Information for Respondents in Civil Domestic Violence Cases

INFORMATION FOR RESPONDENTS

IN CIVIL DOMESTIC VIOLENCE CASES

HAVE YOU BEEN SERVED WITH A CIVIL DOMESTIC VIOLENCE PROTECTION ORDER?

What Is a Protection Order? A Protection Order is a Court order that restricts or prohibits one member of a family or household (the "Respondent") from contacting, approaching, or in any way harassing another person (the "Petitioner"). It is issued between parties who are or have been part of the same family or living arrangement, parents with children in common, and/or persons who are or have been in a dating relationship and are at least 16 years old. It was created to help protect people from domestic violence and is issued in cases where domestic violence has occurred or has been threatened. A violation of the Order is a serious offense.

What does a Protection Order do? A Protection Order often prohibits the Respondent from going to the Petitioner's home, place of work, school or other specified places. It can also prohibit the Respondent from contacting or interfering with the custody of the parties' children or going to the children's schools or daycare. It may allow the Petitioner to have exclusive rights to a residence, exclusive use of a vehicle or other property as well as provide financial or other assistance necessary to keep the Petitioner and children safe by providing enough money to support the children, have a roof over their head, make car payments, and the like.

How is a Protection Order enforced? The police can enforce a Protection Order once the Court signs it. The Respondent cannot be held in violation of the Protection Order unless it has been served on him or her. If Respondent contacts Petitioner before he or she is served with the order, he or she can be served at that time. The Protection Order will be entered into the law enforcement computer by the law enforcement agency where the Petitioner lives so that it can be enforced.

What If I Knowingly Violate the Order? Violation of the Order is a serious offense. The police will enforce the order. A knowing violation of the order by the Respondent will result in arrest and possible jail even if the Petitioner initiates the contact.

How do I Respond to the Request for Protection Order? The 14 days between the issuance of the temporary order and the hearing are a "time out" to make sure all parties are safe. It is important that you abide by the terms of the temporary Protection Order so you can help negotiate a resolution to this situation. To assist the Court in resolving this situation at the hearing, you can appear and testify about your understanding of the situation. You can also bring appropriate witnesses who have direct knowledge of the facts of the matter and medical and other relevant documents for the Court's review.

What if I am the victim of abuse? If you think you are the victim, you may file a counter petition for Protection Order with the court. It is important that you file the counter petition before the scheduled Protection Order hearing so the court can take testimony and rule on your petition at the same hearing. To file the counter petition, go to the Court Services office in Suite 304 of the courthouse.

What does this mean regarding my right to see my children? The court may keep you from seeing your children for the brief time (up to two weeks) between the issuance of the temporary Protection Order and the hearing if the Petitioner's allegations show a potential danger to the children. If the children are not protected by the order, your rights are not affected. At the hearing with all parties, the court can provide for only temporary emergency custody, visitation, property, and financial needs based on the testimony of all parties and witnesses. To determine custody, parenting plan, child support, or division of assets on a long-term basis, you or the Petitioner must file a dissolution or parentage action. If there is already a Court order setting custody or visitation, you may ask the Court to consider that order before the scheduled hearing date or at the hearing. Any parenting plan entered after the Protection Order supersedes the parenting provisions in the Protection Order.

What Will Happen When I Go To Court?

The Petitioner does not have to personally go before a Judge to get a Temporary Order, but must appear at the hearing for a more permanent order. In certain circumstances a party may appear by phone. You may bring an advocate to sit with you or an attorney to represent you to the hearing.

At the hearing, the Court will give both parties a chance to testify and bring witnesses. Testimony will be limited to the facts relating to the case, not the parties or witnesses opinions or conclusions. The testimony will be under oath. The Court may ask questions of parties and witnesses and the parties may ask questions through the judge regarding the other party's testimony.

When the Court has heard from the parties and witnesses, it will make a decision. If a Protection Order is granted, each party will receive a copy. The order will be put into a law enforcement computer so that it can be enforced and will be served on the Respondent if he or she does not appear at the hearing.

If the Petitioner does not appear for the court hearing, the order will expire. If the Petitioner is unable to make it to the hearing due to an emergency that day, the court may reschedule the hearing. If the Respondent does not come to the hearing, the Court may sign the Protection Order. If the Respondent does not appear at the hearing, the Protection Order must be served on her or him before a violation can occur.

Can An Order Be Modified? The Court can modify an order at the request of either party if a good reason is shown.

Where can I get help or information? You may want to hire an attorney who can make sure you understand your choices and options. If you have access to the Internet, you can go to the State Court website at www.courts.wa.gov/forms to download instructions and forms for responses and requests for modification. A description of the Protection Order process is described online at: www.whatcomcounty.us/superior. You can also get forms and set a hearing date by visiting the Court Services office in Suite 304 of the Courthouse.

APPENDIX M

Domestic Violence Court Orders Grid

	DOMESTIC VIOLENCE PROTECTION ORDER	SEXUAL ASSAULT PROTECTION ORDER	ANTI-HARASSMENT ORDER	NO CONTACT ORDER	RESTRAINING ORDER
Who may get the order?	Person who has physically abused, threatened with harm, or stalked by a family or household member (defined in RCW 26.50.010(2)). A person age 16 or older can petition on her own behalf	Any person who is a victim of non-consensual sexual conduct or penetration, including a single incident. A person age 16 or older can petition on her own behalf	Person who has been harassed by a course of conduct (2 or more separate events) by any person without a legitimate purpose. A person must be age 18 or over to petition on her own behalf.	Prosecuting Attorney on behalf of victim after criminal charges are brought against the abuser	Person involved in a divorce, paternity or parenting plan modification
How do you get the order?	Petitioner must file in the county where she lives or has fled to avoid the abuse	Petitioner must file in the county where she lives	Petitioner must file in the county where she lives or has fled to avoid the abuse	Prosecutor requests as part of the criminal case. Victim obtains copy from prosecutors office	Victim files as part of the family law action pending
Where do you apply?	District or Superior Court	District or Superior Court	District Court	Municipal, District or Superior Court	Superior Court
What can the order do?	Prohibit contact with victim, exclude from residence and workplace, determine temporary custody, grant use of a car, grant possession of essential personal property , and order treatment <u>THE ORDER CANNOT:</u> order child or spousal support, grant possession of other property, or establish permanent custody	Prohibit contact with the victim, exclude from residence, workplace, school, or daycare, Court can appoint an attorney to represent Petitioner (at no cost) IF the Respondent has an attorney	Prohibit contact with the victim, exclude from residence and workplace, restrain from harassing or keeping victim under surveillance	Prohibit direct or indirect contact with the victim, including phone or letters	Prohibit contact with the victim, exclude from residence, restrain from harassing, grant temporary custody, direct child and spousal support, prohibit disposal of property
How much is the cost?	No fee	No Fee	Filing Fee Charged Waived for low income	No fee	Filing Fee Charged Waived for low income
How long does it last?	Emergency: 14 days Permanent: 1 year renewable	Emergency: 14 days Permanent: up to 2 years renewable	Emergency: 14 days Permanent: 1 year renewable	Pre-Trial: as long as case is pending Post-Conviction: Up to Judge's discretion	Emergency: 14 days Permanent: Permanent until modified
What if the order is violated?	After abuser and police have notice of the order, mandatory arrest, criminal charges and/or contempt charges	After abuser and police have notice of the order, mandatory arrest, criminal charges and/or contempt charges	After abuser and police have notice of the order, arrest and/or contempt charges	After abuser and police have notice of the order, mandatory arrest and criminal charges	After abuser and police have notice of the order, mandatory arrest if order so states (if not stated, then possible arrest) and/or criminal and contempt charges

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The protocol is posted at
www.co.whatcom.wa.us/superior/Protocol.jsp