

Domestic Violence Help Guide: Information for People Affected by Abuse in Maine

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Updated November 2013

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Maine Coalition to
End Domestic Violence

Introduction

Are you in an intimate relationship with someone who makes you feel like nothing you do is right? Is there a pattern of behavior that leaves you emotionally or physically hurting? Is there confusion in the relationship about who causes the hurting?

While healthy intimate relationships experience ups and downs, when behavior by one person consistently tears down the other person, whether emotionally, physically, sexually, mentally, spiritually, or economically, this is abuse. Abuse describes behaviors by people who use coercive control to limit the freedoms, thoughts, feelings, and actions of the people they say they love most.

Most domestic abuse is perpetrated by men who abuse their current or former female intimate partners. People with other gender identities and sexual orientations also commit abuse, in much smaller numbers. Current research indicates that:

- One in 4 women has been the victim of severe physical violence by an intimate partner, while 1 in 7 men has experienced the same (Centers for Disease Control and Prevention, 2010, NISVS: An Overview of 2010 Summary Report Findings available at www.cdc.gov/violenceprevention/pdf/cdc_nisvs_overview_insert_final-a.pdf).
- In 2012, 13,115 survivors of domestic abuse received services from the domestic abuse resource centers of the Maine Coalition to End Domestic Violence; 96% were women and children (Maine Coalition to End Domestic Violence).
- Domestic abuse homicides continue to account for approximately 50% of all homicides in Maine over time; the large majority of these homicides are committed by men against women (Maine Department of Public Safety).

Domestic abuse is not something that only happens in individual relationships. Abuse happens in a large number of intimate partnerships and families across the United States and the world. Abusive behavior by individuals reflects both their own mindset of entitlement, and also a historical culture and tradition that reinforce abuse and violence, particularly through male power and privilege.

Abuse happens in all kinds of intimate partnerships and families, including those who are wealthy and poor, those of all racial and ethnic backgrounds, those who are formally educated and those who are not. It happens in heterosexual and same-sex relationships, to people in urban and rural settings, to younger and older individuals, and to those who are spiritual or religious and those who are not.

People who abuse use many different tactics against their intimate partners. Whether your partner's behavior includes verbal put downs, financial control, isolation from friends and family members, physical attacks, use of computers or telephones or other technology to monitor where you are and whom you communicate with, threats and intimidation, or other behaviors, it all creates pain and hurt and is all considered abuse. You have the right to live a safe and peaceful life, without experiencing abuse in any of its forms. Hopefully, this resource will help you find that safety and peace.

What Is Abuse?

Whatever behaviors you are experiencing from the person hurting you, it may be hard to identify as abuse. Many people think of abuse as physical violence or sexual assault and do not assume that harsh words such as name-calling, accusations, threats, or constant degrading and criticizing constitute abuse. Part of abuse is also that the person hurting you may deny it is happening, or may tell you that you are responsible for the behavior, and if you would change your behavior, the abuse would stop. It may feel more like you are failing your partner over and over again, rather than that you are experiencing abuse. The questions below help describe in more detail what an abusive relationship looks and feels like. You may not be experiencing everything described here, and may have additional hurtful experiences that these questions do not touch upon.

Does your intimate partner:

- Call you disrespectful names, or criticize your choices and decisions?
- Monitor where you go, what you do, and who you spend time with?
- Regularly act irritated or angry with you, even though you didn't mean to upset your partner?
- Physically attack, punish, or "discipline" you by slapping, pinching, biting, hitting, kicking, pushing, strangling, burning, or punching you?
- Threaten to harm you or those you care about?
- Follow you or show up when you are at work, school, or with others?
- Make it difficult for you to work?
- Insist that you engage in sexual activity when you don't want to?
- Misuse technology such as phones, computers, and apps to track your whereabouts and monitor your contacts with other people or your own technology use?
- Ever confine you or not allow you to leave your home or other place?
- At times apologize, promise to make changes, be a better partner, and affirm that he/she loves you and would never hurt you?
- Make all the money-related decisions, deny you access to money, or make you account for all the money you have or earn?
- Joke or threaten about using a weapon against you or someone you care about?
- Frequently accuse you of having affairs?
- Act disrespectfully or violently towards your children, property or animals?

- Speak or act harshly and then later say that it never happened, or that it wasn't as bad as you are making it out to be?

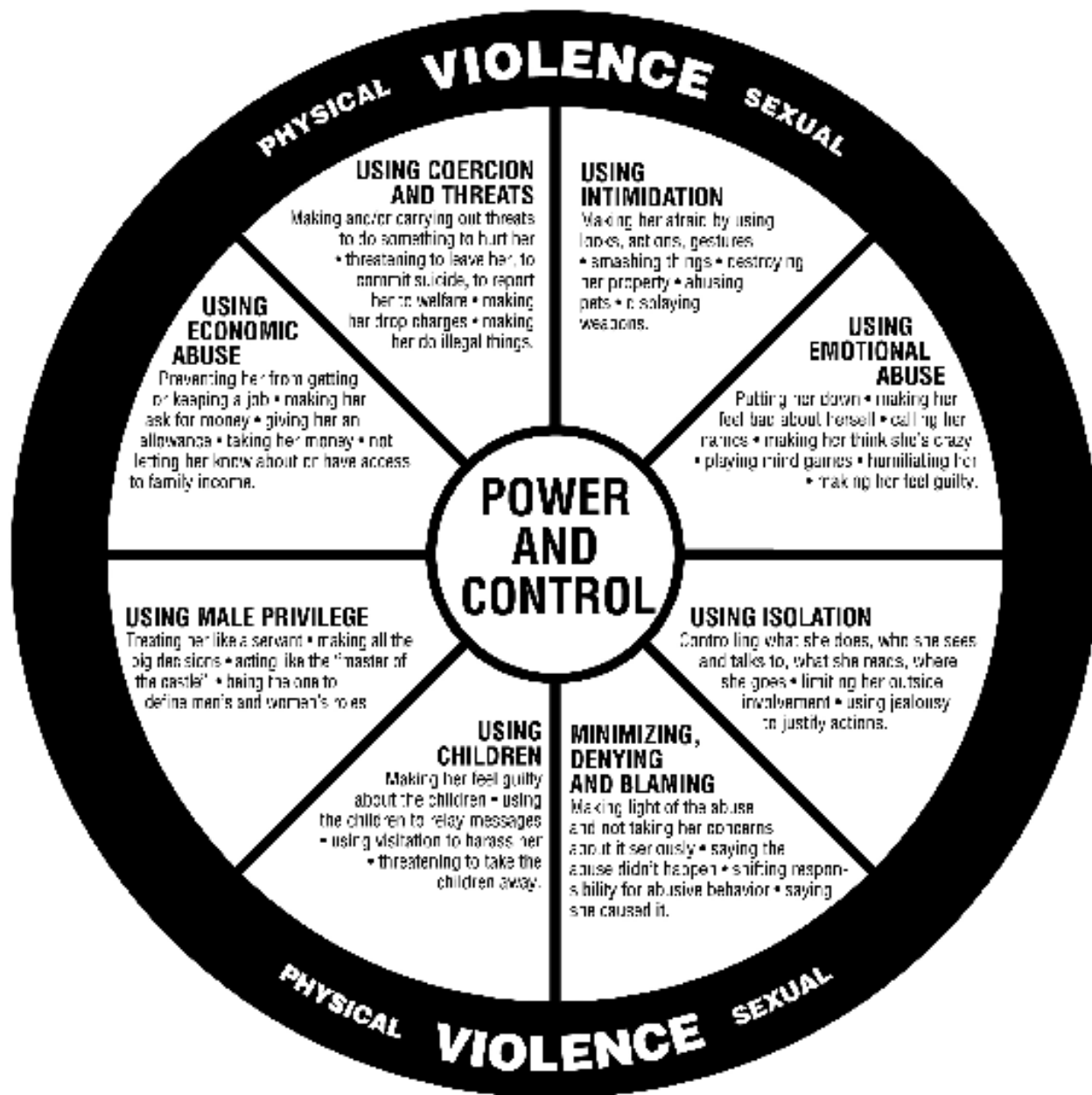
Do you feel:

- That you “walk on eggshells” in your relationship, so as not to upset your partner?
- Humiliated by your partner in front of others or in private?
- Lonely in your relationship?
- That your partner will not approve if you make your own decisions, have your own opinions, and come and go as you wish?
- Frustrated because you can't seem to get your partner to understand your intentions?
- That there is something wrong with you that makes your partner do these things?
- Like your partner doesn't want you and that no one else would either?
- Trapped and frightened?
- Love for your partner and appreciation for the good times you have together?
- Ashamed because you believe the abuse is your fault?
- Like you can't tell the truth to your friends, family, your doctor, law enforcement, or others, about what your partner says and does to you?
- That you can handle your partner's mood swings, outbursts, accusations, or threats?
- That alcohol, drugs, or food help you deal with what is going on in your relationship?
- Confused by the fact that your relationship has extreme highs and lows?

Abuse involves a pattern of coercive behavior that is used by a person against family or household members to control another's actions and feelings. Coercive behavior can include physical violence, sexual assault, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation, harm to children, economic control, destruction of personal property, and animal cruelty. It matters less which behaviors your partner is using, and more that your partner is using them to coerce and control you.

The Power and Control Wheel

The Power and Control Wheel provides an illustration of the many tactics an abusive partner may use to gain and maintain power and control in a relationship.



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All of the tactics on the Power and Control Wheel are harmful and effective ways of controlling someone. Physical and sexual abuse may or may not be present in your relationship. Physical and sexual abuse may occur regularly, occasionally, once, or not at all if threats or other tactics are effective in coercing you. If your partner has used physical violence against you, it increases the impacts of the other tactics. If your partner used physical violence once, or used physical violence a long time ago, it does not mean that you are free from abuse now if other tactics are still happening.

If you have never experienced physical or sexual violence, but other tactics are happening such as threats, isolation, and intimidation, this also “counts” as abuse. Again, all of the tactics on the Power and Control Wheel are harmful and effective ways of controlling someone. Different people are effectively coerced by different behaviors. Screaming and yelling, name-calling, or calmly blaming and degrading may also be effective ways to make someone comply with a partner’s demands.

Generally, people use whatever abusive behaviors will work in a given moment to maintain control and make the other person comply with their demands, and then sometimes, will continue to use them to enforce their domination and inflict harm. Abusive behaviors do not unfold in a predictable way. For example, a partner who threatens or uses physical violence may never need to use that tactic again, because the other partner may be effectively coerced by a reminder about “What happened last time.”

It may be that you struggle with questions or confusion about your responsibility for what is happening in the relationship. Reviewing the Power and Control Wheel can be helpful to separate out your intentions and behaviors from your partner’s. Domestic violence involves a pattern of behavior designed to coerce and control another person. Non-abusive people might look at a particular behavior in the Wheel and say “I’ve done that before,” or might recognize a type of control within themselves. It is important to distinguish the type of coercive control used by abusive people from the type of control that would not be considered domestic abuse. Enjoying having a spotless house, loving to win an argument, being the boss at work, being a “Type A,” or acting assertively or even aggressively in an effort to stand up for yourself in the face of abuse, all involve elements of control, but the type of coercive control that happens with domestic abuse involves established, consistent patterns of tactics used by one person on another in an intimate partnership, with the goal of limiting and defining the partner’s freedom, thoughts, feelings, and actions.

Consider the role of technology

The way that abusive individuals carry out tactics of coercive control has been dramatically changed by the extensive availability of technology, some of which is marketed specifically for misuse. Particularly in situations when a person is following and harassing an intimate partner, but not limited to that type of stalking behavior, abusive individuals are increasingly misusing technology in order to track their partners, to monitor their partners’ actions and contacts with others, and to enhance tactics of power and control.

If this is happening in your relationship, it may feel like your partner always has access to what you are doing, where you are, and whom you are in contact with. If your partner seems to have a secret source of information about your life, or appears suddenly in locations where you are, there is a strong possibility that technology misuse is involved. You may also be receiving telephone messages, false caller ID numbers, e-mails that later disappear, or text messages that are threatening or intimidating. In addition,

you may notice that your phone, computer, or other electronic devices contain remote access options that you did not set up.

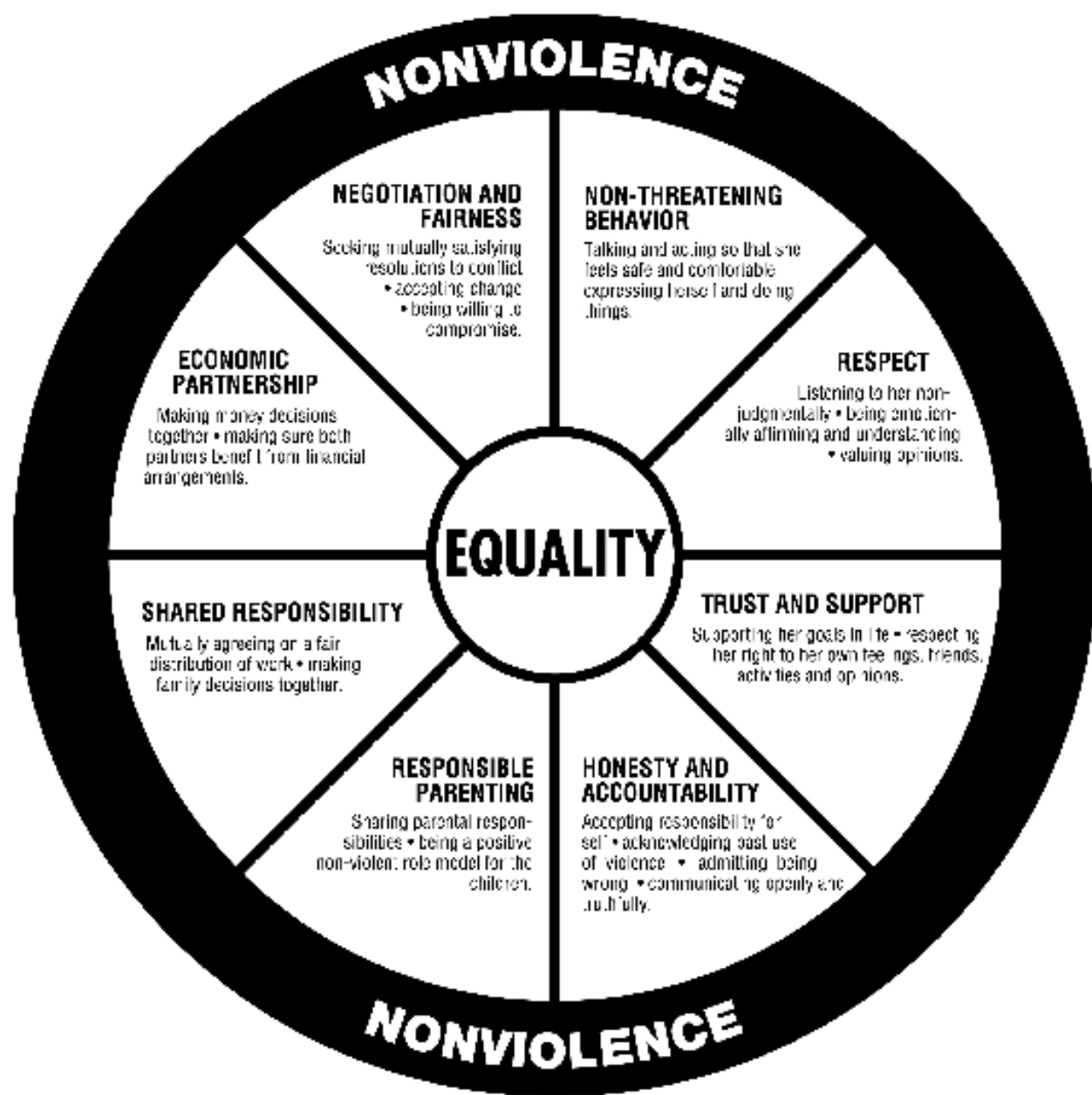
Technology evolves rapidly and new technologies continue to emerge. In recent years, technological advances have dramatically increased the options available for communication between people. An increasing number of options can be purchased online and downloaded quickly. Some options require technological expertise, but many are easy to use. Some technology options may be accessed by anyone from any location. Others may require a shared account or brief initial physical access to the other person's computer, cell phone, or vehicle. Often, if a person is misusing one form of technology, other forms are in play as well, as technologies are often connected.

What is the alternative?

Contrast the tactics in the Power and Control Wheel with the Equality Wheel, which describes a healthy, abuse-free relationship. In a respectful relationship, your partner focuses on the good of the partnership, rather than on establishing and maintaining dominance. Intimacy, rather than control, is the goal of the relationship. The Equality Wheel recognizes the importance of a foundation of goodwill and kindness rather than coercive control and hostility.

More helpful reading

- ✓ The Verbally Abusive Relationship: How to Recognize It and How to Respond by Patricia Evans (Adams Media, 3rd Edition 2010)
- ✓ Dating Violence: Young Women In Danger by Barrie Levy (Seal Press, 2nd Edition 1998)
- ✓ When Love Goes Wrong: What to Do When You Can't Do Anything Right by Ann Jones and Susan Schechter (Harper Perennial, 1993)



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Why Does Abuse Happen?

You may already have heard many possible justifications for the abuse in your relationship, either from your partner or others. Or, you may have considered possible reasons yourself. Perhaps your partner has told you that you caused the behavior because you made your partner angry, hurt, jealous, or scared. Maybe your partner was drunk or high when the abusive behavior happened. Does your partner get extremely angry and then tell you afterwards “I lost it! I didn’t know what I was doing.” Do others in your life reflect that your partner is under a lot of stress and pressure from a job, or financial or family concerns? What was your partner’s early life like? Are you concerned that your partner’s behavior stems from being exposed to abuse as a child?

Given that the person hurting you may be affected by some of these circumstances, it can be difficult to see your partner’s abuse as intentional, chosen behavior. But abuse is a choice. None of the things described above are more than excuses, because many people get drunk, high, angry, or stressed, or experienced abuse as children, and as adults to not act abusively toward their intimate partners and family members. Abuse also does not happen because of whatever you are saying or doing in your relationship. You may already have experienced this; it may not seem to matter how or what you say and do, things do not get better and stay better. Changing your behavior does not stop the abuse, because it does not cause the abuse.

Some may assume that people who commit domestic abuse and violence are abnormal or mentally ill. To a non-violent person, it can be hard to see how a “normal” person could say and do such hurtful things. However, domestic abuse is widespread to the point of being an epidemic, despite many abusive behaviors being against the law. People who abuse subscribe to a cultural belief system in which abuse is acceptable. If those people experience no negative consequences for committing abuse, they get the message that it is acceptable. Committing domestic abuse in itself is not considered a behavioral health issue, and it is important for you not to justify abusive behavior if your partner has a behavioral health diagnosis or some other mental imbalance or instability you may wonder about and sympathize with. Your partner should be held accountable for abusive behavior. Your partner may also need and deserve assistance with a behavioral health problem, and this is best left to someone in a professional role. It is not your responsibility to sacrifice your safety or happiness in an attempt to support or accommodate your partner’s behavioral health issues.

Domestic abuse is also not something that is only happening in your relationship, because of your partner’s individual thoughts, feelings, and actions. Abuse is a learned behavior and is a widespread cultural problem around the world. Historically, domestic abuse stems from a culture, supported by laws and social traditions, which place women’s rights and experiences below men’s. Because of this, you are not alone in your experiences, and there are many resources to help you be safer and feel better. However, also because of this, other people in society may accept abuse and violence in relationships as the status quo and may blame you for the abusive behavior, rather than holding your partner responsible. It is important for you to seek out support from people who see abuse clearly as a behavior by your partner for which you are not responsible.

You may encounter blaming attitudes, even from people close to you. Some people may already have given you the impression that the abuse is happening to you simply because you continue to stay in the relationship, as if this somehow invites and condones abuse. Many people in abusive relationships know, however, that leaving may be a scary and dangerous step to take, and will not necessarily end the abuse.

Remember that your partner is hurting you because of a belief that it is acceptable behavior to control loved ones, not because of anything you are saying or doing.

People working in the field of domestic abuse and violence are striving to change cultural attitudes and understanding about domestic abuse, especially regarding holding abusers accountable for their behaviors and lifting the blame from the people who are being abused.

More helpful reading

- ✓ Why Does He Do That?: Inside the Minds of Angry and Controlling Men by Lundy Bancroft (Berkley Books, 2003)
- ✓ The Macho Paradox: Why Some Men Hurt Women and How All Men Can Help by Jackson Katz (Sourcebooks, 2006)

How Are My Children Affected by Abuse?

If your children have been exposed to your partner's abusive behaviors toward you, or your partner is verbally, physically, emotionally, sexually, or otherwise directly abusing them, they are experiencing painful effects. You may have the impression that your partner "would never hurt the children," but if your partner is abusing you, your children are feeling the pain and fear that comes from living with someone who is threatening and controlling. Since abuse and violence are learned behaviors, part of the impact on your children also involves taking on the cultural beliefs that support domestic abuse.

An abusive person may involve children in a variety of ways, such as telling the children that they are responsible for the hard times in the adults' relationship, or threatening to take the children, or turning the children against the other partner, or using them to monitor the other partner. Children may experience confusion between being loyal to the abusive parent who has the most power, and being loyal to the parent who is safer for them.

Children may respond to abuse in a variety of ways, ranging from emotional and cognitive effects, to physical and behavioral effects. When a parent or guardian uses abusive behaviors in the home or directly abuses them, children experience confusion and damage to their ability to trust the people in their lives. They may side with the abusive partner in order to stay safe, recognizing where the power lies in the family, acting like the controlling partner and expressing anger at the other parent. Alternately, they may take actions to protect the abused parent from the other, even to the point of physically coming between their parents. They may have a difficult time focusing at school because they are worried about what is happening at home. Or they may have an impulse to get away because home feels like a dangerous place. Older children may experiment with alcohol, drugs, overeating, or self-harm to numb their feelings.

You can help your children in many ways. Be honest with them and talk with them about the abuse in your lives. Tell them that the abuse is not their fault. Expand the supports in your own life so that you can model self-respect for your children and create a safer environment for you all. Invite them to tell you what they are feeling about what they have experienced. As you reach out to resources to help yourself, also explore resources that will specifically support your children. If you create a safety plan for yourself, include your children and talk with them about ways they can stay safer when trouble arises. As you create an environment around you and your children that is abuse-free, they will have the opportunity to learn to trust again.

More helpful reading

- ✓ Children Who See Too Much: Lessons from the Child Witness to Violence Project by Betsy McAlister-Groves (Beacon Press, 2003)

Safety Planning

Whether you are committed to staying in the relationship, are unsure of what to do, are trying to leave to escape the abuse, or have left and returned to the relationship, help exists for you to create more emotional and physical safety for you and your children.

It may be complicated and difficult it is to make decisions or take action because your partner may continue to try to present risks to you regardless of what steps you decide to take in any given situation. One of the primary ways advocates at the domestic violence resource centers of the Maine Coalition to End Domestic Violence can help you through this is by working with you to develop a safety plan.

Safety planning is a process in which you look at your most pressing concerns, including immediate or possible dangers and risks from your partner, and come up with actions that will increase your safety in those situations and help you move forward. Advocates are skilled at brainstorming and assessing different options with you, even if you are feeling out of options. The resource centers also provide many additional direct services that can be a part of your safety plan, and these are described in the “Getting Help” section of this document.

Safety planning is an individualized process that takes into account the realities of your situation. Perhaps you are financially dependent on your partner. Perhaps your partner threatened you with harassment or harm if you were to take any steps to protect yourself, to hold him accountable, or to leave the relationship. Perhaps your love for your partner is strong, you and your partner have had good times, and you remain hopeful about the relationship. It may also feel better to work with what is known, rather than face the unknown. Safety planning takes into account that as you assert your need for emotional and physical safety, your partner may react by trying to increase control over you.

Because people experience abuse in culturally specific ways, advocates at the domestic violence resource centers take into account the cultural background and unique issues and barriers you may be facing, in order to create a safety plan to meet the circumstances. When collaborating with people experiencing abuse, advocates at the domestic violence resource centers consider culturally specific responses and resources. Domestic violence affects people regardless of race, ethnicity, class, sexual orientation and gender identity, religious affiliation, age, immigration status, and ability. Because people experience abuse in these culturally specific ways, advocates individualize their services accordingly.

Safety planning in your relationship can include many different kinds of actions, and may be something you have already undertaken, just not with that name attached. Perhaps you have talked with a friend or family member after a difficult or dangerous situation with your partner. Perhaps you have involved law enforcement, spoken with a doctor, or been engaged with another service provider in your community. In confidential conversations with advocates at the domestic violence resource centers you can create or expand your safety plan to meet your current and most important needs, and to plan long-term for the future. Safety planning options might include making a list of important phone numbers such as friends, law enforcement, and the local domestic violence resource center. Or, it might include preparing an overnight bag should you need to leave your home quickly, and identifying safe places you can stay on short notice. It might include gathering in one place important documents such as birth certificates, identification, insurances, medical records, financial information and social security numbers. It might mean starting a calendar to record the dangerous situations that happen with your partner. If you have children, safety planning might include options that children can put into action, such as calling 911 or

identifying a safe retreat location should danger arise. Whatever your situation, creating a safety plan can assist you in reclaiming some control over your life and prioritizing your safety and the safety of your children.

If you have made the decision to leave your relationship, make safety your highest priority. Even if your partner has never physically harmed you, and even if you do not believe your partner is a person who could or would ever physically harm you, this is a time to act as if physical harm to you and/or your children is possible. Because abuse is caused by your partner's desire to exert coercive control over you, if you step away from the relationship your partner may escalate the abusive behaviors in an attempt to regain control, to scare you into coming back in the relationship, or to harm you so that even if you do not return to the relationship you may not get free either.

You may have time and space to plan how to safely leave the relationship, taking time to pack your belongings and work out housing and finances. If you are attempting to negotiate all this with your partner, still keep in mind the possibility of physical harm, and make specific safety plans that take this into account. Be cautious about invitations by your partner to meet alone for conversation, sorting out belongings, or good-byes. You do not have to feel afraid of your partner for there to be a real risk of physical danger to you and your children.

If you do not have time and space to plan, and just need to get away from your partner, you may be able to return later to retrieve your belongings with the assistance of law enforcement officers. Or, through legal action you may be able to gain sole possession of your residence. It can be difficult legally to retrieve your children later if you initially leave them with your partner, so if possible, bring them with you.

More helpful reading

- ✓ Should I Stay or Should I Go?: A Guide to Knowing if Your Relationship Can – and Should – Be Saved by Lundy Bancroft (Berkley Trade, 2011)
- ✓ The Emotionally Abused Woman: Overcoming Destructive Patterns and Reclaiming Yourself by Beverly Engel (Fawcett Columbine, 1992)
- ✓ Domestic Violence Safety Plan: A Comprehensive Plan That Will Help Keep You Safer Whether You Stay or Leave by Kellie Jo Holly (CreateSpace Independent Publishing Platform, 2013)
- ✓ In Love and In Danger: A Teen's Guide to Breaking Free of Abusive Relationships by Barrie Levy (Seal Press, 3rd Edition 2006)
- ✓ Getting Free: You Can End Abuse and Take Back Your Life by Ginny NiCarthy (Seal Press, 4th Edition 2004)
- ✓ You Can Be Free: An Easy-to-Read Handbook for Abused Women by Ginny NiCarthy and Sue Davidson (Seal Press, 3rd Edition 2006)

Getting Help

The Maine Coalition to End Domestic Violence and its eight member resource centers promote a coordinated community response to domestic abuse in which every system of services, every organization, every neighborhood, and every person takes appropriate responsibility for increasing abuser accountability and enhancing the safety of people who are abused. No individual resource described here can stop domestic abuse or absolutely guarantee your safety from your partner, but together, these help sources can strengthen the net that holds you and your children in safety as you move forward with your lives.

Because advocates at the domestic violence resource centers are most familiar with the resources in each area of the state, this document does not attempt to go into specific community housing, financial, education and employment resources and processes. Your local advocates can be very helpful in identifying resources closest to you, and navigating service provider processes and requirements.

The Maine Coalition to End Domestic Violence (MCEDV) [www.mcedv.org]

The member resource centers of the Maine Coalition to End Domestic Violence together serve the sixteen counties in Maine and provide a range of direct services to assist people affected by abuse. The resource centers also provide support, information, and education to individuals and organizations in the community.

Advocates at the domestic violence resource centers can work with you to help minimize the risks you may be facing from your partner. Through advocacy and safety planning, advocates can help you address your current concerns and short- and long-term needs. Advocacy and safety planning can include referrals to other organizations that can help you with housing, finances, education and employment, legal matters, and your emotional and physical healing.

You can call the statewide 24-hour toll-free and confidential domestic abuse helpline (1-866-834-HELP) to talk with an advocate day or night. Advocates provide one-on-one support, advocacy, and safety planning services for you and your children. Advocates can also meet with you in person during the day through a walk-in or scheduled appointment. The resource centers can offer you and your children free temporary shelter either in a “safe home” (an anonymous volunteer’s private home) or in a “shelter” (a residential home for women with common experiences of abuse). Longer-term “transitional” housing may also be available. In addition, the resource centers offer support groups and the opportunity to talk with others who have been in situations similar to yours. Advocates can support you through legal matters such as criminal cases as well as the civil Protection From Abuse Order process. The resource centers offer information, education, and specialized trainings for community groups, organizations, workplaces, and schools. In addition, all of the resource centers either offer or have a working relationship with certified Batterer Intervention Programs, which are 48-week educational programs for abusers that encourage behavior change. All of the services of the resource centers are free, with the exception of abuser education, for which there is a per-class fee, and Transitional Housing, which involves rent.

If you are unable to access an advocate at your local domestic violence resource center by making a direct call to the helpline from your home or a personal phone, consider additional options to gain access to the helpline or to an advocate: Can you make a call from a friend, family member, or neighbor’s phone? Can

you make a call from your doctor's office, or can you connect with an advocate through contact with a law enforcement officer? Could you attend an in-person appointment with an advocate at the resource center offices, or could you meet with an advocate at a neutral location such as a healthcare facility or law enforcement agency?

The advocates at the member resource centers of the Maine Coalition to End Domestic Violence have helped thousands of people across Maine in situations similar to yours. Consider reaching out to an advocate to help you move toward a life that is abuse-free.

For a map of MCEDV resource centers, please refer to page 24.

Other Domestic Violence Services

There are also culturally specific community resources available in Maine. The **Wabanaki Women's Coalition** offers domestic and sexual violence services for members of the Wabanaki community. See page 26 for a map of tribal service providers.

Based in Lewiston, **United Somali Women** provides resource for members of Maine's Somali community [www.uswofmaine.org].

The Maine Coalition Against Sexual Assault [www.mecasa.org]

The Maine Coalition Against Sexual Assault (MECASA) is a separate coalition comprised of member service providers across the state that provide specific advocacy and education regarding sexual assault, stalking, sexual harassment, and many related issues. The service providers of MECASA offer a range of services including a 24-hour toll-free and confidential helpline, one-on-one advocacy, support groups, court assistance, children's services, community education, and more. The domestic violence resource centers and the service providers of MECASA at times provide cross-referrals and work together to support people who would benefit from receiving services from both organizations.

For a map of Maine's sexual assault support centers, see page 27.

The Criminal Justice System

Some abusive behaviors, such as assault, criminal threatening, stalking, terrorizing, criminal mischief, among others, are against the law – they are criminal acts for which an offender may be arrested and charged. Other abusive behaviors are not specifically against the law, but may be prevented or minimized if your partner is arrested and prosecuted, or is ordered by a court through a civil legal process to stay away from you. As you consider the resources and options available to you, use of the legal system is one way to help protect yourself and your children.

Courts are able to place controls on abusive individuals that you, friends, and family members cannot. Courts can order an abusive individual to attend a Batterer Intervention Program, and can use jail

sentences, protection orders, and bail and probation conditions to provide ongoing protection for you and your children.

If you are in immediate danger due to the actions of your partner, calling 911 will result in law enforcement officers responding to your location. Law enforcement officers have received extensive training about responding to domestic abuse and violence, and most Maine law enforcement agencies have policies that encourage arrest in cases involving domestic abuse. Arrest not only physically removes the abusive person; it can be a deterrent to the person committing further abuse and violence.

Under Maine law, an arrest must be made for an aggravated assault. Aggravated assault includes acts that cause serious bodily injury, or acts that cause bodily injury with the use of a dangerous weapon, or acts that cause bodily injury under circumstances showing extreme indifference to human life. The last category includes strangulation. Some people call it “choking” when a person places hands or an object around the throat or neck of another person and impedes the flow of air or blood, but this behavior is strangulation. Choking is an obstruction from within, such as choking on a piece of food, not something that is done purposefully by one person to harm another. Arrest is also required by law for a violation of a Protection From Abuse Order. Finally, Maine law also allows for an arrest when a law enforcement officer determines that there is “probable cause.” Probable cause means that facts exist that would lead a reasonable person to believe a particular person has committed a particular crime. Law enforcement officers do not have to witness the crime directly in order to arrest.

If a decision to arrest for domestic violence assault has been made by a law enforcement officer, the officer may ask you some specific additional questions as part of a risk assessment tool. Completing a brief risk assessment process helps the officer learn about the context of your situation, and will assist those in the criminal legal system to make decisions about accountability for the offender. Again, this will only happen after an arrest decision has been made by the officer.

Following an arrest, an offender is brought to the law enforcement agency or county jail, and bail will be set. If your partner is gone when law enforcement officers arrive, they may pursue your partner or may seek an arrest warrant or a summons from the District Attorney’s Office to appear in court to answer to the charges. The purpose of bail is to ensure the person’s appearance in court and along with setting a monetary amount for bail, a bail commissioner or judge may set bail conditions, such as staying away from you and/or your residence and workplace, and refraining from further criminal conduct.

Because crimes are considered offenses against the State, the District Attorney’s Office will initiate any court proceedings against your partner, based upon the law enforcement officer’s report of the incident. Your role is to be a witness, and any decision to prosecute or drop charges is made by the State. This helps to keep you from being in the position of protecting your partner from the legal system. In addition to attorneys and investigators, the District Attorneys’ Offices also employ advocates called Victim-Witness Advocates, who will contact you and work with you through the criminal case.

If the District Attorney’s Office decides to prosecute, your partner and others may respond by pressuring you to ask the District Attorney’s Office to drop the case and not go forward with the prosecution. Your partner may also encourage you to resume the relationship, with promises of better behavior. Alternately, your partner may intimidate, threaten, or become violent with you if you continue as a witness. This behavior is an additional crime called Tampering with a Witness, Informant, Juror, or Victim, and should be reported to law enforcement officers and the prosecuting attorney. During this

time it may be helpful to contact an advocate at the domestic violence resource center, who can support you through the process and help answer any questions you have.

On the specified court date, the defendant is brought before a judge for arraignment, at which time the charges are read and the defendant may plead guilty or not guilty. If the defendant pleads guilty, the judge may either impose a sentence immediately or do it at a later time. If the defendant pleads not guilty, the judge will set a trial date and decide whether the defendant will be released until the trial.

Sometimes a plea bargain is obtained before the trial. This is an agreement between the State of Maine (through the prosecuting attorney) and the defendant (through the defense attorney) that in return for a guilty plea without a trial, the judge will consider the prosecutor's recommendation to impose a particular sentence. At this time, several charges may be combined, or a charge may be reduced to a lesser charge. The judge does not have to accept the recommendation of the prosecutor, but if the judge imposes a sentence greater than was recommended in the plea bargain, the defendant has the right to withdraw the plea and the case will go to trial.

A plea bargain has the benefits of assuring a conviction and sentence, speeding up the court process, and preventing you from having to testify in a court trial. The prosecutor should remain in contact with you about plea bargaining possibilities and outcomes, and you may speak to the judge if you disagree with a plea bargain that was made. Advocates at the domestic violence resource centers are available to assist you with this process.

If the case goes to trial, it will be tried by a judge or a jury. This is the defendant's choice. You will be notified by service of a subpoena if you are being asked to testify. This requires you to go to court, and failure to comply can bring contempt of court charges against you, which may result in a fine or other consequences.

If at trial the defendant is found guilty, an additional investigation may be conducted by a probation officer to help determine an appropriate sentence. The investigation will include gathering information and a criminal history about the defendant and making a recommendation to the judge about the sentence. Through this investigation, you will also have the opportunity to tell the court what you think the sentence should be, and can specifically ask the court for the sentence to include: serving jail time; a Batterer Intervention Program; no contact with you or the children, or supervised visitation; a fine; restitution (payment of medical bills, money for lost wages, payment for damage to property, etc.); drug and alcohol treatment; no possession or use of alcohol; or, a combination of these things.

When the judge makes the sentencing decision, he/she will consider your wishes. You may speak to the judge at the time of sentencing, or may submit a written statement that will be read to the judge in open court by the prosecutor. The judge imposes a sentence on the defendant as a punishment for committing the crime. You may be eligible for monetary compensation through the Maine Crime Victim's Compensation Program, which is administered by the Maine Office of the Attorney General.

The Maine Crime Victims' Compensation Fund
[\[www.maine.gov/ag/crime/victims_compensation\]](http://www.maine.gov/ag/crime/victims_compensation)

If you are the victim of a violent crime, the Maine Crime Victims' Compensation Program may be able to help. The Victims' Compensation Program provides financial reimbursement for losses suffered by

victims of violent crime and their families. These can include medical expenses, counseling expenses, lost income, and others.

You can write or call for an application to the Victims' Compensation Board at the address and phone number for the Maine Office of the Attorney General. You also may obtain a Victims' Compensation application by contacting the Victim Witness Advocate in the office of your local District Attorney, the United States Attorney, or the Department of Corrections.

The Civil Protection From Abuse Order Process

A Protection From Abuse (PFA) Order is a means of getting legal protection through a civil court process. You may apply for a PFA Order whether or not you have ever involved law enforcement officers or are involved in a criminal case going forward against your partner. A PFA Order is a free court order that requires an abusive person to do or not do certain things. PFA Order conditions can bar a person from committing assault or harassment or any other criminal activity, can make provision for temporary child custody and support, can protect or allocate property, can have the person removed from your mutual residence and bar the person from having contact with you, and can force the removal of firearms from your partner, among other things. It is important to remember that a PFA is only one piece of a safety plan; if a person is determined to continue abusing, or is not deterred by the idea of being arrested, a PFA may not be a good or safe option. Advocates at the domestic violence resource centers are available to support you through the process of applying for a PFA Order, and can help you weigh your options. If you decide to file, they will be familiar with the court clerks and judges in your area, and may be able to accompany you to court.

A temporary PFA Order can be granted on an emergency basis by the court, based on your allegation that you are in immediate and present danger from your spouse, ex-spouse, someone you live with or used to live with, your current or former dating partner or sexual partner, or anyone who has stalked you or sexually assaulted you. In addition, adults 60 years of age or older, dependent adults, and incapacitated adults can seek protection against extended family members and unpaid care providers. You may also apply for a PFA Order on behalf of your children if they are in immediate danger.

A temporary PFA Order is granted on the basis of the existence of serious threats or past violence. If the PFA Order is granted and the defendant violates the order, law enforcement officers are required by law to arrest.

A straightforward description of the process to apply for a PFA order is available online at the **Pine Tree Legal Assistance, Inc.** website [<http://www.ptla.org/protection-abuse-how-law-works-maine>], including detailed video clips, links to the courts, and other helpful information. The required application forms are also available in an interactive format online [www.ptla.org/protection-abuse-maine-court-forms].

The PFA Order process involves the following general steps:

1. At the Clerk of Courts Office at the District Court you can apply for an emergency, temporary PFA Order by completing a complaint form and a few other forms. The PFA Order is free of charge and you do not need a lawyer to be granted an Order.

2. You are the “plaintiff” and the person abusing you is the “defendant.” If you need protection immediately, check the box asking for a Temporary Order. Fill out the form as thoroughly as possible, including at a minimum detail about the first incident of abuse, the worst incident of abuse, and the most recent. Include as many details about the abuser’s actions as you can, such as injuries, threats, use of weapons, witnesses, etc., in order to show your fear of that person harming you again.
3. Once you have filled out the complaint form, it must be notarized at which time you sign it and swear that what you have written is true. The complaint can be notarized by the Clerk, a lawyer, or a notary public.
4. You may keep your address confidential by filling out a separate form – the Affidavit for Confidential Address. You can request this form from the Clerk. Put your address on this form and the Clerk’s Office will keep it secure and confidential so they have a way to contact you, but no one else will receive this information. In addition, if you would like additional protection an advocate at the domestic violence resource center can assist you in joining the State of Maine Address Confidentiality Program, which assigns you a legal address separate from your actual address. The Maine Secretary of State assigns the legal address, receives your mail at that address, and then forwards it to you.
5. The Clerk may ask you to fill out an additional form called the Protection Order Service Information Form. On this form you provide information about the defendant, to assist in locating the defendant for service.
6. If you want the defendant to pay Child Support, you can also request a Child Support Affidavit from the Clerk and file this with your complaint form.
7. A judge reviews the forms and decides whether or not to grant you the temporary PFA Order. The judge may or may not ask to speak with you directly about the application.
8. If the temporary PFA Order is not granted, your case will still be scheduled for a hearing, and the Clerk will issue a Summons which requires the defendant to come to court for the hearing. It will be your responsibility to deliver two copies of the Complaint and Summons to your local police department or the Sheriff’s Office for service on the defendant. There is a service fee which may be waived by the judge if you are unable to pay.
9. If granted, the temporary PFA Order will be copied for service (delivery) to the abuser by a law enforcement officer and you will also receive a copy. The Order takes effect as soon as it is served on the defendant. If the defendant attempts to avoid service, but has prior actual notice some other way that the PFA Order was granted, law enforcement officers may still arrest for any violation of the Order.
10. The temporary PFA Order remains in effect for 21 days, by which time the hearing must be held for both you and the defendant to appear and present your situation to the judge, who will decide whether or not to grant a permanent PFA Order. The hearing date for the permanent PFA Order will appear on the temporary PFA Order paperwork. If the defendant has an attorney, it may be

helpful for you to have an attorney as well. If you have limited financial resources, you may be eligible for help from Pine Tree Legal Assistance.

11. At the final hearing, you bring evidence of the abuse, such as medical records, photographs, and testimony by witnesses. You must show the judge that you need protection. At the hearing the judge will also make temporary orders for parental rights and responsibilities, visitation, and child support, and can make temporary property arrangements such as who stays in the home. At the hearing you also ask the judge what conditions you would like the final PFA Order to place on the defendant.
12. If you do not appear at the final hearing, the temporary PFA Order will be dismissed. If you receive a temporary PFA Order and decide you do not want to go forward with the hearing, stop at the court to request a dismissal or write to the court with a brief explanation and request a dismissal.
13. If granted, the final PFA Order can be issued for up to two years, and may be renewed if the defendant continues to pose a danger to you. Keep the final PFA Order with you at all times and be prepared to call law enforcement officers if the defendant violates the Order. It is important to know that a PFA Order only constrains the defendant. Temporary and final PFA Orders are not against you and you cannot violate them. If you have custody of your children, you may want to provide a copy of the PFA Order to their schools or childcare providers.
14. If you decide that you no longer need the protection of the court, notify the court and make a request for a dismissal of the PFA Order.
15. If the final PFA Order is denied, you may consider appealing the decision within 21 days. You may also file another Complaint if the abuse continues. In addition, if any of the abuse violates criminal law, consider reporting the abuse to law enforcement officers.

Civil Lawsuits

In a civil case, you can sue the person abusing you for money to compensate for an injury that person caused. These civil cases are called “torts,” which are wrongs against an individual instead of the State (as in a criminal case). You can sue for injury (to pay for medical bills), damage to property, money for lost income, transportation costs, etc. Hiring an attorney is helpful in handling a civil case.

You may also sue the person in small claims court (District Court) [www.courts.state.me.us/maine_courts/small_claims/] without an attorney, for an amount up to \$6,000. There is a filing fee of \$50, and a fee of \$15 per defendant for serving notice. A booklet describing the process of filing such a claim is available at District Court or online [www.courts.state.me.us/maine_courts/small_claims/smallclaimsguide/SmClms040312.pdf].

Divorce and Parental Rights

A helpful overview of divorce and parental rights, including step-by-step explanation and court forms, is available online [www.ptla.org/divorce-and-parental-rights-maine and www.courts.state.me.us/maine_courts/family/divorce/index.html].

If you are legally married and decide you want to get a divorce, you may do so without a lawyer through a “pro se” divorce procedure. If you decide to get a lawyer, seek a lawyer with whom you feel comfortable. Some lawyers offer free first-time consultations, which give you an opportunity to meet them without paying or making any commitment. The **Maine Volunteer Lawyers Project** [<http://www.vlp.org>] or **Pine Tree Legal Assistance** [<http://www.ptla.org>] may be able to help you find an attorney if you fall within their guidelines. Also contact an advocate at the local domestic violence resource center for information about finding an attorney.

People who are abusive often use children as a way to control their partners while they are together and even after separation. If you have children and your abusive partner is the children’s biological or adoptive parent, perhaps you have heard your partner say, “I’ll make sure you never see those kids again,” or “No court would ever grant you custody of our kids, since you’re so crazy. You’re the one in counseling, not me.” This is a common tactic by an abusive person, and can make a big impact, especially since you may experience that your partner usually gets things the way he or she wants in the relationship. Keep in mind that under Maine law, domestic violence must be taken into account when parental rights and responsibilities are being decided, and a judge awards custody based on the best interests of the child.

If there are no court orders, and if your partner is the natural or adoptive father of your children or shares legal guardianship in some way, then you both have equal rights to custody of your children. A Protection From Abuse Order may give you custody of the children for the duration of the order. If either parent files for divorce, a hearing may be held preceding the divorce hearing to establish temporary custody arrangements. If you are not married, either parent may file in District Court for custody and the judge will make a determination.

If there is a disagreement about child custody, visitation, and support during a divorce proceeding, Maine law requires the parties to participate in mediation. Court-appointed mediators meet with the parties together or individually to help work out disagreements. This may be useful, or may turn out to be another arena for the abuser to attempt to control and intimidate you. It may be difficult, given your history with your partner, for you to ask for what you need. Mediation can be waived for extraordinary circumstances, which may include you being in danger if you were to participate in mediation with the abuser.

The court may also ask the Maine Department of Health and Human Services or a guardian ad litem (GAL) to study the situation and make a recommendation to the court about which parent can best care for the children.

Custody arrangements can include:

- Joint custody, or shared parental rights and responsibilities – An arrangement that gives separated parents equal rights to the caretaking of the children and determines living arrangements, visitation, etc., on an equal basis. This means parents must consult each other regarding decisions related to the care of the children.
- Sole custody – An arrangement which gives all the decision-making power to one parent.

- A parent who is not granted custody may be given “reasonable rights” of visitation.

If you have joint custody, attempts by the other parent to control you through the children may continue. The abusive parent may push visitation limits, take you back to court again and again over custody issues, or barrage the children with questions about you. This can be a frustrating reality of sharing the care of children. Engage as many supports for yourself as possible, as this can be a very difficult time for both you and the children. There may be supports available specifically for your children at your local domestic violence resource center.

If by court order you have custody and the other parent takes or threatens to take the children, you may seek help from law enforcement. You may also go into court and request that the other parent be held in contempt of the court order, and request an order that your children be returned if they have been taken from you.

If circumstances have changed in some significant way, you may request that the court change the court order regarding custody. You would be responsible to show that it is in the best interests of the child to make the change.

Your partner may push for joint custody, or sole custody, in order to control you and the children. Work with the legal resources available to you to be as clear as possible about required future involvement with your partner regarding custody, so you can safety plan to protect yourself and your children.

Are You Concerned About Someone Else?

Are you a “bystander” to someone who is experiencing abuse in a relationship? Are you concerned that a friend, family member, neighbor, co-worker, or someone else is being threatened or harmed by an intimate partner?

If you are aware of someone being abused, it is natural to feel nervous or afraid to get involved. What if I am wrong? What if it is really none of my business? What if I say or do the wrong thing? Could I be placing myself in danger by saying or doing something? Remember that all an abusive person needs the people around him/her to do is nothing. Consider too the message you send to a person living with abuse, if she or he knows you witnessed the behavior and did nothing. The unintentional fuel that bystanders provide to abusers by failing to intervene amounts to a lot of power, when considering the number of people who may come into contact with any two intimate partners.

While sometimes you may witness an abusive incident, at other times you may witness more indirect signs of abuse, such as remarks made about a partner, that give you clues about what may be happening in the relationship. Getting involved when you see signs of abuse happening does not have to mean confronting someone directly about abuse or placing yourself at risk. It may mean calling law enforcement to respond to a dangerous situation. It may mean reaching out to the person being abused and providing resources, or offering to listen. It may mean telling someone “I don’t appreciate that,” when you hear a sexist joke, or other words or actions that support a culture in which domestic abuse and violence are acceptable.

When considering safe ways to intervene, keep in mind that advocates at the domestic violence resource centers are available to talk through options and help you find a way to make a difference in the life of someone affected by abuse.

More helpful reading

- ✓ Helping Her Get Free: A Guide for Families and Friends of Abused Women by Susan Brewster (Seal Press, 2006, original title To Be An Anchor In A Storm)
- ✓ But I Love Him: Protecting Your Teen Daughter from Controlling, Abusive Dating Relationships by Jill Murray (Harper Perennial, 2001)
- ✓ Family and Friends’ Guide to Domestic Violence: How to Listen, Talk and Take Action When Someone You Care About is Being Abused by Elaine Weiss (Volcano Press, 2003)

MCEDV.

Maine Coalition to
End Domestic Violence

Help is just a call away.

24 Hour • Toll Free • Confidential

1-866-834-HELP (4357)

National TTY: 1-800-787-3224



Domestic Violence Resource Centers:

Aroostook
Hope and Justice Project

Piscataquis
Womancare

Penobscot
Spruce Run

Kennebec & Somerset
Family Violence Project

Hancock & Washington
Next Step

Androscoggin, Franklin & Oxford
SafeVoices

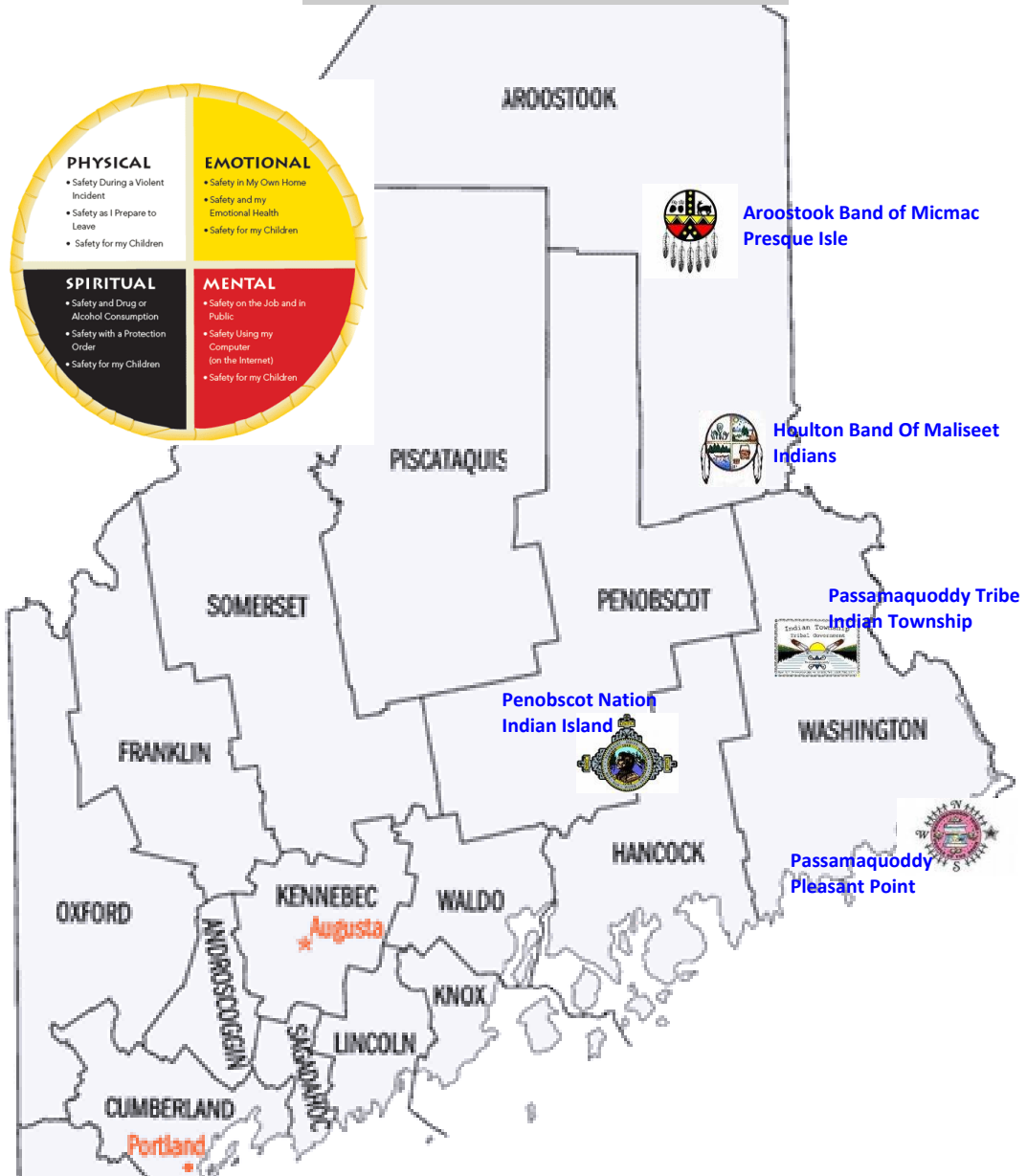
Knox, Lincoln, Sagadahoc & Waldo
New Hope for Women






Cumberland
Family Crisis Services

York County
Caring Unlimited

mcedv.org

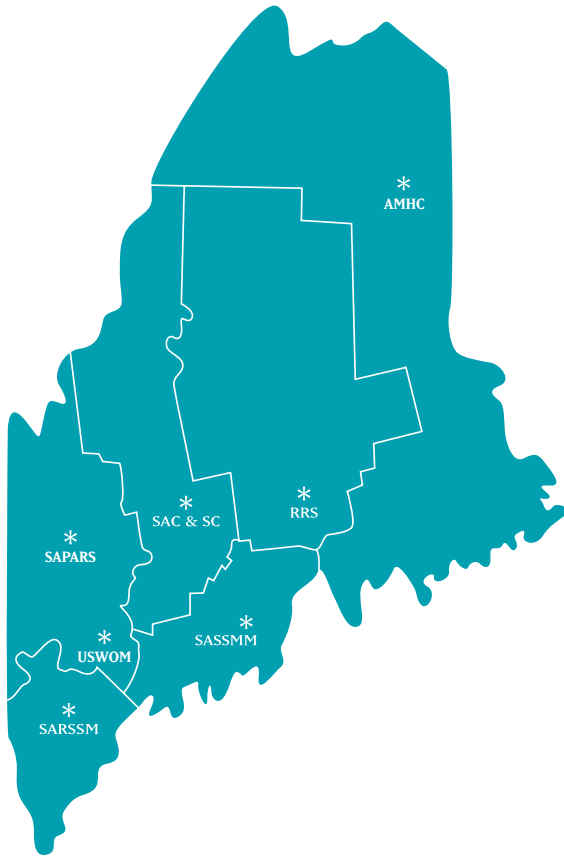
WABANAKI TRIBES OF MAINE
Domestic Violence and Sexual Assault
Services



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Aroostook Band of Micmac, Family Violence Program, 7 Northern Road, Presque Isle, ME 04769
 Office: 207/760-1601 Fax: 207/760-1660
- 
Maliseet Domestic and Sexual Violence Advocacy Center, 690 Foxcroft Road, Houlton, ME 04730
 Office: 207/532-3000 Hotline: 207/532-6401 Fax: 207-532-0519
- 
Passamaquoddy Peaceful Relations, P O Box 343, Perry, ME 04467
 Office: 207/853-2600 Ext 266 Hotline: 1-877-853-2613 Fax: 207/853-6681
- 
Passamaquoddy Family Violence Prevention and Domestic Violence Advocacy, P O Box 301, Princeton, ME
 Office: 207/796-6106 Emergency: 207-796-5200 Dispatch: 207-796-2704
- 
Penobscot Nation, Domestic and Sexual Violence Advocacy Center, 2 Down Street, Indian Island, ME 04468
 Office: 207/817-3167, Ext 7 Hotline: 207/631-4886



Phone 207-626-0034
info@mecasa.org www.mecasa.org



AMHC Sexual Assault Services (AMHC)

Serving Aroostook, Hancock, and Washington Counties
www.amhc.org

Rape Response Services (RRS)

Serving Penobscot & Piscataquis Counties
www.rrsonline.org

Sexual Assault Prevention & Response Services (SAPARS)

Serving Androscoggin, Oxford & Franklin Counties and the towns of Bridgton and Harrison
www.sapars.org

Sexual Assault Crisis & Support Center (SAC & SC)

Serving Kennebec & Somerset Counties
www.silentnomore.org

Sexual Assault Response Services of Southern Maine (SARSSM)

Serving Cumberland & York Counties
www.sarsonline.org

Sexual Assault Support Services of Midcoast Maine (SASSMM)

Serving Eastern Cumberland, Sagadahoc, Knox, Waldo & Lincoln Counties
www.sassmm.org

United Somali Women of Maine (USWOM)

Serving Androscoggin & Cumberland Counties
www.uswofmaine.org

Support is just a phone call away:

STATEWIDE SEXUAL ASSAULT CRISIS & SUPPORT LINE

**TOLL FREE: 1.800.871.7741
TTY: 1.888.458.5599**

OTHER SEXUAL VIOLENCE SERVICES

Maliseet Domestic Violence and Sexual Assault Program
[207.532.6401](tel:207.532.6401)

Penobscot Nation, Domestic Violence and Sexual Assault Services
[207.817.7498](tel:207.817.7498)

Passamaquoddy Peaceful Relations
[1.877.853.2613](tel:1.877.853.2613)