

## Nevada Network Against Domestic Violence

*Advocating change. Educating our community. Supporting services.*



# Domestic Violence Handbook for Victims & Professionals

This handbook provides basic information for victims seeking an alternative to living in an abusive relationship. It describes the options and rights of domestic violence victims, presents the key elements of a safety plan, explains the role of law enforcement and the justice system, and provides a list of organizations to contact for emergency services, as well as general information and assistance.

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## INTRODUCTION

This handbook is about domestic violence and is written primarily for victims of these types of violence. It is also designed as a useful reference for law enforcement and government officials and professionals from the private sector who assist victims of violence. By communicating and working together, we can provide more inclusive services and find solutions to this devastating social problem that affects not only victims and their children, but witnesses and bystanders in every community.

This handbook provides basic information for victims seeking an alternative to living in an abusive relationship. It describes the options and rights of victims, presents the key elements of a safety plan, explains the role of law enforcement and the justice system, and provides a list of organizations to contact for emergency services, as well as general information and assistance.

**DOMESTIC VIOLENCE** is a term that references many types of abuse, such as child abuse, intimate partner abuse, elder abuse, and sibling abuse. Domestic violence includes acts of physical violence (slapping, punching, strangling, rape, etc.); psychological trauma, threatening, coercive conduct; interference with the personal liberty of the victim; or includes the forcible entry of the victim's residence against their will. Domestic violence includes willful conduct intended to harass, such as arson, trespassing, larceny, destruction of private property, carrying a concealed weapon without a permit and stalking. Violence against the victim is often accompanied by emotionally abusive and controlling behavior, and thus is part of a systematic pattern of dominance and control. It is an epidemic affecting individuals in every community, regardless of age, economic status, race, religion, nationality, gender identity, sexual orientation or educational background. The consequences of domestic violence can cross generations and can truly last a lifetime.

The information contained in the handbook, is applicable to all victims of domestic violence regardless of gender or sexual orientation.

## ACKNOWLEDGMENTS

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The original resource is based in part on a handbook developed and published by the Illinois Coalition Against Domestic Violence. This handbook was updated November 19, 2012.

To obtain printed copies of this handbook, contact the Nevada Network Against Domestic Violence

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## **FACTS ON DOMESTIC VIOLENCE**

These facts were compiled by the Nevada Network Against Domestic Violence using the following resources:

- *Domestic Violence Facts* National Coalition Against Domestic Violence [www.ncadv.org](http://www.ncadv.org), 2007
  - *Get the Facts* publications by the Futures Without Violence [www.futureswithoutviolence.org](http://www.futureswithoutviolence.org)
  - *National Intimate Partner and Sexual Violence Survey (NISVS)*, National Center for Injury Prevention and Control, Division of Violence Prevention, Centers for Disease Control and Prevention, [www.cdc.gov/violenceprevention/nisvs](http://www.cdc.gov/violenceprevention/nisvs), 2010
  - United States Department of Justice (DOJ), Bureau of Justice Statistics, *National Crime Victim Survey 2007, 2008* and *Family Violence 2005* and other DOJ publications cited.
  - [\*When Men Murder Women: An Analysis of 2010 Homicide Data\*](#), Violence Policy Center Annual Report, September 2012
- 
- Domestic violence is a major problem in the United States. One in four women while one in seven men has been a victim of severe physical violence by an intimate partner at some point in their lifetime. (NISVS, CDC 2010)
  - Women are much more likely than men to be victimized by a current or former intimate partner. (DOJ 2007-2008). According to reported cases of domestic violence, 84 percent of victims are women and about three-fourths of the persons who commit domestic violence are male. (DOJ 2005)
  - Women of all ages are at risk for domestic and sexual violence, and those ages 20-24 experience the greatest risks of nonfatal intimate partner violence. (Catalano, Shannan DOJ 2007). Young women age 20-24 also experience the highest rates of rape and sexual assault followed by those ages 16 to 19. (National Crime Victimization Survey, DOJ 2007 2008) People age 18 and 19 experience the highest rates of stalking. (Baum, Katrina, et al *Stalking Victimization in the United States*, DOJ 2009.)
  - Technology has become a quick and easy way for stalkers to monitor and harass their victims. More than one in four stalking victims report that some form of cyberstalking was used against them, such as email (83 percent of all cyberstalking victims) or instant messaging (35 percent). Electronic monitoring of some kind is used to stalk one in 13 victims. (Ibid.)
  - A recent study found that 44 percent of victims of domestic violence talked to someone about the abuse; 37 percent of those women talked to their health care provider. Additionally, in four different studies, 70-80 percent of the patients studied reported that they would like their health care providers to ask them privately about domestic violence. (Futures Without Violence Fact Sheet on Health Care and Domestic Violence, posted 2012) Approximately one in three adolescent girls in

the United States is a victim of physical, emotional, or verbal abuse from a dating partner – a figure that far exceeds victimization rates for other types of violence affecting youth. (Davis, Antoinette, MPH. Interpersonal and Physical Dating Violence among Teens. The National Council on Crime and Delinquency Focus 2008.)

- Almost one-third of female homicide victims that are reported in police records are killed by an intimate partner (FBI *Uniform Crime Reports* "Crime in the United States, 2000.") In 70-80 percent of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder. (Campbell et al, "Assessing Risk Factors for Intimate Partner Homicide." Intimate Partner Homicide, NIJ Journal, DOJ 2003)
- According to a study published by the Violence Policy Center in September 2012, Nevada ranked #1 of women murdered by men for a third year in a row. Nevada has held this top spot for five of the last six years. For additional statistics relating to the incidence of domestic violence and services provided in Nevada, please visit the Nevada Network Against Domestic Violence website at [www.nnadv.org](http://www.nnadv.org). NNADV compiles statistics submitted by domestic violence community-based advocacy programs across Nevada in their quarterly newsletter, *The Network News*.



## **THE MYTHS AND REALITIES AROUND DOMESTIC VIOLENCE**

### **MYTH: A SLAP NEVER HURT ANYONE.**

**REALITY...**Physical injuries range from a black eye to broken bones, burst eardrums, split lips, burns, scalds, torn scalps, broken teeth and bruised necks through attempted strangulations. In Nevada ([NRS 200.481\(h\)](#)), strangulation is defined as intentionally stopping or decreasing normal breathing or blood flow of another person by putting pressure on the throat or blocking airways, which could result in serious injury or death. Constant exposure to beatings is also damaging mentally in terms of that individual's self-esteem, self-worth, and self-confidence.

### **MYTH: ALCOHOL/DRUG ABUSE CAUSES DOMESTIC VIOLENCE.**

**REALITY...**Drinking/drug abuse lowers inhibitions or control over violent behavior, but these substances may be used as an excuse to let down these inhibitions.

### **MYTH: DOMESTIC VIOLENCE IS BEHAVIOR THAT IS "OUT OF CONTROL".**

**REALITY...**Physical abuse is often the most serious aspect of a course of conduct intended to subject the victim to the control of the abuser. Other controlling behaviors may include intimidation, coercion and threats, emotional and economic abuse, using children as weapons, destruction of property and isolation. The abuser's behavior is, therefore, quite intentional.

### **MYTH: I SHOULD STAY WITH MY ABUSER FOR THE SAKE OF THE CHILDREN.**

**REALITY...**It is extremely harmful emotionally for children to live in an environment in which domestic violence is occurring. This is true even if the child has not been the target of physical abuse, but with early intervention and appropriate referrals, children can be resilient.

**MYTH: ONCE AN ABUSED PERSON, ALWAYS AN ABUSED PERSON.**

**REALITY...**There is a growing community awareness of the plight of victims and their children. There are counseling programs offering support and help with housing and employment, hotlines providing crisis counseling and referrals, and shelters providing safe refuge. Victims of abuse can break the cycle of violence.



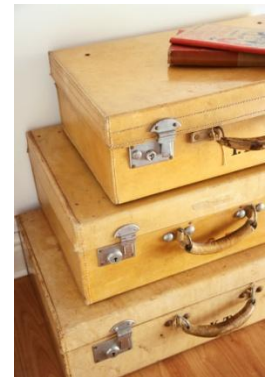
**SAFETY PLANNING AND SURVIVAL**

Once an abusive act takes place in a relationship, violence almost always reoccurs. In fact, it tends to become more severe and more frequent as time goes on. This will happen even when the abuser apologizes and promises to change after an incident. In addition, an abuser will almost always try to isolate the victim by causing disagreements between the victim and those who care about them. Therefore, it is extremely important to think ahead about what to do in the case of another attack. You may start by keeping a journal and meeting with a domestic violence advocate to safety plan.

**WHAT TO DO BEFORE AN ATTACK TO INCREASE SAFETY**

**MAKE CONTACTS...**Contact one of the organizations listed at the end of this handbook to learn about what can be done the next time your partner becomes violent. These organizations provide information, support, and emergency assistance. In addition, try to maintain good relationships with friends and relatives. Their support and assistance will make a difference. Decide now what to do to protect yourself and your children, where to go and how to get there the next time violence occurs.

**BE PREPARED...**Prepare for quick access to a phone, cash, clothing, and important items such as: house keys, driver's license, passport, car title and keys, birth certificates, apartment lease, marriage license, school records, medical cards and records, income and other financial records, all family social security numbers, a list of phone numbers to call for emergency shelter or transportation, credit cards, blank checks, bank books, medications with a copy of your prescriptions, Order of Protection and immigration papers, if applicable and this handbook.



If possible, keep an emergency kit with keys, cash, and essential papers together in a tote bag or other small container so that you can easily and quickly grab it and leave. If you are afraid to keep these essential items together in your home, consider hiding them outside your house or leaving them with a trusted friend. Prepare your children by teaching them their name and address and how to dial 9-1-1 in the event of an attack.

**PLAN...**Plan what to do in dangerous situations. Avoid rooms with weapons, including the kitchen. Practice safety routes and identify a safe place to go and plan how to get there. Discuss your situation with a domestic violence advocate and if you want, they can assist you with obtaining an Order of Protection (refer to page 16 for more information). Keep it with you at all times. Trust your instincts; you know what is best for you.

## CRITICAL STEPS TO TAKE DURING AN ATTACK TO MITIGATE RISK

### PROTECT YOURSELF AND YOUR CHILDREN.



**CALL FOR HELP...**Scream loudly and continuously. You have nothing to be ashamed of. No one deserves to be abused.

**GET AWAY...**When an attack has begun, escape if you can. Whenever you believe that you are in danger, leave the location and take your children, no matter the time of night or day. Go to a safer location such as the house of a relative or friend, or to a public place and call for help.

**CALL THE POLICE AS SOON AS YOU CAN...**Dial 9-1-1. Explain what is happening or has happened. Tell them where you are. The dispatcher may ask questions. Answer them as clearly as possible. Let the police know whether there are weapons or drugs involved. Let them know whether you already have an Order of Protection against your abuser.



### KEY STEPS TO TAKE AFTER AN ATTACK TO TAKE CARE OF YOURSELF

**SEEK MEDICAL ATTENTION IMMEDIATELY...**Always seek medical attention. You may be injured more seriously than you think. Go to your private doctor, a clinic, or an emergency room. Tell the doctor or nurse what happened to you so they can note it in their records. Ask them to take pictures of your injuries. Find out how to get copies of your medical records. Inquire about signing a waiver so that the prosecutor or your attorney can obtain copies of those medical records, when necessary.

The law prohibits discrimination by your insurance company and they cannot deny your claim or drop your policy because of domestic violence.

**SAVE EVIDENCE...**As much as you are able, save all evidence showing that you were attacked and the seriousness of your injuries. If you did not have photographs taken while you were receiving medical care, ask a friend, an advocate from the domestic violence program/shelter, or the police to take color photographs of your injuries as soon as possible. Additional evidence includes medical records, torn or bloody clothing, weapons, and photographs of the destruction of property, and the disarray in the house and statements of anyone who heard or saw the attack. The police will also make a report of their investigation. Be sure to include in your statement to the police the names and addresses of any witnesses. Ask for a copy of the police report.



**TALK TO SOMEONE ABOUT YOUR OPTIONS...**This handbook will give you information about whom to call for help and information about your options and available services. Ask the advocate questions and talk to them about your choices. In addition, at the time of a police investigation, peace officers are required by law to provide information to domestic abuse victims regarding shelter and other community services, as well as legal options.



**REMEMBER, MOST ABUSERS BECOME MORE VIOLENT...**Over time; abusive actions tend to become more severe and more frequent. Even though you may be afraid, embarrassed, or even ashamed to act now, your safety and the safety of your children may depend upon your willingness to take action. The most dangerous time for a victim of domestic violence is when they are planning to leave the relationship, so it is advised to think carefully, explore all options, and meet with a domestic violence advocate to assist you in a safety planning process for you and your children.



## **EMERGENCY ASSISTANCE AND SUPPORT SERVICES**

There are people who care that you and your children have been hurt. They have information, experience, and resources to help you plan for a future without violence. The following sections provide a general description of the types of agencies and organizations that provide services that you might need. There are no miracle answers but together with the appropriate services, you can begin to build a better future for you and your children.

### **EMERGENCY SHELTER**

If you need to get away, try to stay with a friend or a relative. If you cannot find a safe place to live temporarily, contact the nearest domestic violence program listed at the end of this handbook for more information about sheltering services. Shelter can be hard to find, but keep trying and stress to the people with whom you speak that you are in danger. Apart from shelter services, information about emergency food, clothing, cash assistance or transportation is also available at domestic violence programs.

If there is no domestic violence program in your area or if they are unable to place you in shelter, look for social service organizations in your community. You may also be able to receive assistance from local faith-based organizations.



Even if you do not need or want emergency shelter assistance, talking with other people who have been abused, or with a peer counselor, can help you learn about the alternatives available to you. Knowing that you are not alone may help you break the cycle of violence. You will not be told what to do; rather, you will receive information and support so that you can make the best possible decisions for yourself and your children.

The more you talk about your situation with trusted friends or relatives, the better able you will be to figure out what you want to do. If you keep it all a secret, you are protecting the abuser, not yourself and your children. Sharing your experiences with other people who have had similar experiences can be a great help. If there are no victim support groups in your area, talk to the advocates from the local domestic violence program or mental health agency about starting a group. The more you explore your life circumstances, the more you will discover new possibilities for a violence-free future.



## EMPOWER YOURSELF WITH FINANCIAL ASSISTANCE INFORMATION

Victims often feel they are trapped in abusive relationships because of financial reasons. Often, abusers will repeatedly tell their victims they will never be able to be hired or hold a job. There are no easy answers, but the information contained in this section may provide the first steps in achieving independence from your abuser.



### Welfare, Cash Assistance, and Nutrition Services

The Nevada Division of Welfare and Supportive Services, Nevada Department of Health and Human Services, provides temporary services to Nevada families, the disabled and elderly to achieve self-sufficiency.

Whether or not you are working, you may be eligible for cash assistance or other aid from County and State agencies. Support services are discussed below.

**County Social Services:** The social services agency in your county may have cash assistance or other local aid programs. Contact them for information on how to apply for assistance that may be available to you.

[Nevada Division of Welfare and Supportive Services:](#) The Nevada Division of Welfare and Supportive Services administers the federally funded block grant from the Department of Health and Human Services called Temporary Assistance for Needy Families (TANF). TANF provides temporary assistance for the care of dependent children in their own homes or the homes of relatives by furnishing financial assistance enabling Nevada families to achieve their highest levels of self-sufficiency. Accepting TANF subjects the household to federal and state time limits to receive financial assistance. A household in which any adult member (this includes a minor parent who is/was the head of household) regardless of whether those months are consecutive or cumulative, received TANF benefits from Nevada or any other state for 60 months, is prohibited from receiving TANF cash benefits.

Since Nevada limits TANF benefits to 24 months regardless of whether those months are consecutive or cumulative; the household is prohibited from receiving additional benefits for 12 consecutive months. After not receiving benefits for 12 months, the household may apply for TANF for an additional 24 months at which time financial benefits will end for 12 months. After not receiving benefits for 12 months, the household can apply for benefits for the final 12 months. For either Federal or Nevada receipt of benefit limitations, the continuation of benefits due to a viable “hardship” may be considered.



“Assistance” is defined as cash payments, vouchers and other benefits provided to meet a family’s ongoing basic needs such as food, shelter, clothing, etc. It may include child care, transportation and other support services for families that are not employed.

## **Supplemental Nutrition Assistance Program (SNAP)**

Many Nevadans have trouble making ends meet each month. After paying for rent, utilities, transportation, and child care, there is often little left to buy nutritious food, but it doesn't have to be that way. Each month, thousands of families across the state turn to the Nevada State Division of Welfare and Supportive Services for assistance in the form of SNAP benefits to help feed their families.

You may be eligible to receive SNAP benefits if you:

- Work for low wages;
- Are unemployed or work part time;
- Receive welfare or other public assistance payments;
- Are elderly or disabled and live on a small income; or
- Are homeless.



When meeting with your Division case manager, ask about food and nutrition services that are available locally and federal assistance programs.

## **TANF and the Family Violence Option**

The Family Violence Option (FVO) was adopted by the Nevada Division of Welfare and Supportive Services after research showed that some TANF requirements would endanger some families, and that domestic violence is a major barrier to self-sufficiency.

The Family Violence Option commits the Nevada Division of Welfare and Supportive Services to: 1) screen for domestic violence among TANF participants; 2) make referrals to counseling and supportive services; and 3) after participating in an individualized assessment which has identified specific needs, the client may have "good cause" to be excused from TANF program requirements. You can file an application from the domestic violence program that often acts as your authorized representative. Federal and state regulations prohibit the disclosure of information pertaining to you and your child(ren). All information is confidential and your location will not be released. However, you must still meet financial and non-financial requirements (e.g., income and resource limits, residency). Work requirements mandated by NEON, eligibility requirements to establish cash benefits and cooperation with the Child Support Enforcement Program (CSEP) as well as related court appearances may be waived once "good cause" has been granted. CSEP will be discussed later in this section.

## **How do I apply for services?**

You can apply online: [ACCESS NEVADA English](#) or [ACCESS NEVADA en Español](#) or you can visit the local welfare office to pick up or file an application; or request an application be mailed to you. The application may be mailed, dropped off or faxed to your local welfare office and is used to apply for any and all programs on the form. For a list of welfare offices in Nevada, visit the Division of Welfare and Supportive Services website <https://dwss.nv.gov> and click on the contact us link.

If you are receiving services from a domestic violence program in Nevada, your application can be filed from the program which often acts as your authorized representative. Federal and state regulations prohibit the disclosure of information pertaining to you and your children. All information is confidential and your location will not be revealed. You must still meet financial and nonfinancial requirements (e.g., income and resource limits, residency.) If you meet these requirements, cooperation with the Child

Support Enforcement Program (CSEP) and related court appearances will be waived. The Nevada Division of Welfare and Supportive Services is required to verify information you provide on the Application for Assistance. To receive TANF benefits, a face-to-face interview is required. In preparation for your interview, collect and bring with you documentation that will provide verification in order to prevent delays in processing your application for assistance. In addition, you will be asked to agree to specific eligibility criteria.

The criteria for eligibility is listed and explained on the Nevada Division of Welfare and Supportive Services website <https://dwss.nv.gov>. The most common areas needing verification are:

- **Proof of Residency** – Applicants must be living in the state with the intention of making Nevada their home permanently, or for an indefinite period, or entering Nevada with a job commitment or seeking employment. Proof may include a lease agreement, rent receipt, mortgage, or utility bills.
- **Identification** – Nevada driver's license or other identification (ID), social security card or proof you have applied for one, proof of birth for all persons applying for assistance, marriage or divorce decree, proof of school attendance for school-aged children.
- **Proof of Citizenship** All persons applying for or receiving TANF and/or Medicaid must provide satisfactory evidence of citizenship or nationality and identity for all household members.
- **Proof of Income Received** – It is important to bring along verification of items including your monthly income (pay stubs or statement from your employer), social security benefits, child support payments, loans, etc. You will also be asked to bring your latest bank statements and proof of other assets such as vehicles and/or property.
- **Verification of Household Composition** – Who lives in the house and what is their relationship to the children? If providing the requested information would threaten the safety of your children or yourself, you may not be required to do so if you meet the criteria for a "good cause" exception. Tell your caseworker you would like to apply for this exception.
- **Verification of Subsidized Housing Assistance**

Processing your Application for Assistance will take some time. An eligibility decision is generally made within 45 days from the application date depending upon information needed. While applying for TANF benefits, you may also include an application for other programs such as Food Assistance (SNAP) and/or Medicaid. In most cases, Medicaid eligibility will be determined in conjunction with the TANF determination. If you are found eligible for medical assistance, you may qualify for Medicaid for "prior medical" months. This covers all or part of medical bills you may have incurred for up to three months prior to your application for assistance. If you have had medical bills during the three months prior to your application, you should request this type of assistance.

If you are told you are not eligible for immediate assistance, fill out the Application for Assistance and turn it in the same day, whether or not you know all the answers. The date of your eligibility for TANF and other supportive services is determined by the date you submit your application. The sooner you submit the application(s), the sooner the Nevada Division of Welfare and Supportive Services will act on them.

Welfare laws and policies can be complicated. You may feel confused and frustrated. Be persistent. Document the names of the case workers with whom you talk, the date, and note the highlights of the conversation. You may request to speak with a supervisor if the caseworker cannot help you. You may also contact one of the domestic violence programs listed at the end of this handbook if you have questions or feel you are not getting the assistance you need.

If your application for benefits is denied and you believe you are entitled to the benefits, you can appeal the decision. Your appeal rights, filing instructions, and amount of time you have to appeal the decision are identified on your denial notice.

### **Child Support Enforcement Program (CSEP)**

The Child Support Enforcement Program is a federal, state, and local intergovernmental collaboration functioning in all 50 states and four U.S. territories. The program is intended to enhance the well-being of children by providing assistance in obtaining financial and medical support.



The other parent of your children has a legal duty to help support them financially. This is true even if you were not married when the children were born or have never been married to the other parent. The following paragraphs briefly outline some options available to you.

The following services are available through the Child Support Enforcement Program:

- Locate all noncustodial parents and/or sources of income and/or assets;
- Establish financial and medical support;
- Establish paternity (determine who is the father of the child);
- Review and adjust existing child support orders; and/or
- Collect and distribute financial and medical support payments.

#### **Important Information You Should Know: The CSE Program:**

- Will impose a \$25 annual fee in each case where an individual has never received TANF cash assistance and for whom the State has collected at least \$500 of child support
- Represents the State of Nevada when providing services and no attorney-client privilege exists
- Is authorized to endorse and cash checks, money orders and/or other forms of payment made payable to you for support payments
- Child support payments will be made as a direct deposit into your bank account, or by a Nevada Debit Card
- May collect past-due support by intercepting an IRS tax refund or other federal payment. If a tax intercept occurs, the CSE program has the authority to hold a joint tax refund for a period of six (6) months before distributing the funds
- Child support services are automatically provided for recipients of public assistance. Non-assistance families may apply for services at their local CSEP office

For more information, you may call the Child Support Enforcement Program Customer Service at 1.800.992.0900 or visit <https://dwss.nv.gov>.

**Note:** If you apply for an Order of Protection from the courts to protect you and your family from abuse, you can, in the case of an Extended Order, request child support from the abuser if they are the other parent of one or more of your children. Under certain circumstances in an Extended Protection Order proceeding, you may also request support for yourself. For a discussion of Orders of Protection, go to page 16.

## **Crime Victim Compensation – [Victims of Crime Program \(NRS 217.010.270\)](#)**

The Nevada Victims of Crime Program was established by the Nevada Legislature, and operates under the auspices of the Nevada State Board of Examiners, which consists of the [Nevada Governor](#), [Attorney General](#), and [Secretary of State](#). If you have received injuries from an assault that caused you to incur medical bills and/or lost wages, the Nevada Victims of Crime Program (VOCP) may pay you for losses. The goal of VOCP is to assist eligible victims of crime and their families to cope, and recover from the physical, emotional, and financial impact of violent crime. The VOCP assists victims with a variety of expenses (hospital and ambulance bills, medical and dental treatment, mental health counseling, wage or income loss, prescription medication, and other expenses that occur because of the crime and are not reimbursed by other financial sources.) VOCP does not pay for expenses for lost or stolen property or cash, property damage, any expense not directly related to the crime or payable by insurance or any other source, or damages for pain and suffering.

To be eligible for compensation you must be a victim of violent crime in Nevada, involving physical injury, threat of physical injury, or death. Family members of a deceased victim of a crime may also be eligible.

To qualify for the Victims of Crime Program, the following must be established:

- The victim must be a citizen of the United States or legally entitled to reside in the U.S.;
- The crime must be reported to the police, Child Protective Services, or other law enforcement agency within five days of the crime, unless the victim is physically or mentally unable to file within five days;
- The application must be submitted to the VOCP within a year of the crime or within a reasonable time where the victim is unable to apply within one year. Minor victims of sexual assault, molestation or pornography have until age 21 to file an application;
- Victims must cooperate with law enforcement during the investigation and prosecution of the crime. In addition, a victim cannot have participated in or been involved in committing the crime; and
- Applicants must cooperate with the VOCP.

For more information and forms, you may call one of the state offices of the Nevada Victims of Crime Program offices in Reno or Las Vegas and ask to speak with a compensation officer. Advocates in domestic violence organizations listed at the end of this handbook may assist you by providing valuable guidance while engaged in this process. Assistance may include completing an application for compensation and helping the applicant through an appeal process, if necessary.

## **LEGAL SERVICES**

There are several nonprofit organizations that are dedicated to helping qualified residents of Washoe, Clark, and the rural counties of Nevada (Carson City, Storey, Churchill, Douglas, and Lyon) resolve civil legal issues. Generally, these organizations provide pro bono (free) legal services and representation so residents may receive justice in civil legal matters.

Services for victims of domestic and sexual violence may vary by organization, but generally include immigration, family law including divorce and child custody cases, child advocacy programs to protect the child's legal rights and be a voice for the child while in court, housing discrimination, landlord-tenant

disputes, and direct legal services for appropriate enforcement and/or extensions of Temporary Orders of Protection. Services may come in the form of a private consultation with a pro bono attorney, a selection of free legal seminars offered in both English and Spanish at many locations across the county, and self-help forms clinics. Please call the organization that serves your county for more information regarding times, dates, and topics of legal clinics that are being offered and to verify the services that may be provided to you by that organization.

Eligibility requirements to receive pro bono services vary by organization and may include a wait period.

Organizations offering pro bono services include [Washoe Legal Services](#) serving Washoe County, [Legal Aid Center of Southern Nevada](#) serving Clark County, and [Volunteer Attorneys for Rural Nevadans \(VARN\)](#) as well as other organizations that may offer services in your local community. People using their services may be responsible to pay for court costs that cannot be waived or any other out-of-pocket expenses incurred on the person's behalf. You may also contact domestic violence organizations listed at the end of this handbook for more information regarding legal services.

## HOUSING

Finding a new home, especially an affordable one, can be difficult. This section provides information and suggestions for overcoming this obstacle.

Depending on your income, you may be eligible for subsidized housing, such as, HUD Conventional Public Housing, HUD Section 8 Housing, FMHA Section 515 Rental Assistance, HUD Indian Housing – Mutual Help and Rental Assistance, and HUD Transitional Housing. You can find information about different options on the [HUD in Nevada](#) webpage, or by contacting your local housing authority. Because of the long waiting lists associated with subsidized housing, this may not be a practical solution to an immediate problem. However, do not overlook this option and be sure to get on waiting lists for subsidized housing, as they often move faster than expected.



If you need immediate housing, tell people you know that you are looking for affordable housing. Look online or in the daily, weekly, and neighborhood newspapers. Also, call the local domestic violence organization in your community to inquire about transitional housing.

Here are some questions to ask before renting a new home or apartment:

- Does the rent include heat, electricity and gas? If not, how much do utilities cost on the average monthly?
- Will those things presently in disrepair be repaired or fixed before you move in?
- Is there maintenance on the building?
- How safe is the building?
- Will extra locks be installed for increased safety?
- Is a deposit required? If so, how much? When and under what conditions will it be refunded?
- Are there any restrictions regarding children or pets?

A lease is your security that the landlord will abide by its terms. Do not give the landlord any money until you read the lease carefully, ask questions, and be clear about its terms and the time period it will be in effect. If the conditions are acceptable, then sign the written lease. If there is not a written lease, it is



wise to ask for one. Be prepared to pay a security deposit. In Nevada, it can be no greater than three months' rent. A security deposit is money that may be used by your landlord at the end of your tenancy for unpaid rent or cleaning and damage beyond normal wear and tear.

It is against state and federal law to discriminate in housing based on domestic violence, sex or family status, as well as race, religion, and disability. For up-to-date information on housing in your area, you may contact the local domestic violence organization at the end of this handbook. The [Nevada Equal Rights Commission](#) and the Federal Department of Housing and Urban Development (HUD) are other agencies that may assist you.

## EMPLOYMENT

If you are unemployed, there are agencies and organizations to help you find a job. Communities have [American Job Center](#) offices to provide support for people who want to get back into the labor force. The service has no eligibility requirements and is free to job seekers. In some cases, private employment agencies may be useful. Nevertheless, remember to always ask private agencies whether they charge a fee.

### Employment Resources in Nevada:

#### [NEVADA DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION](#) (DETR)

[NEVADA JOBCONNECT](#) Nevada JobConnect offices are available statewide as a single access point to assist your efforts to find new employment and provide information on training resources available in your community. Offices are staffed with workforce professionals who understand the local labor market and who can provide you occupational guidance to assist your return to work. Visit their website for office locations and a detailed list of services.



[CAREER ENHANCEMENT PROGRAM \(CEP\)](#) The CEP is an employer-funded training and re-employment program that provides job seekers with training designed to improve earning potential and increase job skills required in today's job market. CEP may also assist job seekers by paying for job-related expenses such as certification, work permits, uniforms, and tools in order to facilitate entry or re-entry into the labor force. Contact a Nevada JobConnect office for more information.

For people residing in northern Nevada, additional resources include:

[JOB OPPORTUNITIES IN NEVADA \(JOIN, Inc.\)](#) JOIN is a private, non-profit job training agency designed to help individuals gain or improve the skills they need for the local job market. JOIN provides a wide range of services in eight branch offices across northern Nevada.

[PRONET](#) ProNet is a program of JOIN, Inc. that provides professionals with skills and opportunities that enhance their ability to connect with employers.

For resources in your community, contact a local Nevada JobConnect office.



[THE NEVADA DIVISION OF WELFARE AND SUPPORTIVE SERVICES](#), through their TANF program, offers:

[NEW EMPLOYEES OF NEVADA \(NEON\)](#) NEON provides training and education to assist a TANF recipient in obtaining employment and becoming self-sufficient. This program also provides support services including child care, transportation and payments for special needs items necessary for employment.

[SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING PROGRAM \(SNAPET\)](#) The SNAPET program provides an orientation and structured job search program to assist Supplemental Nutrition Assistance Program recipients become employed. Assistance with transportation and employment-related needs is available.

Your local domestic violence organization listed at the end of this handbook can provide information about employment and child care services that may be offered by other state or local agencies.

### **[CONFIDENTIAL ADDRESS PROGRAM \(CAP\) \[NRS 217.462-217.471\]\(#\)](#)**

The goal of the Confidential Address Program (or CAP) as established by the 1997 Nevada State Legislature is to provide assistance to victims of domestic violence, sexual assault, or attempted sexual assault, who are fleeing abusive situations and attempting a fresh start for themselves and their children.

The program provides two basic services: 1) a fictitious mailing address; and 2) confidential voter registration records. Use of the fictitious address can maintain the victim's confidentiality and reduce the risk for being tracked by public records. Participants in the Confidential Address Program may register to vote and vote by absentee ballot without revealing the participant's physical address. Additionally, participants in the CAP are exempt from jury duty.

For more information on the CAP, call toll free: 888.432.6189 or visit the Nevada Secretary of State's website: <http://nvsos.gov>. The section on the CAP includes frequently asked questions, certified agencies and application forms.



## **THE LEGAL SYSTEM: HOW TO GET HELP**

### **INTRODUCTION**

It is against the law for anyone to abuse or physically hurt another person. There are a number of legal steps you can take to protect yourself from further abuse and bring your abuser to justice. This section will briefly explain how to do these things. Our state laws are contained in the Nevada Revised Statutes (hereafter cited as NRS) available online at the [Nevada Legislature](#) website and in local libraries and county courthouses.

There are two kinds of courts: criminal court and civil court.



**Criminal court** deals with people who have committed crimes, such as assault or battery. In the state of Nevada, for example, criminal assault is unlawfully attempting to use physical force against another person; or intentionally placing another person in reasonable fear or apprehension of immediate bodily harm [NRS 200.471](#). In Nevada, the crime of battery is any willful and unlawful use of force or violence upon the person of another [\(NRS 200.481\)](#). A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, or fearful for the immediate safety of a family or household member, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed or fearful for the immediate safety of a family or household member, commits the crime of stalking [\(NRS 200.575\)](#).

The police may arrest anyone who commits a crime and the District Attorney of each county or City Attorney in Las Vegas, Reno, or Sparks can prosecute the offender. There must always be sufficient evidence on which to base charges. If the offender pleads guilty or is convicted of the crime, they can be sentenced to jail, probation, counseling, and/or payment of fines.

**Civil court** handles non-criminal matters such as divorce and child custody. It can order people to do or not to do certain things. For example, it may order a parent to pay child support. It may also order your abuser to vacate your shared residence, or it may order that your children not be removed from the state without approval of the court. If its orders are not obeyed, the judge can hold the violator in "contempt of court" and either fine or jail them. In 1997, a civil remedy was added to allow you to recover money damages from your abuser. You may wish to hire an attorney, although one is not required. In addition, a domestic violence advocate may be available to attend court with you during legal proceedings.

The following three sections describe in greater detail the laws affecting victims of domestic violence and how to pursue criminal charges as well as how to use the civil process to obtain relief. Before taking any legal action, it is important to understand the advantages and disadvantages of each alternative course of action. Also, it is important to know that the legal process can be lengthy, confusing, and frustrating. However, you are entitled to its protection and assistance, and the threat of arrest or contempt of court can be an effective way to prevent further abuse.

## **ORDERS FOR PROTECTION AGAINST DOMESTIC VIOLENCE**

Nevada recognizes domestic violence as a serious crime. In 1985, the legislature created a new type of order, the Order for Protection Against Domestic Violence [\(NRS 33.017-33.100\)](#). It involves a civil court proceeding that specifically addresses domestic violence situations.

### **What is an Order of Protection?**

An Order of Protection is a written court order, signed by a judge, which requires an abusive household or family member or dating partner to do or not to do certain things. There are two kinds of protection orders: Temporary Orders and Extended Orders.

By law, both Extended and Temporary Orders of Protection are to be available at no cost, without need for a lawyer, and within one day of application. The court clerk or other personnel should provide information regarding the procedures and be able to assist you in completing the necessary paperwork.

Temporary and Extended Orders of Protection must be served on an abuser before they can be enforced.

**A Temporary Order** is an emergency order that may be obtained just on your sworn statement and court appearance; that is, your abuser is not present to tell their side of the story. Before issuing a Temporary Order of Protection, the judge must find that there is good cause to grant the Order without first notifying the abuser. The judge must also evaluate the likelihood of you being harmed if the abuser knows you were seeking legal protection. Generally, Temporary Orders of Protection can last for up to 30 days, but can last 45 days if you file an Extended Order of Protection at the same time you file for a Temporary Order.

In a Temporary Order, the judge can order any or all of the following:

- Forbid any further threats, harassment or injury;
- Order the abuser to vacate (leave) or not to enter the shared home for a period of time;
- Prohibit the abuser from entering the victim's place of employment, school, church, or other specified location;
- Award temporary legal custody (if the court has jurisdiction over the children);
- Forbid physical injury to or taking possession of any of the victim's animals; and/or
- Other relief the court considers necessary in an emergency situation.

**An Extended Order of Protection** is available when all of the legal requirements for notifying the abuser of the intended action have been satisfied and the applicant can document (show) the need for continued protection. This Order is also available without cost. There will be an opportunity for both parties to present their cases in a hearing. If you apply for an Extended Order, the Temporary Order will remain in effect until the hearing on the request for an Extended Order is held. The remedies that may be requested for an Extended Order are in addition to those that are available for Temporary Orders.

Although it is always up to the judge to determine how long any particular order will last, remember that no Extended Order of Protection may be in effect for longer than one (1) year. To obtain more permanent restraining orders, it is necessary to request such relief outside the provisions of [NRS 33.017-33.100](#) in civil or family court, (for example, in a divorce or paternity action). An Order of Protection cannot be used as a substitute for bringing a divorce action or to permanently establish child custody or visitation. Nor can an Order of Protection be used to divide property or debts, beyond making temporary allowances for the shared residence and the payment of the rent or mortgage, as noted above.



An Extended Order may (in addition to remedies provided in a Temporary Order):

- Limit or prohibit the abuser's communication with you and your children;
- Award physical custody and the payment of child support;
- Establish visitation arrangements and require supervision by a third party, if necessary;
- Order the abuser to make rental or mortgage payments on the home in which you are living;
- Order the abuser to pay all or part of costs and fees incurred in obtaining the Order of Protection; and/or
- Require the abuser to surrender, sell, or transfer any firearm.

## **WHO Can Get an Order of Protection?**

Any household or family member who is abused by another household or family member is eligible to seek an Order of Protection. Persons who have had or are having a dating relationship are also protected by the law. Spouses, ex-spouses, persons living together, persons who formerly lived together, children of either of the persons who have lived together, stepchildren, parents, persons who share a child, or other persons related by blood or marriage are all protected by the law.

## **WHEN Can You Get an Order of Protection?**

Any person who is abused by a household or family member or by a dating partner can ask the court for an Order of Protection. A parent or guardian can ask for an Order on behalf of a child, an elderly person, or anyone who is unable to because of a disability to ask for one. You do not have to file any other civil action or pursue criminal charges in order to obtain an Order of Protection.

In order to obtain an Order of Protection, a verified (sworn) written application must normally be completed and submitted by the person requesting the order. However, in some cases where the alleged perpetrator of domestic violence has been arrested and is in custody, an Order of Protection may be requested over the phone. In any case, the court must either grant or deny an application for a Temporary Order of Protection within 24 hours, excluding weekends and holidays after the application is filed ([NRS 33.020](#)).

The victim or person requesting the Order will be asked to present evidence of abuse to the judge that domestic violence has taken place. The more evidence you have, the stronger your case will be. Evidence includes such things as:

- The victim's statements as to the abuse inflicted;
- Hospital or doctor's reports of injuries;
- Photographs of injuries;
- Police reports;
- In-person statements from other family members, neighbors, or others who saw or heard the abuse;
- Weapons used;
- Torn or bloody clothing or broken household items; and/or
- Pictures of damaged furnishings and of the house or room in disarray.

While any one of these may be enough for an Order to be granted, the more evidence you have, the more likely the judge will believe you and grant you the legal remedies you need.

## **WHERE Can You Get an Order of Protection?**

An Order of Protection can be obtained in two ways:

- 1) In State District Court in connection with legal actions as divorce, legal separation, child support or paternity actions. If you are filing for divorce, you can ask your attorney to file for an Order of Protection as well.
- 2) In Justice Court as an action by itself. This is where you want the Order of Protection to enable the legal system to help stop the violence against you. You may apply for an Order of Protection on your own without an attorney.

To obtain information about where and when to file for an Order of Protection, you should contact your local court clerk's office. You may also contact the organizations listed at the end of this publication for assistance.

### **WHAT DO YOU DO After You Have an Order of Protection?**

If the judge grants you an Order of Protection, obtain several copies or make copies yourself and keep one with you at all times. If your abuser was not present at the hearing, find out whether and when the abuser received a copy of the Order. Try to get a copy of the "proof of service" copy from the court, or something that demonstrates whether or not the abuser has been served. Do not place your safety in jeopardy by attempting to give the abuser a copy yourself. The Court may order the appropriate law enforcement agency to personally serve the abuser.

If your abuser violates the Order of Protection by hurting you again, by coming onto your property when the Order forbids them to do so, or by violating another provision of the Order, call your local law enforcement agency, the police, or sheriff's department. Show them the Order of Protection and any proof that the abuser has been notified of the Order. If you do not have a copy to show them, they can try to verify its existence through their police radio. Verifying through police radio will only work if a copy has been provided to the dispatcher of that agency. Make a report of each violation even when the police department says there is nothing they can do. Make the report! Under Nevada law, if the abuser violates an Order of Protection, they have committed a crime, a misdemeanor, punishable by jail and/or a fine. Alternatively, they can be found in contempt of court for violating a court order. This can also result in a fine or imprisonment.

Nevada law requires that a law enforcement officer who has probable cause to believe that a violation of an Order of Protection has occurred or who witnesses a violation of any provision of an Order of Protection, must arrest the violator. However, an officer will not arrest a person subject to an Order of Protection unless that person has received notice of the Order. If the officer does not make an arrest, ask the officer to inform your abuser that they are now on notice of the provisions of the Order and that any violation will, in the future, result in their arrest. Obviously, if your abuser commits another crime while violating the Order of Protection, they may be arrested for that criminal conduct in itself.

Under federal law, if the abuser crosses state lines with the intent to violate the Order of Protection, penalties that are more stringent apply.

If you decide that you want to go back with your spouse or partner after the court has issued an Order of Protection forbidding the abuser entry into your home, it is important that you go back to court to dissolve the Order. Please be aware that neither you nor your spouse or partner can change or terminate the Order without court approval. If you do not obtain a modification of the Order by the court, and your abuser violates it by being in the house with your permission, the police and the court may be less willing to extend their protection to you in the future. However, even in that circumstance, don't hesitate to return for another Order of Protection rather than remain in a violent and dangerous environment.

## Other Orders of Protection

Depending on your circumstances, additional types of Orders of Protection may be available to you:

- Sexual assault ([NRS 200.378](#))
- Protection of children ([NRS 33.400-33.440](#))
- Workplace harassment ([NRS 33.200-33.360](#))

To obtain information about where and when to file for these Orders of Protection, you should contact your local court clerk. You may also visit [www.womenslaw.org](http://www.womenslaw.org) and search for Nevada Orders of Protection as well as contact the organizations listed at the end of this handbook.



## STALKING

As noted above, stalking is a form of domestic violence. In 1993 and 1995, the legislature adopted provisions making stalking a crime and also providing for Restraining Orders against alleged stalkers ([NRS 200.575 - 200.601](#)).

Stalking occurs when any person, not just a family or household member or dating partner, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed and, in fact, causes such a reaction in the alleged victim. This course of conduct may also include the use of an Internet or network site, or electronic mail, text messaging or any other similar means of communication to publish, display or distribute information in a manner that increases the risk of harm or violence to the victim. Aggravated stalking occurs when such conduct is accompanied by threats of substantial bodily harm or death.

Anyone who has reason to believe that the crime of stalking/aggravated stalking is being committed against them can assist law enforcement officials and prosecution of their cases by keeping a detailed log of the stalking incidents. For more information about Stalking Incident Logs, please contact your local domestic violence organization or the Nevada Network Against Domestic Violence. You may petition the court for a Temporary or Extended Restraining Order. The purpose of such a Restraining Order is to keep the alleged or convicted stalker away from the victim's home, school or employment, as well as prohibit any contact with the victim and the victim's family and/or household. As in the case for Orders of Protection, a Temporary Restraining Order regarding stalking lasts no longer than 30 days, and an Extended Restraining Order may not last more than a year ([NRS 200.591 and 200.594](#)).

Arrest may be made for violation of such Restraining Orders, in addition to whatever arrests are made for the actual crime of stalking. Violation of a Temporary Restraining Order is a gross misdemeanor, while the penalty for violating an Extended Restraining Order is a Category C felony. General information on such punishments is provided in the following section.

The law provides that the prosecutor must inform the alleged victim of the final disposition of any criminal stalking prosecution ([NRS 200.601](#)).

## THE LAW ENFORCEMENT PROCESS

### Acts of Domestic Violence - Penalties

Every act a stranger commits as a crime is also a crime if committed by someone who is or was your current or former spouse or partner, or otherwise related to you. This includes such offenses as assault, battery, kidnapping, false imprisonment, and sexual assault, among others ([NRS 33.018](#)).

Domestic violence resulting in any of these crimes may be a misdemeanor, gross misdemeanor, or different categories of felonies. The designation and the possible penalties will be the same, whether the offender is a stranger, partner or spouse. For example, domestic violence will be a Category B felony battery if the unlawful use of violence or force is committed with a deadly weapon. If the battery is not committed with a deadly weapon but there is substantial bodily harm, or it is the third conviction within seven years, it will be a Category C felony; if no substantial bodily harm results, it will be a misdemeanor, unless there are two or more convictions within seven years, and then it is a felony ([NRS 200.481](#)).

The crime of stalking will be a misdemeanor for a first offense. For second and subsequent stalking offenses, the penalty is a gross misdemeanor. The crime of aggravated stalking will be a Category B felony if it includes a threat of substantial bodily harm or death. Remember, these penalties for the crime of stalking may be imposed in addition to the criminal penalties imposed for a violation of a Restraining Order obtained against the alleged or convicted stalker.

In general, a misdemeanor is punishable by imprisonment in the county jail for not more than six months, and/or by a fine of not more than \$1,000 ([NRS 193.150](#)). Most gross misdemeanors are punishable by imprisonment in the county jail for up to one year and/or by a fine of up to \$2,000 ([NRS 193.140](#)). The general provision for felony punishments varies depending on the category of felony. A Category B felony normally requires imprisonment in the state prison for no less than one year and no more than 20 years. A Category C felony normally requires imprisonment for no less than one year and no more than five years, and a fine of not more than \$10,000 ([NRS 193.130](#)). However, higher or lower punishments may be specified for particular crimes by law. For example, the crime of battery with a deadly weapon, a Category B felony, is punished by imprisonment in the state prison for no less than two years and no more than 10 years, and a fine of not more than \$10,000. The crime of aggravated stalking, under circumstances making it a Category B felony, is punished by imprisonment in the state prison for no less than one year and no more than six years, and a fine of not more than \$5,000.

In 1997, minimum mandatory jail time, batterer's intervention counseling, community service, and fines were added for the first two domestic battery convictions within seven years for any person. On the first conviction by a judge either after a criminal trial or a plea agreement, the abuser must spend at least two days in jail (with credit for time served), perform not less than 48 hours of community service, pay at least \$200.00 in fines, and participate in weekly counseling sessions for at least six months. On the second offense, the minimum jail time goes up to ten days, the fine up to \$500.00, the community service to 100 hours, and weekly counseling sessions are extended to at least 12 months. The third conviction within seven years is a Category C felony.



## Mandatory Arrest

Calling the police will set the criminal justice system in motion. The police can help you in the following ways:

- The police can protect you from immediate danger and help you and your children to safety. Dial 9-1-1.
- The police can arrest your abuser, which may lead to their conviction.

In Nevada, law enforcement agencies operate in certain circumstances under a mandatory arrest policy by state law. This means that if the police have sufficient reason to believe that a person, within the preceding 24 hours, committed an act of domestic violence or spousal battery, the officer is required to arrest that person, absent of mitigating circumstances. Contacting the police sets this process in motion.

The officer is NOT required to base their decision regarding an arrest on their perception of the willingness of you or other witnesses to testify or otherwise participate in any related court proceeding. Your signature on a complaint is not necessary. If the officer has reason to believe that the battery was a mutual battery committed by both people involved, he must attempt to determine which person was the primary physical aggressor. Once the officer makes that determination, they are required to arrest that person.

In determining whether a person is a primary physical aggressor, the officer is required to consider:

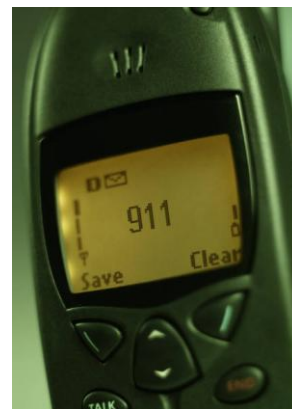
- Prior domestic violence involving either person;
- The relative seriousness of the injuries inflicted upon each of the persons involved;
- The potential for future injury;
- Whether one of the alleged batteries was committed in self-defense; and
- Any other factor that helps the officer determine which person was the primary physical aggressor.

If your abuser is arrested at the time of the incident, the laws of this state are designed to give you time to leave, seek help or otherwise ensure your safety. If the abuser has been arrested for domestic violence, they will not be released from jail or be able to bail out of jail for a minimum of 12 hours ([NRS 178.484](#)).

## Citizen's Arrest/Criminal Complaint ([NRS 171.126](#))

In spite of the state's mandatory arrest law, law enforcement officers may sometimes be reluctant to make an arrest if they did not see your abuser hurt you, if they cannot determine the primary physical aggressor, if there are no visible injuries, or if they cannot determine whether or not a crime has been committed. You are always entitled to make a citizen's arrest. Make the citizen's arrest only in the presence of a law enforcement officer. Be aware that your abuser may also attempt to make a citizen's arrest. You both may be taken into custody.

To make a citizen's arrest, you must be the witness to the crime or have proof a crime was committed. If you want to proceed, ask the police to give you the appropriate forms to sign. Tell the police, "I want to make a citizen's arrest!" Once you have told the police what happened to you and have signed the papers, the police have the responsibility to ensure the arrest being made by a private citizen is lawful



and proper including the establishment of probable cause.

If you did not call the police or if the police do not arrest your abuser or take the case to the local prosecutor in order to obtain a complaint and an arrest warrant, you may still file a criminal complaint against your abuser. Ask your local law enforcement agency for the procedure to file a complaint. Once you know when and where to go to file a complaint; take with you as much evidence as possible (medical records, photographs, etc.). In such a case, you must be willing to follow through with the charges and be prepared to testify. Be persistent. The prosecutor's office then determines whether to go forward with the case.

If charges are filed, a warrant may be issued for your abuser's arrest. At times, the district or city attorney may deny or drop the case if probable cause was not established and/or lack of evidence exists. Check with your local complaint officer concerning how soon a warrant may be issued so you can plan for your safety and the safety of your children.

### **Police Reports**

Whether or not your abuser is arrested, make sure a police report is completed. The police are required by state law to complete a report every time they respond to a domestic violence call. This is the official record of what happened to you. It contains the dates and names of people involved, what happened, and how the dispute was handled, including whether an arrest was made, and, if not, why not. It is important to make this report, even if you don't plan to press charges at the time, because:

- You can use it to substantiate your story if you do decide to press charges against your abuser;
- It provides a past history which may assist you in gaining the help of the police and prosecutor if you are threatened again; and
- It can be used to show good cause for the court to grant an Order of Protection. Be sure you write down the name and badge number of the officer, as well as the police report number. This will make it easier for you to get a copy of the police report later.

### **Victim Information**

Peace officers are required by law to give victims of domestic violence certain information. Insist on getting this information, as you not only have a right to it, but your safety and the safety of your children may depend on it.

The information that you should receive from the officer includes information on a potential arrest, availability of an emergency shelter or other services, information on how to seek an Order of Protection against any further threats or acts of violence and how to file a complaint if the abuser has not been arrested, as well as other information to help you through this time. The officer should also give you a written summary of your legal rights. If this is not done, contact your local law enforcement agency or domestic violence organization.

### **VICTIM INFORMATION AND NOTIFICATION EVERYDAY (VINE)**

VINE is an automated service that lets you track the custody status of offenders in jail or prison. By calling the toll-free number or visiting the VINE website, you can find out the custody status of an offender. You can also register to be notified by phone and e-mail if the custody status of an offender changes. VINE is confidential; the offender will not know you are registered with VINE.

For information, call toll free 888.268.8463 or visit [www.vinelink.com](http://www.vinelink.com) and follow the instructions to access custody information. If the offender is in custody, you can register to receive notifications.

Regarding notification, you will be notified about the following events:

- Release;
- Transfer;
- Escape; and
- Death.

This service is not currently available in all communities. Contact your local domestic violence program or law enforcement agency to verify if this service is offered in your county. VINE may be another tool for you to include in your safety plan, but as is the case with any other single part of your plan, don't count on it alone to keep you safe.



## **THE CRIMINAL COURT PROCESS**

After the abuser has been arrested and the prosecutor's office determines to proceed with a misdemeanor, gross misdemeanor, or felony case, the criminal court process begins. Your abuser is now the defendant in a criminal prosecution.

### **Arraignment**

The first appearance in court for the defendant will normally be the arraignment. This will usually occur within 48 hours of arrest if the defendant is still in jail. If the defendant has been released on their own recognizance or has posted a bond or cash bail, the arraignment will usually occur within a short time period after their release from jail. You will not be officially notified of this court appearance.

At the arraignment, the defendant will be informed of the charges against them and must enter a plea of guilty, not guilty, or no contest. If the defendant enters a plea of guilty or no contest, the judge may impose sentencing immediately or may set a later date for sentencing. If the defendant enters a plea of not guilty, a trial date will be set within 60 days from the arraignment.

### **Procedures Before Trial**

In certain cases, the defendant will have a right to a preliminary hearing before a judge prior to trial. At this hearing, the judge will determine whether there is sufficient evidence for the prosecutor to proceed with the case. In all cases, the prosecuting attorney must evaluate the case to determine whether there is sufficient evidence to take it to trial. Because domestic violence is a criminal act against the state or city, the decision to prosecute will be made by the prosecutor. Your cooperation or lack of cooperation as a victim is but one factor in determining whether to prosecute. The decision to prosecute is not made by the victim.



If there are any plea bargain discussions, the prosecutor should inform the victim in order to consider what they might think, but remember, only the prosecutor can bring charges, and only the prosecutor can drop charges. The decision to prosecute is always up to the prosecutor.

## **Trial**

Once the trial date has been set, the victim will be subpoenaed to testify in court against the defendant. A subpoena requires that you appear in court to testify. As a victim/witness in a criminal proceeding, you do not need to be represented by an attorney. However, a victim may seek independent legal advice if they can afford to hire a lawyer or otherwise qualifies for legal aid. A victim may also have an advocate with them in court to help put them at ease. The victim will usually be contacted by the City Attorney's or District Attorney's Office before trial to discuss the facts and circumstances surrounding the incident. If you are not contacted by the prosecutor or a victim/witness advocate prior to trial, contact them. Make an appointment to discuss the trial. Bring to the meeting any medical reports and pictures of the injuries, if these items have not already been delivered to the prosecutor's office.

Trials for misdemeanors in Nevada will be in front of a judge without a jury. The prosecutor will present evidence to show that the defendant is guilty, and that they committed the crime with which they are charged. This evidence may include testimony of the victim, testimony of independent witnesses, including police officers, as well as photographs and medical records. The defendant can present similar evidence to show that they are innocent of the charges.

The judge will consider the admissible evidence and then decide if the defendant is guilty or not guilty.

## **Sentencing**

At the conclusion of the trial, the defendant will be found guilty or not guilty. If the defendant is found guilty, the judge will decide what the appropriate sentence should be. In misdemeanor cases, the judge can sentence the defendant to up to six months in jail and/or up to a \$1,000 fine. Additionally, a judge may suspend the sentence for not more than three years after the minimum mandatory jail time is served. A suspended sentence is based on a number of conditions including the requirement that the offender actively participate in a program of professional counseling at the expense of the offender ([NRS 5.055\(1\)\(c\)](#)). If the defendant complies with the conditions of his suspended sentence, they will not have to serve the remaining jail time. Although a judge may order that jail time may be satisfied by restricting the abuser to his home, this may only be done after a hearing and finding that they are not likely to pose a threat to you. In gross misdemeanor and felony cases, the penalties are potentially much higher.

Before imposing a sentence, the court will offer the victim an opportunity to appear personally or through a lawyer and reasonably express any views concerning the crime, the person responsible for the crime, and the impact of the crime on the victim's family. This means that the victim may, but does not have to, address the court ([NRS 176.015\(3\)](#)).

If the defendant violates a specific condition of a suspended sentence or commits a crime while on a suspended sentence, the judge can bring the defendant back into court and order the defendant to serve time in jail, if jail was originally ordered and then suspended.



## **CONCLUSION**

We hope this handbook has been helpful to you. Please review the list of domestic violence organizations at the end of this handbook and contact them to find out what services they can provide you. For more resources, call the national hotlines.

All domestic violence advocates are trained to help you by being good listeners, by helping you create an emergency safety plan for you and your children, and by referring you to organizations that can provide other services you may need. Together, we can make a difference.

This handbook is only meant to be a guide. It does not have all the answers. In many ways, it is a work in progress. Situations change; laws change. There are no easy answers, but we are learning. As individuals and communities, we are constantly learning about and changing our views and assumptions about the issue of domestic violence.

**ORGANIZATIONS TO CONTACT  
FOR INFORMATION, SUPPORT, AND ASSISTANCE**

**CARSON & STOREY COUNTIES**

[ADVOCATES TO END DOMESTIC VIOLENCE](#)

PO Box 2529  
Carson City NV 89702  
Hotline: 775.883.7654  
Office: 775.883.7654

**CHURCHILL COUNTY**

**DOMESTIC VIOLENCE INTERVENTION, INC.**

PO Box 2231  
Fallon NV 89407  
Hotline: 775.427.1500  
Office: 775.423.1313

**CLARK COUNTY**

[\(TADC\)SAFE NEST](#)

PO Box 43264  
Las Vegas NV 89116  
Hotline: 702.646.4981  
Rural Hotline: 1.800.486.7282  
Office: 702.877.0133

[S.A.F.E. HOUSE, INC.](#)

921 American Pacific Dr. #300  
Henderson NV 89014  
Hotline: 702.564.3227  
Office: 702.451.4203

**DOUGLAS COUNTY**

[FAMILY SUPPORT COUNCIL](#)

PO Box 810  
Minden NV 89423  
Hotline: 775.782.8692  
Office: 775.782.7565

**ELKO COUNTY**

[COMMITTEE AGAINST DOMESTIC VIOLENCE](#)

PO Box 2531  
Elko NV 89803  
Hotline: 775.738.9454  
Office: 775.738.6524

**HUMBOLDT COUNTY**

[WINNEMUCCA DOMESTIC VIOLENCE SERVICES, INC.](#)

50 Melarkey St. Suite A  
Winnemucca NV 89445  
Hotline: 775.421.1028  
Office: 775.625.1313

**LANDER COUNTY**

**COMMITTEE AGAINST DOMESTIC VIOLENCE**

PO Box 624  
Battle Mountain NV 89820  
Hotline: 775.635.2500

**LYON COUNTY**

**A.L.I.V.E.**

400 A North Main  
Yerington NV 89447  
Hotline: 1.800.453.4009  
Office: 775.463.5843

## ORGANIZATIONS TO CONTACT FOR INFORMATION, SUPPORT, AND ASSISTANCE

*Continued...*

### MINERAL COUNTY

CAHS (Consolidated Agencies of Human Services) ADVOCATES TO END DOMESTIC VIOLENCE II

PO Box 331  
Hawthorne NV 89415  
Hotline: 775.945.2434  
Office: 775.945.2471

### NYE, LINCOLN, & ESMERALDA COUNTIES

NO TO ABUSE

PO Box 2869  
Pahrump NV 89048  
Hotline: 1.888.882.2873  
Office: 775.751.1118

### PERSHING COUNTY

DOMESTIC VIOLENCE INTERVENTION

PO Box 1203  
Lovelock NV 89419  
Hotline: 775.273.5111  
Office: 775.273.7373

### WASHOE COUNTY

COMMITTEE TO AID ABUSED WOMEN

1735 Vassar St.  
Reno NV 89502  
Hotline: 775.329.4150  
Office: 775.329.4150

### WASHOE COUNTY – continued...

A SAFE EMBRACE

PO Box 3745  
Reno NV 89505  
Hotline: 775.322.3466  
Office: 775.322.3466

TAHOE SAFE ALLIANCE

948 Incline Way  
Incline Village NV 89451  
Hotline: 1.800.736.1060  
Office: 775.298.0010



### NATIONAL DOMESTIC VIOLENCE HOTLINE

1.800.799.SAFE (7233)  
1.800.787.3224 TTY  
<http://thehotline.org>

### NATIONAL DATING ABUSE HELPLINE

1.866.331.9474  
1.866.331.8453 TTY  
<http://www.loveisrespect.org>

### NATIONAL SEXUAL ASSAULT HOTLINE

1.800.656.HOPE (4673)  
<http://www.rainn.org>

### NEVADA COMMUNITY RESOURCES

For free, confidential information and referrals for resources in your community. Language translation is available. Call 2.1.1; <http://www.nevada211.org> Call 7.1.1 for people with hearing/speech disabilities.