

The Healing Path

A Guide To Surviving Domestic Violence

Polk County Medical
Society
Polk County Medical
Society Alliance
Healthy Polk 2010

The Healing Path

A Guide to
Surviving
Domestic
Violence

Polk County Medical Society
Polk County Medical Society Alliance
Healthy Polk 2010

F orward

This booklet is adapted from "*The Healing Path: A Guide for Survivors of Domestic Violence*," ©1993 by the Kent County Domestic Violence Coordinating Committee, Grand Rapids, Michigan. "*The Healing Path*" was developed and produced with support from the Kent County Family Independence Agency, the Kent County Medical Alliance, and the Kent County Health Department.

The first version of "*The Healing Path: A Guide to Surviving Domestic Violence*" was revised and edited by the Polk County Medical Society, the Polk County Medical Society Alliance, and Healthy Polk 2000. In October, 1997, the second addition included the Iowa Medical Society Alliance and the Iowa Medical Society who added pages to include resources and information for people living in Iowa outside of Polk County.

This third edition has been revised and edited by the Polk County Medical Society with current information, and may be freely reproduced with the stipulation that at no time will there be a charge made or money given for its purchase.

For computer disk copies of the Polk County, Iowa version for local adaptation, contact the Polk County Medical Society, 1520 High Street, Des Moines, IA, 50309.

*First Edition, March 1997
Second Edition, October 1997
Third Edition, December 2003*

O

utside Polk County

Resources for people who live outside Polk County are:

- How to know if you are abused
- Why men batter
- Questions to ask yourself
- Sexual abuse, marital rape, AIDS
- Safety notes
- What to do if you are being stalked
- Crisis plans/Action plans
- Shelter services
- Legal terms
- Crime Victim Rights
- Personal Protection Orders
- Iowa domestic violence laws

For your convenience, domestic violence shelters and hotline numbers in Iowa outside Polk County are listed on page 52.

Acknowledgments

The Polk County Medical Society are pleased to reprint this third edition of *The Healing Path*.

The Polk County Medical Society is grateful to Healthy Polk 2010 and Mid Iowa Health Foundation for their generous grants for printing this book. We also acknowledge our physicians and hospitals in Polk County for their continued care and concern for the welfare of survivors of domestic abuse.

Thanks to the following organizations who served as consultants in the development of "*The Healing Path*." We are extremely grateful for their generous and enthusiastic contributions toward its completion:

*Children and Families of Iowa Family Violence Center
Iowa Attorney General's Office
Children and Families of Iowa Family Violence Center
Iowa Coalition Against Sexual Assault
Polk County Medical Society Alliance
Mercy Hospital Foundation
Iowa Department of Corrections
Iowa Department of Elder Affairs
Children and Families of Iowa DAIS Program
Legal Aid Society of Polk County
Iowa 5th judicial District Judiciary
Mercy Hospital Medical Center
Des Moines Police Department
State of Iowa Judicial Department
Employee and Family Resources
Polk County Medical Society
Polk County Medical Society Alliance
Survivor
Polk County Attorney's Office
Iowa Coalition Against Domestic Violence
Skogstrom Law Office of Council Bluffs
Polk County Victim Services
Children and Families of Iowa Family Violence Center*

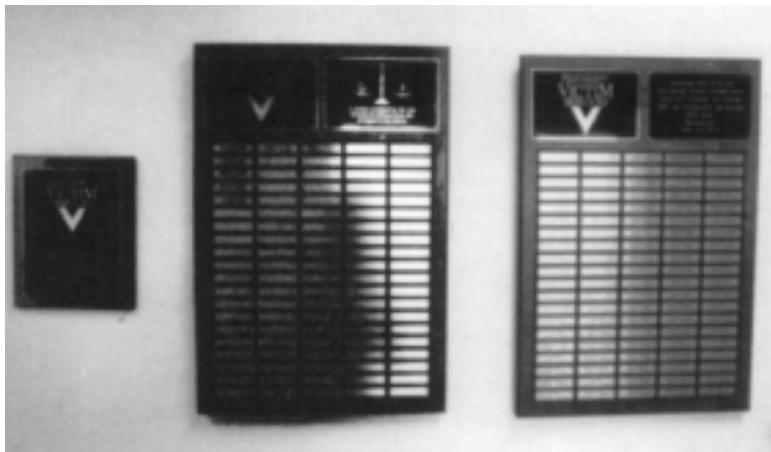
The cover photograph was taken from the "*Private Thoughts Collection*" by Greenspire, Ltd. ©1996, courtesy of Catherine Plummer and Craig Johnson. A very special thank you to them for their generosity.

Dedication

To the women of Iowa who have lost their lives to violence.

To the courageous women of Iowa who have struggled with domestic violence and have survived.

To all the physicians and others who provide support, service and advocacy to victims of domestic abuse and who are working to end violence in our communities.



Polk County Victim Services, 525 S.W. 5th Street, Suite H, Des Moines, displays the names of women in Iowa who have lost their lives to domestic abuse.

Surviving...

Living in a violent marriage for 15 years whittled away at the core of who I was. The loneliness and despair I felt was incredible. I had no hope that my life would ever be peaceful or safe. All my energy seemed to be spent at merely trying to survive. I saw no acceptable way out.

When I fled from my violent home, I found safety at the Family Violence Center. I also found peace, which was a very foreign feeling for me. I began to realize that marriage did not mean "till death do us part." I became part of their battered women's support group where I found friends that I could relate to and trust. Most of all I began to find myself.

Information is so vital to survival. The information within this booklet is empowering. It can help you identify the experience of battering that is happening to you, be able to make a safety plan for yourself and your children and become familiar with the laws that can protect you and your children.

Use the information that fits for you that is within this booklet. Trust yourself to know who and what will help you with your healing process because the pain and scars from battering—emotional, physical and sexual—can haunt you for a long time.

Most of all, I hope you believe that you deserve to be safe and that you are very special.

*Jane Pierick-Newlin
Survivor*

T able of Contents

Introduction—You are not alone!	1
Terms used in this booklet	2
How do I know if I am abused?	3
Questions to ask yourself	4
Power and Control Wheel	6
Sexual abuse, marital rape and AIDS	8
Could I be killed? Yes!	10
Why do men batter?	11
Why do I stay?	12
Crisis plan—To get out now	14
Safety notes	15
Action plan—To plan ahead	16
What to do if you are being stalked	17
Family Violence Center services	18
What about counseling?	20
Equality Wheel	21
What about the children?	22
People with special needs	24
If the batterer uses alcohol or other drugs	24
If you are using alcohol or other drugs	24
If you are a woman of color	25
If you are an older woman	25

If you are physically disabled	26
If you are an immigrant	26
If you are lesbian or gay	27
Introduction to the Justice System	28
The Criminal Justice System	29
Legal terms	30
When the police are called	33
If an arrest is made	33
If no arrest is made	33
When an assailant is charged	35
No-Contact Order	35
Simple misdemeanor charges	36
Indictable misdemeanor and felony charges	37
Crime Victim Rights Act	39
Crime Victim Compensation Program	40
Personal Protection Orders	41
Divorce, custody, visitation	45
Summary of Iowa violence laws	48
The Life Stages and Relationships Wheel	50
Resources available in Polk County	51
Iowa domestic abuse resources	52
In conclusion	53

I ntroduction—You are not alone!

Battering is never okay! Domestic Violence should not happen to anyone. Ever. Period. But it does—and when it does, there is help. Maybe you have lived with abuse, maybe experienced it just once. Maybe you work or live next to someone who is being abused right now. Whoever you are, this book can show you how and where to get help.

We have tried to include everything you might want to know, everything you will need to get help, get safe, even get out of an abusive relationship. If this book applies to you, call us. Help is yours for the asking.

You just need to remember two things: **first, battering is never OK; second, you are not alone.**

You are on a healing path when...

- you know that abuse from your partner is not your fault,
- you know that you have the right to live without violence,
- you know that your thoughts and feelings count,
- you find the time to care for yourself,
- you know you do not have to be perfect,
- you know you are not alone.

If you know someone who is in an abusive relationship—a friend, family member, coworker, client, patient or parishioner—please pass this book on or see that she or he gets a copy.

**The Polk County
Family Violence Center—243-6147
The Iowa Domestic Abuse Hotline—1-800-942-0333**

The Healing Path

Terms used in this booklet

Advocates are people who are trained to give you information, encourage you, help you explore your options and speak on your behalf. You will find advocates at the **Family Violence Center at 243-6147** and **Polk County Victim Services at 286-3600**.

Battered woman is any woman who is in physical danger or is controlled by the threat or use of physical force. She is a woman who finds herself living in a pattern that often combines emotional, physical and sexual abuse. Our primary focus is battered women because the overwhelming majority of people abused in this pattern are women.

Batterer/Assailant are terms for the person who does the pushing, beating, hitting, stalking, threatening, name calling, isolation and other abusive tactics to control his partner. We refer to assailants as "he" in this booklet, although in some cases the assailant is a woman.

Domestic assaults are the behaviors such as physical abuse, use of weapons or stalking that are crimes. Many other behaviors are abusive but not criminal.

Domestic violence, spouse abuse, partner abuse, battering, will all refer to the same thing in this booklet: a pattern of controlling behaviors (see page 4) that may include physical assaults, sexual assaults, emotional abuse, isolation, threats, stalking and intimidation. These behaviors are used by one person in an intimate relationship to control the other. The partners may be married or not married, heterosexual or homosexual, living together, separated or dating.

Survivor/victim are terms that refer to the person who has been hurt. "Victim" is often used by the justice system. The writers of this booklet see battered women as "survivors" who are going through, or who have gone through, terrible times with courage and hope.

H

ow do I know if I am abused?

You may be in a relationship that hurts. You may have a loved one who is in a relationship that hurts. According to the U.S. Department of Justice, nearly four million women are abused annually by their partners or family members.

It is hard to accept that the person you love hurts you. Acknowledging your situation and seeking help may be the first step toward healing and safety.

Abuse is a pattern. It is a pattern of control where one person scares or forces another person into doing what he wants her to do.

Abuse can be physical, sexual or emotional. This booklet will show you checklists and charts to help you identify the different ways abusers control their partners. Look carefully at the Power and Control Wheel **on page 6**.

Physical violence is always a crime. It does not matter if you are related or in love or friends. It is against the law to punch or push or choke or burn or cut or slap someone. It is against the law to stalk someone. And, it is against the law for a man to force a woman to have sex, **even if they are married**.

Often the abuser will blame the victim and say, "You made me do that," or say he has a "right" in intimate relationships to keep you "in line."

Whatever his excuse, he is wrong. **Violence is never acceptable in intimate relationships.**

This booklet has information that will help you recognize abuse and find support, safety and resources that can help you deal with it. Please read on. There is help and there is hope.

Questions to ask yourself

Here are some questions that may help you determine if you are being abused.

- Has your partner pushed, shoved, pounded, slapped, bruised, kicked, choked or physically hurt you in any way?
- Has your partner threatened you with a weapon or threatened to kill you?
- Has your partner threatened your children, family or friends?
- Has your partner controlled your coming or going — taken your keys, isolated you from friends and family?
- Has your partner forced you to have sex or do sex acts against your will?
- Does your partner call you names or say you are “stupid” or “ugly” or a “whore”?
- Does your partner make you believe the abuse is your fault?
- Has your partner intentionally damaged your possessions, or threatened to do so?
- Do you feel like you are always walking on eggshells trying not to upset him?
- Are you afraid that if you left, you would be attacked, harassed, followed, spied upon or killed?
- Does your partner control all the money or take all your money?

If you have answered “yes” to any of these questions (or any parts of these questions), please know you are not alone. Abuse can happen to anyone. It happens to women of all backgrounds and all races: whether you are rich or poor; whether you have a lot of education or just a little; whether you live in the city, in the suburbs or on a farm; whether you are old, young or middle aged.

Battered women do not cause their battering or invite it by their behavior. It happens *to* them and the only thing they have in common is that they are battered. They are made to live in fear. Someone else is controlling their lives.

A Guide to Surviving Domestic Violence

If you are abused, it is important to know that **you cannot change your partner or his behavior.** In order for the abuse to end, he must take responsibility for it *and* be responsible for changing it.

Abuse takes its toll—physical pain, emotional stress, feelings of shame or no feelings at all. Once a pattern of abuse starts in a relationship it usually gets worse over time. For many women, the healing process cannot begin until the pattern is recognized and safety is restored.

You may not know what to do. Your partner may apologize after an assault and promise to never do it again. You may be afraid to take any steps that might make him angry. You may worry about how you would manage financially if the relationship ended. You may not know what course of action would be best for your children.

Things usually feel less confusing if you talk with someone who is trained to help. See page 18 for services of the **Family Violence Center.** It is an emergency-safe shelter at a confidential location, provided by Children and Families of Iowa.



Children and Families of Iowa, 1111 University, Des Moines, Iowa

The Healing Path

Power and Control

Battering is an act used by one person to gain power and control over another person.

The Power and Control Wheel shows the relationship of physical and sexual abuse to the other forms of abuse. Each spoke of the wheel represents a tactic used to control or gain power, which is the hub of the wheel. **The rim that surrounds and supports the spokes is physical and sexual abuse. It holds the wheel together and gives it strength.** It was developed from the experiences of women who have been abused.



Developed by the Domestic Abuse Intervention Project—Duluth, Minnesota

Usually all or some of the kinds of control you see in this chart form part of an abusive pattern. Take a closer look.

Using Physical Abuse

Slapping, pushing, kicking, biting, shoving, hitting, choking, using a weapon, punching, cutting or pulling hair.

A Guide to Surviving Domestic Violence

Using Sexual Abuse

Physically attacking sexual parts of your body. Making you watch pornographic videos. Making you do sexual things against your will. Making you have sex after a beating. Treating you as a sex object. Making you feel you are nothing, nobody, only there for his use.

Using Intimidation

Making you afraid by using looks, actions, gestures. Smashing things. Destroying your property. Abusing pets. Displaying weapons.

Using Emotional Abuse

Putting you down. Making you feel bad about yourself. Calling you names. Making you think you are crazy. Playing mind games. Humiliating you. Making you feel guilty.

Using Isolation

Controlling what you do, whom you see and talk to, what you read and where you go. Limiting your outside involvement. Using jealousy to justify his actions.

Minimizing, Denying and Blaming

Making light of the abuse and not taking your concerns about it seriously. Saying the abuse did not happen. Shifting responsibility for abusive behavior. Saying you caused it.

Using Children

Making you feel guilty about your children. Using your children to relay messages. Using visitation to harass you. Threatening to take your children away.

Using Male Privilege

Treating you like a servant. Making all the big decisions. Acting like the "Master of the Castle." Being the one to define men's and women's roles.

Using Economic Abuse

Preventing you from getting a job. Making you ask for money. Giving you an allowance. Taking your money. Not letting you know about or have access to family income.

Using Coercion and Threats

Making and/or carrying out threats to do something to hurt you. Threatening to leave you, to commit suicide, to report you to welfare. Making you drop charges. Making you do illegal things.

The Healing Path

Sexual abuse, marital rape and AIDS

Sexual abuse is common in violent relationships. It is often the most difficult aspect of abuse to admit to yourself or to talk about. Here are some examples of sexual abuse. See if any of them apply to you.

- Does your partner intimidate you so that you are afraid to say “no” to sex?
- Does your partner want to have sex after a beating?
- Does your partner force you to have sex or perform sexual acts against your will?
- Does your partner hurt you physically during sex by assaulting sexual parts of your body?
- Does your partner treat you like a sex object or call you sexually degrading names?
- Does your partner force you to have sex without protection against pregnancy or sexually transmitted diseases?

Remember that forced sex is against the law whether or not the attacker is your husband.

Remember, too, that if your partner has sex with other people and then has unprotected sex with you, you are at risk of getting AIDS and other sexually transmitted diseases. If you think you may have been exposed, please consider being tested.

Should I get tested? What should I do? You should talk to a knowledgeable person for advice. After discussing your situation with a counselor, you may want to be tested to find out if you have HIV To reach a sexual assault counselor, call the **Polk County Victim Services** at 286-3600 or the **Iowa Coalition Against Sexual Assault** at **244-7424**.

A Guide to Surviving Domestic Violence

The Public Health Clinic of the Polk County Health Department can also help you. **Phone 286-3798** or go to their office at 1907 Carpenter, Des Moines. You can schedule an appointment or get dates and times for walk-in testing. HIV/AIDS testing is free and is done anonymously. Results are available in two weeks.

Sexual assault counselors can help provide information, support and counseling about the sexual assault, whether or not you choose to report the assault to the police. A sexual assault counselor can listen to you, help you think through what you want to do, give you information or refer you to the nearest HIV counseling and testing site. All of these services are free and confidential.

HIV counselors can provide support and counseling, check your level of risk and make recommendations regarding testing. They can also refer you to other resources as needed. Anything that you can tell the counselor, either on the phone or in person, is confidential.

There are two ways to get tested: Anonymous and confidential.

Anonymous testing means the counselor will not have your name, address, or phone number and the test result will be reported only to you. Anonymous testing is done if you ask for it. An anonymous testing site will not bill your insurance company.

Confidential testing means that the result may be recorded in your medical record. Your test result is private but there are others who may have access to your records such as insurance companies, etc. If you wish to create a record of your test results, you must be tested at a confidential site. You may need a record of your test results if you pursue any legal action based on exposure to HIV/AIDS. This issue is very complicated and should be discussed with a sexual assault counselor.

Could I be killed? Yes!

Iowa law enforcement records show that since 1990, 62 Iowa women have been murdered by a husband or boyfriend. In 1995, 30,483 victims of domestic violence were served by Victim Services Grant Programs in Iowa, and 6,788 cases of domestic abuse were reported to the police in Polk County. The following questions can help you be aware of signs of life-threatening danger.

- Has he been depressed lately?
- Has he ever threatened to kill you, himself, the children or other family members? Has he said he will kill you if you leave?
- Does he own a gun or other weapons? Has he ever used them to threaten you?
- Has he ever killed or mutilated a pet?
- Is there sexual violence or rape in the relationship?
- Does he think you are his property to do with as he pleases?
- Has he ever taken you or your children hostage?
- Does he fantasize about killing you or the children? Are these detailed or frequent?
- Does he think you might leave him? Have divorce papers been filed or served? Is the divorce about to be final? (You are in greater danger during these times.)
- Has he stalked you? Does he follow you everywhere you go? Can he find you no matter where you go.

If you answered yes to any of these questions, it is very important to make plans for your safety. Please call the **Family Violence Center** at **243-6147** or **1-800-942-0333**. An advocate will provide you with information and support.

Why do men batter?

This is a good question and a hard one to answer. Battering/abusive behavior is learned not just in families but also through media images (TV, movies, advertisements, etc.), from peers, armed services training, etc. Some men believe that a man has the right to control his partner. Some men blame their partner for everything that goes wrong and feel justified to hurt or punish her. Many men who batter have these things in common:

- Intense jealousy
- Belief that you belong to him
- Extreme differences in mood ("Dr. Jekyll and Mr. Hyde")
- Control over where you go, what you do, whom you see
- Belief that his violence is your fault

The most important thing to remember is that if someone abuses you, it is not your fault. **People who abuse and control are responsible for their own behavior.**

Men who abuse need to answer the question, "Why do I batter?" for themselves. The behaviors, attitudes and beliefs that go into battering are hard to change. Some men never take responsibility for their violence. Batterer's Education Programs are available for men who batter. See page 20.



Dale Chell, Supervisor of the Domestic Abuse Intervention Service (DAIS) that works with males who are violent in their relationships, reviews components of the educational program with one of the professional DAIS facilitators.

The Healing Path

Why do I stay?

You may be asking yourself why you are with your abusive partner; why you have not left long ago. You may come into contact with people who, once they learn of the abuse, cannot believe that “a woman like you” would stay in such a relationship.

There are many reasons why you might stay with a partner who hurts you. Many women tell of a combination of love, fear or not having money to care for themselves or their children.

Maybe he was a loving and caring person at the beginning of the relationship but changed over time. After an episode of abuse, he may be very loving or very sorry and tries to show you how good a partner he can be.

Added to this are threats. You may be told by your partner that if you leave, he will kill or injure you, harass or stalk you, harm the children or take them from you or harm or harass your relatives. **Unless you have a safe place for yourself and your children to go, and legal protection that works, you may feel safer at home.**

You may hope that he will change. You may believe his promises, which are often very convincing. Or you may be silent about the abuse after it happens because talking about it could bring more abuse.

Once you recognize that abuse continues, that it is not your fault and that it tends to get worse and more frequent over time, you can begin to consider what you need to do to be safe.

Change is very difficult for anyone. It does not come easily. If you are living in an abusive relationship, change often means living in a totally different environment including new schools for your children, limited income or perhaps the need to change jobs or get

A Guide to Surviving Domestic Violence

training or education to enter the job market. It may mean raising children alone.

But it also can mean living in peace. Many women say that the difficulties they face are worth it. Individual counseling and support groups can help. Emotional support from friends and family helps. (This can be hard to come by because of the isolation many women experience as part of the abuse.) Sometimes your religious community and minister, rabbi or priest can provide encouragement and other assistance.

You may ask yourself, "Why do I stay?" Please remember that there is an answer, sometimes several answers, to this question. **It is most important to know that you did not cause the abuse, and no one deserves to be abused.** Help is available. We hope that the resources in this book will be helpful to you in making positive changes in your life in order to be safe.

Remember that you cannot change your partner—only he can do that. But remember also that you do have the power to change your situation—and your life.

The next two sections are about what to do if you are battered.

The first is a Crisis Plan if you are in immediate danger and need to get help right now.

The second is an Action Plan if you have a little more time to figure out what to do.

Crisis plan—To get out now

If there were a fire in your home, you would have to make a decision whether to get out first or call for help first. It is the same if you are in danger of an assault. Getting out and calling for help are both important.

If you get out first, go to a neighbor's house or public place and **call 911**. If you cannot get out, call 911 from your home. **See page 33** for the arrest section.

When law enforcement officers arrive, Iowa law states they must arrest the person who has threatened or assaulted you if there are visible signs of injury. You may ask to speak to an officer away from the assailant.

If you have been injured, the officers may assist you in getting medical help, or you can get medical help on your own at a hospital or your doctor's office.

Tell the doctor, nurse or medical assistant exactly what happened to you. Be specific about what part of your body was injured and where you hurt. If you are at a hospital, ask to talk to a Victim Advocate from the Family Violence Center (**see page 18**) or a social worker who will provide you with information, support and assistance in exploring options.

If you are pregnant, especially if he hit you in the stomach, tell the doctor. You may need special help to protect your pregnancy. If he hit you in the head, tell the doctor. A blow to the head can cause problems that do not show up immediately.

Have all your injuries documented. Ask that pictures be taken. This can become important evidence in criminal and civil court cases. See the section **The Criminal Justice System, page 29**.

If you need to leave your home to get to a safe place, **take your children with you**. If you cannot take them with you, you can file for temporary custody. (Remember the parent who has physical possession of the children almost always gets temporary custody.)

Safety notes

The phone company has a service that could be a problem for staying safe. It is Caller ID. If you call someone who has Caller ID, your phone number shows up on that person's phone. To keep this from happening, **press *67** on a touch tone phone or **dial 1167** on a rotary phone before you dial a number, and your number will be blocked. You can also request that all your calls be blocked. This is especially helpful if children use the phone. This service is called "per line blocking." **Call 1-800-2411** for this service.

If you want to get the number of the last person who called, lift up the receiver and press ***69**. The number of the missed call will be heard. If you want to redial the call, press 1 and your phone will redial the number. This procedure can also be used by people you call. There is a charge for this call redial service.

Mail can also be a problem. If you are moving to a secret location, avoid filing a change of address form at the post office. Notify only safe individuals and businesses of your new address. An alternative is to have the change of address form direct your mail to a post office box.

The Des Moines Police Department has two special programs to provide service to victims of domestic abuse. They offer a "Pendant Program" and a "Telephone Tape Recording Program" for emergency situations. Requirements for participating in these programs are:

- Participant is a resident of Des Moines.
- Victim does not live with the abuser.
- Victim has a no-contact order, or is in the process of obtaining one from the Polk County Attorney.
- Victim agrees to cooperate in filing charges with police and the Polk County Attorney.

For more information regarding the Pendant Program or the Telephone Tape Recording Program, call the **Family Violence Center** at **243-6147**.

A

Action plan—To plan ahead

If you have been battered, you will probably be battered again. If you are living under emotional control, it will probably get worse.

Think ahead and try to decide what you will do before the next abusive incident. Making a safety plan will help you think clearly and move quickly. If it seems overwhelming, start small. Picture yourself taking the steps in your action plan.

Get help from trusted family and friends. Be sure your support network **will not** let your assailant know your plans. Consider where you can go when you leave the house. Is there a telephone nearby? Could a friend or neighbor help you get somewhere safe? If they are not available, do you have a second choice?

Keep important documents together where you can grab them fast (driver's license, credit cards, birth certificates, marriage license, immunization records, social security cards, etc).

If possible, have duplicate copies of house and car keys made. Collect spare clothes and money and leave them with a trusted neighbor or friend.

Consider opening your own bank account and renting a post office box. Decide how you will get to a safe place (cab, friend, your car if it is in both your names, bus, etc).

Try to take your children with you. Batterers may threaten to hurt your children or even kidnap them to control you and make you return. If you keep possession of your children and get temporary custody, he cannot legally take them from you.

On the other hand, if you leave them with him and he gets temporary custody, you cannot legally take the children from him. You would have to go to court to contest the temporary custody. In that situation, the court might leave them with him unless he has an open Child Protective Services case against him.

Consider calling the **Family Violence Center** at 243-6147 to explore options and talk about your action plan.

What to do if you are being stalked

As of July 1, 1992, stalking is a crime in Iowa. It is defined as a pattern of two or more unwanted contacts that would cause fear or terror to a reasonable person and causes actual fear or terror to the victim.

If you feel you are being stalked by your partner, seek help from the **Family Violence Center** at **243-6147** for free and confidential support and information, 24 hours a day.

You might also take the following steps to ensure your safety and peace of mind:

- Contact the police or sheriff so they can begin investigating and compiling evidence.
- Inquire about the Des Moines Police Department Pendant and Telephone Tape Recording Programs.
- Keep a record of dates and times at which you were called, followed or confronted, and save any letters, gifts or other items the person sends you.
- Point out the stalker to anyone who could serve as a witness, such as store security guards.
- Get another person on the line if the stalker calls on the telephone.
- Alert neighbors and coworkers and give them a description of the stalker.
- Get an unlisted phone number, change your locks and if necessary, seek safe shelter at the **Family Violence Center** at **243-6147**.
- Refuse to stay in contact with the stalker, even if he starts acting "nice," and avoid encouraging him in any way.

For more information on the Iowa law regarding stalking, see page 49.

The Healing Path

The Family Violence Center

Children and Families of Iowa's **Family Violence Center** is a safe shelter for women and children. If you need a safe place away from your abusive partner, and you have no safe alternative among family or friends, please consider going to the shelter. The staff can help you find the resources you need—legal, financial, medical—to follow the path you decide to take. Other residents can help you recognize that you are not alone.

It may be difficult to go to a shelter, but once you are there you will find it a supportive temporary home in a difficult time in your life. If the shelter is full when you call, the crisis staff will help you access a safe alternative place. **The 24-hour phone number is 243-6147, with V/TDD** (Telephone Display Device). Individual and group counseling are available at the Family Violence Center.



Counselors and outreach coordinators at a regular staff meeting.

A Guide to Surviving Domestic Violence

The Family Violence Center has support groups that meet each week. The groups are free and child care is available at no charge. Groups are open to any woman who is or has been hurt emotionally, physically or sexually by her partner. Options and strategies are shared and connections are made with other women at various points in their struggles.

Individual counseling is also available at no cost. Individual counseling can help you clarify issues, deal with feelings and explore paths to safety and healing. There is sometimes a waiting list for individual counseling. Referrals are made to other agencies when appropriate.

All services are designed to be supportive, non-judgmental and empowering. All services are completely confidential. The only exceptions to this are the requirements by law to report instances of child abuse or neglect, and if you sign a release of information to allow certain information to be told to attorneys, prosecutors, etc.

For more information about safe shelter, support groups, individual counseling or any other concerns, please call the **Family Violence Center at 243-6147. If you should ever need assistance from outside Polk County, call:**

**The Iowa
Domestic Abuse Hotline
1-800-942-0333**

This phone is answered 24 hours a day by staff at the Family Violence Center which provides shelter, support, advocacy, counseling, and confidentiality.

The Healing Path

What about counseling?

Couples/Marriage Counseling

Many women request this kind of counseling. It is not recommended for two reasons: First, you may feel safe in a counseling session to say things that you would not normally say in front of your partner. If he is not taking responsibility for his violence and he is not happy about what you have said, you could be at risk for more abuse.

Secondly, many couples/marriage counselors try to help by dividing responsibility for abuse evenly between the partners. **But the violence is the responsibility of the person who is violent. It is not your fault.**

As a couple, you and your partner may have other problems besides the violence. But unless the violent and controlling behaviors are worked out by the assailant, there is little hope of fixing other concerns.

Counseling for Assailants—Batterer's Education Program

Intervention services are available for men who batter and use other abusive ways to control their partners. This program in Polk County is the **Domestic Abuse Intervention Service (DAIS)** at **288-1981** and is a program of Children and Families of Iowa. DAIS teaches batterers how physical, emotional and sexual abuse hurt their partners and their children. Most men are ordered to batterers' programs as a result of being convicted of domestic assault. Others enter into a program voluntarily.

DAIS groups hold men accountable for their behavior and provide a setting for positive change. Counselors use the **POWER AND CONTROL WHEEL** on page 6, that identifies abusive behavior and the **EQUALITY WHEEL** on page 21, that shows healthy alternatives to abusive behavior.

A Guide to Surviving Domestic Violence

Programs vary in length of treatment, and costs are based on a sliding fee scale. It is important that a batterer's program in no way blames the victim.



*Developed by the Domestic Abuse
Intervention Project—Duluth, Minnesota*

Please remember that it is the abusive partner who must change abusive patterns. Even if he is in a treatment program, there is no guarantee that he will change or that you will be safe. You are the only one who can determine if you are safe in your relationship. For additional information about the **DAIS Program**, please call **288-1981**.

The Healing Path

What about the children?

Sometimes the abuse does not stop with you. Your child may be victimized as well. If you think your children are being abused or have been abused, there are several things to do.

If your child tells you about abuse, believe him/her. Children rarely make up stories about abuse. Listen to them, tell them you are glad they told you, that they did the right thing and that you are going to try to keep them safe from now on.

It is important that you do everything you can to protect your children. In Polk County you can make a report to **Child Protective Services** at **283-9222**. This number is answered 24 hours a day. You may also call the **Police** at **911**. Give the Child Protective Services worker or police as many concrete details as you can. They may need to hear it directly from the child also, before they take action.

You should be aware that some institutions or agencies may doubt you or your child. They may suspect you of lying to get your partner in trouble or to get custody or win in court. Stay calm; be specific and concrete with the facts and any supporting evidence you can offer.

If your child has been sexually assaulted or abused, he or she should have a medical exam. It is also very important that you get counseling for your child. Ask the Child Protective Services worker for help in accessing the appropriate services. They are experts. You may also call any of these services directly:

- | | |
|---|-----------------|
| • Polk County Victim Services | 286-3600 |
| • Des Moines Child and Adolescent Guidance Center | 244-2267 |
| • Children and Families of Iowa, Art Therapy Program | 288-1981 |
| • Family Violence Center | 243-6147 |

A Guide to Surviving Domestic Violence

You may need counseling support, too. **The Family Violence Center** can help or refer you to the right agency. Help is available to protect your child as well as yourself. Seek help as soon as you suspect you need it.

Be aware that children can suffer when one parent is abused by the other. Children are sometimes physically injured while the abuse is going on. They can be hit by something that is thrown, or be assaulted while trying to protect their mother. Children can be emotionally and physically neglected while the abuse is going on. Children of all ages are at risk for learning abusive behavior, and frequently show signs of aggression and/or withdrawal. Children in abusive homes worry about their own safety and their mother's also.

It is important to talk to your children and let them know that the abuse is not their fault. Talk to your children about how to stay safe when the abuse is going on. And get help for yourself. You and your children deserve to live without violence.

If you think that you may be hurting or neglecting your child—get help. You can call **Parents Anonymous** at **243-6241** for someone to talk with and for referrals to agencies that can help.



A Child Advocate from the Family Violence Center makes friends with one of their young residents.

People with special needs

If the batterer uses alcohol or other drugs

Some people think that alcohol or other drugs cause domestic violence but that is just not true. It is true that a lot of batterers also have substance problems, but not all do, and not all addicts batter. Battering and substance issues are two separate problems.

If your assailant has a substance abuse problem, or uses alcohol or other drugs heavily, you are in greater danger of being more seriously hurt when he is using (especially methamphetamine or crack). Getting him into treatment for his alcohol or drug problem alone will not stop his violence, as his battering is a separate problem. **He is still responsible for hurting you even if he is using alcohol or other drugs.**

If you are using alcohol or other drugs

Problems with alcohol and other drugs are common. This does not mean you are a bad person. It means that you need help—and help is available.

Alcohol or other drugs can be used to numb both the physical and emotional pain of a violent relationship. Sometimes survivors have been given prescription tranquilizers by well-meaning doctors without realizing how addictive they can be. There are many dangers with alcohol and other drugs. Sometimes they are fatal. You may believe that using these substances helps you cope with the abuse, but it really makes you more vulnerable and at greater risk. You need all your strength and energy to get free from an abusive relationship. If you are using habituating substances, this is the time for you to get help.

You can confide in your domestic violence counselor about your use or you can turn to agencies that specialize in helping people with substance problems. Some community resources are listed on **page 51.**

A Guide to Surviving Domestic Violence

A word of caution about self-help programs. Some self-help group facilitators may claim you are co-dependent or enmeshed with your batterer and therefore responsible for, or enabling his violence. Remember that they are specialists in substance abuse but do not necessarily understand violence or abusive behavior. Substance abuse may be an issue in your relationship, but should be dealt with separately.

If you are a woman of color

An extremely harmful combination of internal and external racial oppression has been a powerful force against a woman of color in receiving the help she requires. Sometimes you will not be believed or you will sense society's prejudice that communities of color are "naturally" violent. Even the assailant may use racial oppression as a reason for you not to get help. **But this is not about race. It is about not being battered anymore, and you have a right to be safe.**

If you are an older woman

Aging is hard enough. Chances are that you have been treated badly for a long time. That is no reason to be hurt for one more day. You have a right to be safe, to live your life without abuse. **Violence is wrong, it is against the law, and there are people to help with your special needs.**

You may be isolated and dependent on your batterer. You may find it difficult to talk about your concerns. You may even be physically disabled. You must let someone know what you are experiencing, and what you need to be safe.

Contact the **Family Violence Center** at **243-6147** or tell your doctor or nurse or social worker. They can help you take the next step. If you are considered a "dependent adult" with a physical or mental disability, who requires assistance from another person, the **Adult Protective Services Unit of the Department of Human Services** at **283-9222** will be able to help.

The Healing Path

If you are physically disabled

You may be battered by the same person or persons who take care of you. Perhaps you think it is not their fault, that they are just tired or frustrated with your care. **Even if they are tired or frustrated, it is not okay for them to hurt you.**

You may be dependent and isolated. Your caretaker may even withhold food or medicine or care, refuse to help you, disconnect the T.D.D. (Telephone Display Device) for the deaf or block a wheelchair ramp. These are control tactics and they are not okay. Assailants may see physically challenged people as easier to control. It may be hard for you to talk about your concerns, fears and experiences.

Consider calling the **Family Violence Center at 243-6147**. They will help you meet your special needs. Your doctor, visiting nurse or social worker can advocate for you. Let them know what is happening. Ask them to help you.

If you are an immigrant

If you have come to central Iowa from another country, you are probably facing many confusing changes from life in your native country. You, as an immigrant woman, like any battered woman, may be feeling pressures from your community and family not to seek help. They may even blame you for the abuse. The batterer may even try to use "culture" as an excuse for behavior.

In the United States, women have the right to protection if they are being sexually, emotionally or physically hurt. Please know that there are people in this community who know your language and can be of help if someone is abusing you. You have the right to feel safe and to protect yourself from harm.

A Guide to Surviving Domestic Violence

For more information and help, please call the **Family Violence Center** at **243-6147**, or **Employee and Family Resources Intervention Department** at **244-2297**. The EFR staff members work with Bosnian, Cambodian, Laotian, Sudanese, Thai Dam, Spanish-speaking and Vietnamese people.

If you are lesbian or gay

Abuse—one person using force, threats and other controlling tactics against another—is not limited to male-female relationships. It happens in same-sex relationships as well. If you are in this situation, you may have some special concerns. You may fear losing friends, housing, your job or your children if you have not come out and your partner threatens to come out for you.

You may be told that if you report the abuse, you are increasing homophobia. You may not want to risk negative reactions to your lifestyle. You may be afraid that if you report the abuse, your partner's sexual orientation will come out.

You have a right to help and protection. The Iowa Mandatory Arrest Law applies to any couple who has lived together: lesbian, gay or heterosexual. If you have lived with the assailant within the past year, you can get a **Personal Protection Order** that carries criminal penalties if it is violated. **See page 41.** If you are in a dating relationship, you may want to see a private attorney for assistance in getting a **Restraining Order** through Civil Court.

All information given to employees or volunteers of the Family Violence Center is strictly confidential. If you need safe shelter at a location that is not publicly known, **call the 24-hour number 243-6147** for assistance.

The Healing Path

I ntroduction to the Justice System

At some point, you may become involved with the court, police, lawyers or others in the Justice System. It can become very confusing, but it can help you in your efforts to protect yourself.

The justice system is divided into two types of cases: **criminal** and **civil**. The Criminal Justice System handles violations of criminal law such as assaults. Civil cases are matters such as divorce, child custody or lawsuits.

There are also several courts. The two that you will probably be dealing with are District and District Associate. Each handles different types of criminal and civil cases.

District Court handles felony criminal cases. It also handles civil matters such as divorces, restraining orders and lawsuits involving more than \$10,000.

District Associate Court handles primarily misdemeanors with punishment of two years or less. District Associate Court handles civil suits involving less than \$10,000.

The Victim Liaison is a member of the Polk County Attorney's Office who is there to help you. If you have questions about the justice system or need help with No-Contact Orders, please call the **Victim Liaison at 286-3880**. When calling this number, do identify your situation as a domestic abuse case/concern.

You may also call the **Family Violence Center at 243-6147** and ask to speak with a **Victim Advocate**. They can assist in providing information about Protective Orders that are obtained in the Civil Court system.

The following pages will give you some information about the Justice System and define some of the legal terms you might hear throughout the judicial process.

The Criminal Justice System

Abuse is always wrong, but it only becomes a crime under certain circumstances. It is a crime when there is physical violence, a weapon is involved or your assailant is stalking you. See page 48 for some specific laws that apply to domestic violence.

Some tips that may help you work through the Criminal Justice System:

- When talking to police officers, the sheriff or prosecutors, be as specific as possible about what has happened. For example, tell officers that "He slapped me twice in the face and kicked me in the right leg," rather than, "He beat on me."
- Show the police or advocates any injuries you have. Notify the police or advocates if bruises get worse after police have taken pictures.
- Let officers and prosecutors know about any witnesses who were present at the time of the crime. Also, tell them the name and address of persons to whom you may have fled after the assault.
- Show officers or prosecutors any No-Contact or Protective Orders. Let them know about past assaults, threats or past violent behavior of the offender.
- Get as much information as possible, for example: incident numbers from the police or the name of your detective.
- Ask for clarification about the process or about your case if you do not understand.

The Victim Liaison in the Polk County Attorney's Office at 286-3880 or the Victim Advocate at the Family Violence Center at 243-6147 can help with questions and help you through the process. As the victim of a crime, you may have certain rights in Iowa. See page 39 for a list of some of those rights.

Keep this booklet with you for reference and help.

The Healing Path

L egal terms

Alleged

This word is used by the legal system to indicate something that has not yet been proven. You may hear “alleged” assailant or “alleged” victim. It does *not* mean that the police or prosecutor do not believe a crime was committed.

Civil Cases

Civil cases are cases that are usually filed for money damages or to right wrongs. You must be able to prove you suffered specific losses in order to win damages.

County Attorney

The county attorney is the prosecutor who works for the county. If the criminal charges are prosecuted as violations of state law, it will be the county attorney who will prepare and present the case against the assailant (defendant).

Complainant

The complainant is the person, city, county or state who files a suit, makes a complaint or reports a crime.

Criminal Cases

Criminal cases are cases that are filed by the State of Iowa and pertain to violations of the laws within the state.

Defendant

This is the person who is charged with the crime or the person against whom the suit is filed. If the assailant is arrested, he becomes the defendant.

Defense Attorney

This is a lawyer who represents the defendant in a criminal case. If the defendant has no money for an attorney, the court may appoint an attorney to represent him.

A Guide to Surviving Domestic Violence

Initial Appearance

This is when the defendant appears before the judge after being arrested, and the judge informs the defendant of the charges against him, his constitutional rights, the conditions of release and the amount of his bond. At the initial appearance, the defendant enters a plea of guilty or not guilty. In a domestic assault charge, the defendant cannot plead guilty at this time within Polk County. The court may enter a **No-Contact Order** at this time. **See page 35.**

Mandatory Arrest

Mandatory arrest means that police officers are required by law to make an arrest of a person who has committed a domestic abuse assault where bodily injuries are visible. This arrest will occur if the defendant is present at the time of the investigation. If not present, the police officer will request a warrant for the person's arrest. If both partners have injuries, officers should identify and arrest the "primary physical aggressor." (Keep in mind, women have been arrested if they have inflicted injuries while trying to protect themselves.)

Plaintiff

The person, city, county or state who sues or files the complaint (same as "complainant").

Plea

The person who has been charged will at some point "enter a plea," telling the court he is guilty or not guilty of the offense with which he is charged.

Primary Physical Aggressor

In determining the primary physical aggressor, a peace officer will consider the need to protect victims of domestic abuse, the relative degree of injury or fear inflicted on the persons involved and any history of domestic abuse between the persons involved.

The Healing Path

Probable Cause

This is the standard used to determine whether there is enough evidence to charge a person with a crime. Your statements, visible injuries, statements by witnesses, destroyed property and anything else that causes an officer to believe that a crime took place is considered to determine if there is probable cause to file a charge. This is sometimes called “reasonable cause.”

Pro Se Protection Orders

These are orders that are filed on one's own behalf without representation by an attorney. Forms are available at the Civil Division of the Clerk of Court Office at the Polk County Courthouse.

Prosecutor

The prosecutor is the attorney employed by the county. If the charges are prosecuted under state law, it is the county attorney who will decide the charges, prepare the case and present the evidence against the assailant.

Subpoena

A subpoena is an official order of the court which tells people they MUST come to court. You may get a subpoena as a witness, and if so, you must show up at the designated time and place.

Suspect

The “suspect” is the term used to refer to the person the police suspect committed the crime.

Venue

Venue is the city, county or state where the incident occurred. The location of a crime will determine what venue the hearings and/or trial will be held; for example, Polk County.

When the Police are called

Iowa has a mandatory arrest law regarding incidents of domestic abuse. Officers must arrest an assailant if they have probable cause to believe an assault took place. In most cases, the police will seek prosecution for an assault resulting in bodily injury. Probable cause could include your statements, visible injuries or witness statements. In cases where no bodily injury is observed, an arrest is discretionary.

If an arrest is made

If the officer finds that there is probable cause that a crime has taken place, the assailant is arrested and he is taken to jail. The assailant will then remain in jail until he appears before a judge at his initial appearance. This normally occurs within 24 hours. The case will then go to the county attorney's office for review. If the assailant has left the scene of the crime, a warrant will be requested for his arrest.

If no arrest is made

If you did not call law enforcement at the time of the assault, you may file a complaint/report at a later time by calling the **Polk County Attorney's Office at 286-3880**. It is better to report the incident as soon as possible. You will be given a time to come in and talk with an officer, or an officer may be sent to your residence or place of employment to speak with you. There are various forms that you may be required to complete.

If the officer finds that there is enough evidence (injuries, a witness, medical records, etc.) to seek a warrant for an arrest, the police officer will prepare a preliminary complaint and warrant for an arrest and present them to the county attorney. If there is sufficient evidence available, in the opinion of the county attorney, that a criminal offense has occurred, then the case will be approved for charges, and a warrant for an arrest will be signed by a judge. The warrant will be sent to the law enforcement agency, and they will then go to arrest the assailant.

The Healing Path

After the warrant is signed, the case proceeds and the assailant will be arrested. Once arrested, the defendant will be held until the next court session when he makes an initial appearance before a judge.

This process does not mean that you are pressing charges. The State presses charges and you are a witness for them.

It is possible that while the county attorney believes that an assault actually occurred, the suspect may not be charged because there is not sufficient evidence to file a charge.

See page 40 for information regarding the **Crime Victim Compensation Program** service if you need assistance with medical or counseling expenses, or lost wages due to the reported crime.



Officer Steve Howell of the Des Moines Police Department and founder of the "Pendant" and "Telephone Tape Recorder Programs," discusses programs with an abuse survivor.

When the assailant is charged

Once your assailant is arrested, he or she will appear in front of a magistrate or judge, either in person or by remote video. He will be informed of the charges against him and of his constitutional rights. Conditions of release and amount of bond will be set. In most cases, the defendant will be released on bond; but for your protection, the court may enter a No-Contact Order as a condition of release.

No-Contact Order

This is an order that tells a defendant he must not have contact with you in person, by phone or mail or indirectly. This means that you should not initiate contact with the defendant without the court's permission. The order is a condition of the defendant's bond and stays in place as long as the defendant is on bond or until the judge removes or changes the order. The county attorney may also make additional recommendations regarding the terms of release.

The law allows police officers to arrest without a warrant when a defendant violates a No-Contact Order. Contact the police department or sheriff's office to make a report; ask for an incident number and report the contact to the county attorney or **Victim Liaison at 286-3880**.

If the defendant is contacting you by phone, list all of the calls. Record calls on an answering machine or have someone else listen in. Save any letters or other mail and keep a record of when you receive them. You should notify the officer in charge of your case, the Victim Liaison or the county attorney of any violations of the No-Contact Order.

The process, after initial appearance, for felonies and indictable misdemeanors is different from simple misdemeanors.

The Healing Path

Simple misdemeanor charges

Initial Appearance

At the initial appearance, Polk County schedules all domestic abuse simple misdemeanor charges for pre-trial conferences. The pre-trial conference is when the defendant can enter a guilty plea. If the defendant doesn't plead guilty, then a trial date is scheduled.

Trial

The county attorney must prove, beyond a reasonable doubt, that the crime was committed. The county attorney may call witnesses to testify in an effort to do this. The defendant is not required to call witnesses or to testify. You may receive a subpoena. If so, you must be present and you may need to testify. If the defendant is found guilty, he will usually be sentenced at that time.

Sentencing

You also have the right to make a statement at sentencing. The judge will order the defendant to the Batterer's Education Program. The judge may also order him to do community service, pay a fine, pay restitution or obtain a substance abuse evaluation. The defendant must also serve two days in jail unless the judgment is deferred. A No-Contact Order may be part of his sentence.

I ndictable misdemeanors and felony charges

Initial Appearance

If the defendant is charged with an indictable misdemeanor or felony, he is advised of the charges against him in front of either a District or a District Associate Judge. The defendant may not plead guilty at this time. The defendant is provided a copy of the charge (preliminary complaint) his constitutional rights, the conditions of his release and the amount of his bond.

Pre-Trial

Before the trial, there will be a pre-trial conference between the defendant and/or his attorney and the county attorney. They will meet to discuss whether the defendant will plead guilty to the crime charged or a different offense. There may also be motions or hearings before a judge about the case. If the defendant does not plead guilty, he may choose between a jury trial or a bench (judge only) trial. If the defendant chooses a jury trial, the selection of a jury will occur at the beginning of the trial.

Plea

Many defendants will plead guilty at some time during the process. This means that the case will not go to trial.

Trial

The defendant can choose a jury trial or a bench (the judge decides if he is guilty) trial. In a trial, the county attorney must prove beyond a reasonable doubt that the defendant is guilty of committing the crime with which he is charged. The defendant does not have to call witnesses or testify, but he may if he wishes. You may receive a subpoena. If so, you must be present and you may have to testify. If the defendant is found guilty, the judge will order a pre-sentence investigation (PSI) in a felony case. A PSI is optional in an indictable misdemeanor case.

Sentencing

At sentencing, the judge will consider the PSI and the probation department's recommendation. Your response will be part of the report the judge will read. You will have the right to make a statement at sentencing. The judge will order the defendant to the Batterer's Education Program. The judge may also order the defendant to do community service, pay a fine, pay restitution or obtain a substance abuse evaluation. The defendant will be ordered to serve a minimum of two days in jail unless the sentence is deferred. A No-Contact Order may be part of his sentence.



Judge Larry Eisenhauer of the 5th Judicial District counsels a defendant at the Polk County Courthouse in a domestic abuse trial.

Crime Victim Rights Act

The State of Iowa gives crime victims certain rights by law, but you must register with the County Attorney to be eligible for these rights. Below is a summary of these rights:

You have the right...

- to be reasonably protected from the accused throughout the criminal process.
- to be notified if the defendant has been released from custody.
- to receive notification of court procedures.
- to be free from threats of discharge from your employer because you are subpoenaed by the prosecutor to come to court.
- to consult with the prosecutor in order to give your views of this crime.
- to restitution.
- to receive notice of any scheduled court proceedings and any changes in that schedule.
- to receive notice if the defendant escapes custody while awaiting trial.
- to receive notice of the defendant's conviction and sentence.
- to make an impact statement to the court prior to sentencing.
- to receive an explanation of the eligibility requirements and address of the Crime Victim Compensation Program.

The Healing Path

Crime Victim Compensation

There is a program that may be able to provide financial assistance to you for medical and counseling bills as well as loss of earnings. This program provides assistance to victims of domestic violence for costs not covered by insurance or public assistance.

Below are the basic guidelines for qualifying for funds from the Crime Victim Compensation Program:

- **The crime must be reported** to the police within 72 hours, and you must cooperate with the police and the prosecutor. Domestic abuse victims meet the cooperation requirement by making a report to law enforcement. The filing of a petition for a protection order meets the requirement for making a report to law enforcement. The 72-hour reporting limit can be extended where there are health and safety issues for the victims.
- **The claim must be filed** within two years from the date of the crime.
- You must not have incited the crime, or have been committing a crime, which caused your injuries.

This fund does not cover property losses. It covers costs related only to injury from the crime. The **Crime Victim Assistance Division of the Attorney General's Office** at **281-5044** or **1-800-373-5044** can answer any questions concerning this fund and help you in filing an application. They are located in the Department of Justice in the **Old Historical Building, East 12th and Grand, Des Moines, IA 50319**. Applications may also be made by telephone.

For additional information on the Crime Victim Compensation Program, contact the **Family Violence Center** at **243-6147**, or refer to the Iowa Code, Chapter 912.

Personal Protective Orders

Whether or not the abuser has been arrested, if he has been violent, harassing or stalking, getting a Protective Order may help. A Protective Order is an order by the court requiring the abuser to stop certain conduct toward you. **There are two types of Protection Orders: criminal and civil.**

Criminal Protective Orders

A Criminal Protective or “No-Contact” Order prohibits a person charged with a crime from having contact with the victim of that crime. You can request a No-Contact Order from the police after an assault has occurred. The police will advise the county attorney of your request. You should follow up with the police or local county attorney to get your copy of the No-Contact Order. This type of order does not address custody of children or possession of property.

Civil Protective Orders

A Civil Protective Order can be filed with the assistance of a private attorney or can be filed “pro se” without an attorney. Forms for “pro se” Protective Orders can be obtained from the **Civil Clerk of Court Office** at the Polk County Courthouse, 500 Mulberry Street, Des Moines. There is a cost to file this type of Protective Order, but the judge may temporarily waive that cost if you do not have the money to pay. If you have been married to the abuser, are living with him, have lived with him within one year of the assault or have a child in common with him, or have been in a dating relationship, you may qualify for this type of order.

The Healing Path

A Civil Protective Order can require the abuser to do the following:

- Stay away from you except during court appearances.
- Stop communicating either personally or through third parties (includes writing, telephoning or any other means).
- Stop assaulting, attacking, molesting you.
- Stay away from your home.
- Stay away from your place of employment.

A Civil Protective Order can also do the following:

- Give you physical custody of your children
- Give you possession of the marital home (if married)
- Give you possession of a vehicle
- Order the abuser to pay financial support to you
- Allow limited contact between you and the abuser
(example: permit you to talk by telephone regarding issues involving minor children, or allow you to have physical contact to exchange the minor children for visitation, etc.)
- Order counseling
- Assess all court costs to the abuser

It is very important to note that if you obtain a Protective Order, the order also applies to you. You must avoid the abuser as well, or you may be charged with "aiding and abetting" the abuser to violate the Protective Order.

How to obtain a Civil Protective Order

You must complete an application for a Protective Order at the **Clerk of Court's Office**, Room 115 at the Polk County Courthouse. The clerk will take you to a judge who will review the application with you. You will give testimony under oath as to why you feel you should have a Protective Order. If the Court grants the Protective Order, then the judge will sign the order and the clerk will then take you back to the Clerk's office. You will be instructed

A Guide to Surviving Domestic Violence

to take the paperwork to the Polk County Sheriff's Office (across the street from the Courthouse). You will write down instructions on how to find the abuser and to "serve" him with the paperwork at his place of employment, home or anywhere else he may be.

Individuals in same-sex relationships, if living together, may also obtain this order. You must keep the Protective Order with you at all times. If the abuser violates the Order, you must show a copy of the Order to the police or sheriff.

The terms of the Civil Protective Order

In Iowa, the Civil Protective Order is usually issued for one year. The Order can be renewed if it is still needed at the end of the year. A Civil Protective Order/Restraining Order can also be secured with the assistance of a **private attorney**.

If the abuser violates the Personal Protective Order

Always keep a written journal to track the dates and times of each violation. If the abuser telephones you, you should state "you are violating the Protective Order," and hang up. If the abuser drives by or attempts to approach your residence, you must not make physical contact. It is always wise to **call the police** whenever a violation occurs. If the police arrive and find the abuser at the scene, they will arrest the abuser and he will be taken to jail. The judge will set a court date and you will be notified of the time and date of the "contempt" hearing. You must appear at the contempt hearing or else the charges against the abuser will be dropped. You will be required to testify about the abuser's violations of the Protective Order. Regardless of the outcome of the contempt hearing, the Protective Order will remain in effect.

If the police choose to not arrest the abuser for violations, you can **still file an Application for Contempt** at the Clerk of Court's office. A hearing on the application will be set. If the abuser is not served

The Healing Path

with the papers by the hearing date, the hearing will be continued. You will need to appear at the hearing to testify about the abuser's violations or else the charges will be dropped.

Consider consulting an attorney

You may contact a private attorney through the yellow pages. You may also qualify for free legal services through the **Legal Aid Society of Polk County at 243-1193** which has a domestic abuse attorney on staff. An attorney can help you in processing the paperwork to file for a Civil Protection Order as well as prosecuting the contempt actions against the abuser. The attorney can discuss other options that may be available to you as well.

Contact the advocates at the Family Violence Center at 243-6147. They can be present with you in criminal and civil proceedings.



The Polk County Courthouse, 500 Mulberry, Des Moines, Iowa

D ivorce, custody and visitation

Divorce

Here is some information to help you see how the divorce process works through the Civil Justice System in Iowa.

Iowa allows no-fault divorce. This means you must show that there has been a breakdown of your marriage. You may have to give the court your basic reason for the divorce, but you do not have to prove adultery or cruelty. With no-fault divorce, one spouse can get a divorce even if the other spouse does not want one. You do not have to be living apart to file.

Before you can file for divorce in Iowa, you must be a resident of this state for one year unless both husband and wife are currently residing in this state. Iowa has a 90-day waiting period before a divorce can be granted. The court may waive this period if there is good cause. If there are disputes about property, children, etc., the case may extend up to nine months or longer.

You will need an attorney to file for divorce, preferably one who is knowledgeable about domestic violence. You may be eligible for legal assistance at the **Iowa Legal Aid** at **243-1193**, if you meet their income guidelines and certain other criteria. The **Family Violence Center** at **243-6147** can help you sort out your options and make referrals.

Divorce kits or “do it yourself” divorces may be an option where both spouses agree about everything, where there is no danger and where there are no custody issues. Otherwise, they should be avoided.

The Healing Path

In a divorce action, the spouse who files first is the “plaintiff,” and the other spouse is the “respondent.” Your attorney files a complaint for divorce in civil court. **Many women seek shelter at the time their abusive spouse is served papers that tell him a divorce complaint has been filed. This can be a very dangerous time.**

Along with the complaint, temporary orders are usually filed. Those orders ask the court to decide about use of the marital home, custody and parenting time, spousal support and civil restraining orders or personal protection orders that will be in effect until the divorce is final.

Custody

In a divorce, the court decides which parent will have custody of the children and the type of visitation the other parent will have. Unless there are court orders already, both parents have equal rights to the children, once paternity has been established. If you are married, paternity is legally assumed. The court will decide which parent will have custody of the children and what visitation the other parent will have.

The judge will decide custody of two types. Joint legal custody allows both parties to be involved in decisions, schooling, medical care, religious training. Sole legal custody leaves those decisions to one parent. Joint legal custody is often granted. The other type of custody is physical custody. Normally, one party is granted primary physical custody, and the other party gets visitation. Sometimes the parties share physical custody. This is not usually the case in domestic violence situations.

Custody decisions are made in temporary orders when the divorce is filed, and in permanent orders when the divorce is final.

A Guide to Surviving Domestic Violence

Your attorney can request a District Court order from a third party to do a custody evaluation and recommendation. This can be requested from the court at the time you are served papers that tell about custody.

If paternity has not been established, then the mother has “sole” custody under the law. This means the biological father has no rights to your children. If the father’s name is on the child’s birth certificate, that does not establish paternity. Once paternity is established, then the father has rights to a child. Difficulties arise when the biological father has the children in his care and will not return them to their mother. Law enforcement officials often choose to not get involved in these disputes until a custody order is entered by the judge.

Visitation

Most custody orders give the non-custodial parent either reasonable visitation (any arrangement agreed upon between the parents) or specific visitation (usually every other weekend and an evening during the week).

In cases of domestic violence, the court considers the effect of the violence upon the children and can order restricted or supervised visitation, especially if the children are at risk of emotional or physical abuse or neglect. Police reports, hospital records and affidavits or testimony of witnesses are types of evidence the court may consider.

S ummary of Iowa violence laws

Arrest Without a Warrant for Domestic Abuse Assault— Iowa Code Chapters 236 & 708.2A

This law lets police arrest if the police officer has “reasonable cause” to believe an assault has taken place, or is taking place, AND that the person who committed the violation is a spouse, or a person who resides in, or who has resided in the same household as the victim, or who has a child in common with the victim. Under these circumstances, the officer may arrest the suspect without a warrant, whether the violation was committed in the presence of the officer or not. The police officer must make an arrest under the mandatory arrest law if the victim sustained bodily injury.

Arrest Without a Warrant for Protective/No-Contact Order Violations—Iowa Code Chapter 236

This statute lets the police arrest a person and take him or her into custody when the officer has reasonable cause to believe that there is a valid Protective Order or No-Contact Order, and the order has been violated.

Criminal Sexual Abuse—Iowa Code Chapter 709

A spouse can be charged with the rape of his partner. See page 8.

Advising of Availability of Shelter Program or Other Community Services—Chapter 236

After intervening in a domestic dispute, police officers are required by law to provide the victim with written information on the availability of any local shelter program or other community services and their phone numbers.

A Guide to Surviving Domestic Violence

Compensation for Injured Crime Victims—Iowa Code Chapter 912

Victims of certain personal injury crimes may receive financial compensation for particular losses that result from the crime. See page 40.

Victim and Witness Protection Act—Iowa Code Chapter 910

This law sets out the rights of victims who register with the County Attorney to be notified of proceedings and decisions in their case. Other rights include the filing of victim impact statements and privacy for child victims.

Court Ordered Batterer’s Education Program—Iowa Code Chapter 708

This law states that a person who pleads guilty, or is convicted of Domestic Abuse Assault, will be ordered by the court to participate in a mandatory Batterer’s Education Program as a condition of any sentence. In many circumstances, the person will be placed on probation.

Victims Seeking Help Assured of Confidentiality—Iowa Code Chapter 236

Victims of sexual assault and domestic violence who seek the services of workers at sexual assault or domestic violence crisis centers have the protection of the law that the counseling sessions are confidential and not admissible in the court of law without the victim’s written consent.

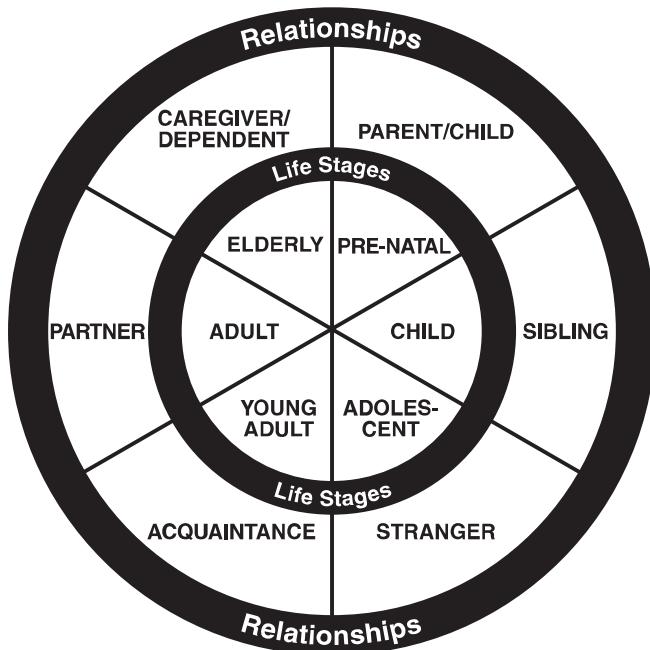
The Iowa Stalking Law—Iowa Code Chapter 708

This law makes it a crime to repeatedly threaten or intimidate someone or to make repeated unwanted contact that causes emotional distress. Unwanted contacts might include telephone harassment, coming onto your property or making threats.

The Healing Path

The relationships and stages in life where violence may occur

This wheel shows the progression of “relationships” and “life stages” in the cycle of life. Violence may be experienced at any age or in any relationship. If violence occurs in any of these stages or relationships, it can be perpetuated into succeeding stages and relationships. If intervention takes place at any point in this cycle, however, it can break a continuum of violence.



Developed by "Healthy Polk 2000"
Violent and Abusive Behavior Work Group
Polk County, Iowa

If you see yourself or someone else at risk in any of these areas
there is help in Polk County.

Contact any of the agencies listed on the next page.

R

esources available in Polk County

Adult Protective Services (Abuse Hotline)		283-9222
Child Protective Services (Abuse Hotline)		283-9222
Crime Victim Compensation Program		281-5044
Crisis Team of Broadlawns Medical Center		282-5752
Children and Families of Iowa	(CFI)	288-1981
DSM Child and Adolescent Guidance Center		244-2267
DSM Police and Polk County Sheriff		911
Domestic Abuse Intervention Service	(DAIS)	288-1981
Elder Abuse Hotline	(CFI)	243-6147
Employee and Family Resources Interv/Prev	(EFR)	244-2297
Employee Assistance Program	(EFR)	244-6090
Family Violence Center	(FVC)	243-6147
First Call For Help – United Way 211		246-6555
Gay and Lesbian Resource Center		277-7884
Iowa Department of Elder Affairs		281-4646
Iowa Coalition Against Domestic Violence	(ICADV)	244-8028
Iowa Coalition Against Sexual Assault	(IowaCASA)	244-7424
Iowa Lutheran Hospital Emergency		263-5120
Iowa Methodist Medical Center Emergency		241-6423
Legal Aid Society of Polk County		243-1193
Mercy Hospital Medical Center Emergency		247-3211
Parents Anonymous	(CFI)	288-1981
Polk County Attorney's Office		286-3880
Polk County Medical Society	(PCMS)	288-0172
Polk County Public Health Department	(PCPHD)	286-3798
Polk County Victim Services	(PCVS)	286-3600
Refugee Services		281-4334
Student Assistance Program of EFR	(EFR)	244-6090
Students Talking About Relationships and Themselves (START)	(FVC)	243-6147
YWCA Emergency Shelter for Women	(YWCA)	244-8961
Young Women's Resource Center		244-4901

Iowa Domestic Violence Hotline 1-800-942-0333

The Healing Path

Iowa domestic abuse resources

City	Number	Counties Served
Adel	* 800-400-4884	Dallas, Madison, Guthrie
Ames	* 800-203-3488	Boone, Hamilton, Hardin, Story
Atlantic	*800-696-5123	Adair, Adams, S. Audubon, Cass, Shelby, E. Pottawattamie
Burlington	319-752-4475	Des Moines, Henry, Lee, North Lee
Carroll	*800-383-9744	Carroll, Crawford
Cedar Rapids	319-363-2093	Benton, Jones, Linn, Cedar, Iowa
Cherokee	*800-225-7233	Buena Vista, Cherokee, Ida, Sac
Clinton	319-243-7867	Clinton, Jackson
Council Bluffs	712-328-0266	Harrison, Pottawattamie, Shelby
Creston	*888-782-6632	Adair, Adams, Clarke, Decatur, Ringgold, Taylor, Union
Davenport	*319-326-9191	Scott, Rock Island (Illinois)
Decorah	*800-383-2988	Alamakee, Buchanan, Chickasaw, Clayton, Fayette, Howard, Winneshiek
Des Moines	*800-942-0333	Polk
Dubuque	319-556-3371	Clayton, Delaware, Dubuque
Estherville	712-362-4612	Emmet, Palo Alto, Clay, Dickinson
Fort Dodge	515-573-8000	Calhoun, Hamilton, Humboldt, Pocahontas, Webster, Wright
Grundy Center	*800-666-7458	Grundy, Hardin
Iowa City	*800-373-1043	Cedar, Iowa, Johnson, Washington, Jones
Jefferson	515-386-5206	Greene
Keokuk	319-524-4445	Lee, Clark (Missouri) Hancock (Illinois)
Knoxville	*800-433-7233	Marion
Marshalltown	* 800-779-3512	Jasper, Marshall, Poweshiek, Tama
Mason City	*800-479-9071	Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, Worth
Muscatine	319-263-8080	Muscatine
Oskaloosa	515-673-5499	Mahaska
Ottumwa	*800-464-8340	Appanoose, Davis, Jefferson, Keokuk, Lucas, Monroe, Van Buren, Wapello, Wayne
Sioux Center	*800-382-5603	Lyon, O'Brien, Osceola, Plymouth, Sioux
Sioux City	*800-982-7233	Woodbury, Monona, Plymouth (Nebraska), Union (South Dakota)
Wapello	319-523-6904	Louisa
Waterloo	319-233-8484	Black Hawk
Waverly	* 800-410-7233	Bremer, Butler

Statewide Tollfree Domestic Violence HOTLINE 1-800-942-0333

*Tollfree 24 hour crisis lines—Others accept collect calls

In conclusion...

Iowa is made up of a diverse group of people of many backgrounds, cultures and beliefs. Through awareness, the Medical Society Alliance hopes to cross some cultural barriers which perpetuate the philosophy that domestic violence is acceptable behavior.

Family violence is the leading cause of injury to women ages 15-44 and occurs among all races and socioeconomic groups. According to the Iowa Attorney General's Office of Crime Victim Assistance:

- Between 1990 and 1997, 62 Iowa women were known to have been murdered by a husband or boyfriend.
- In 1995, 30,483 victims of domestic violence were served by programs receiving funding from Victim Services Grant Programs in the state of Iowa.
- In 1995, safe shelter was provided to 4,385 adults and 5,684 children who were victims of domestic abuse.

In 1997, The Iowa Medical Society Alliance initiated legislation to place very clear and explicit language on marriage license applications and marriage licenses regarding domestic violence.

On May 21, 1997, Terry E. Branstad, Governor of the State of Iowa, signed into law a bill that is meant to be a warning to those people who would commit domestic abuse, stating that **this act is against the law, and is punishable by law.**

The exact language of House File 612; Section 595.3A APPLICATION FORM AND LICENSE, INCLUSION OF ABUSE PREVENTION LANGUAGE is as follows:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage under the full protection of the laws of this state with regard to violence and abuse. Neither of you is the property of the other. Assault, sexual abuse and willful injury of a spouse or other family member are violations of the laws of this state and are punishable by the state."

The Healing Path

Notes



HEALTHY POLK 2010



Partnering for a healthy community

MID·IOWA HEALTH FOUNDATION

