



A SAFE Client's Guide to Civil Protection Orders in D.C.

*Want to talk to a SAFE Advocate in Court?
Look for the SAFE Advocate carrying a Purple Clipboard!*



**SAFE, Inc.
202-879-7851**

Domestic Violence Intake Center, Room 4200, 500 Indiana Ave., N.W., Washington, D.C., and Domestic Violence Intake Center Southeast Satellite Office, United Medical Center, Room 311, 1328 Southern Ave., S.E., Washington, D.C.

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BEFORE THE CIVIL PROTECTION ORDER HEARING

Definition of a Protection Order

In D.C., there are two types of protection orders: temporary protection orders (TPOs) and civil protection orders (CPOs).

The **Petitioner** is the person requesting protection order.
The **Respondent** is the person who the Petitioner is filing against

CPOs

- CPOs last for one year.
- A judge will grant a CPO if the judge determines that the respondent committed an intrafamily offense (a crime) against you.

TPOs

- TPOs last for fourteen days, usually from the date that you file for your CPO until the date of the CPO hearing.
- You can ask for a TPO if you feel that you are in immediate danger.

A protection order is an court order requiring a person to do, or not do, certain things.

Civil Court System



- TPOs and CPOs are part of the civil court system.
- In a civil case, you bring the case against another person.
- You may drop your case at any time.
- A civil judge cannot make the respondent go to jail, BUT if the respondent violates a protection order, the respondent may go to jail or pay a fine.

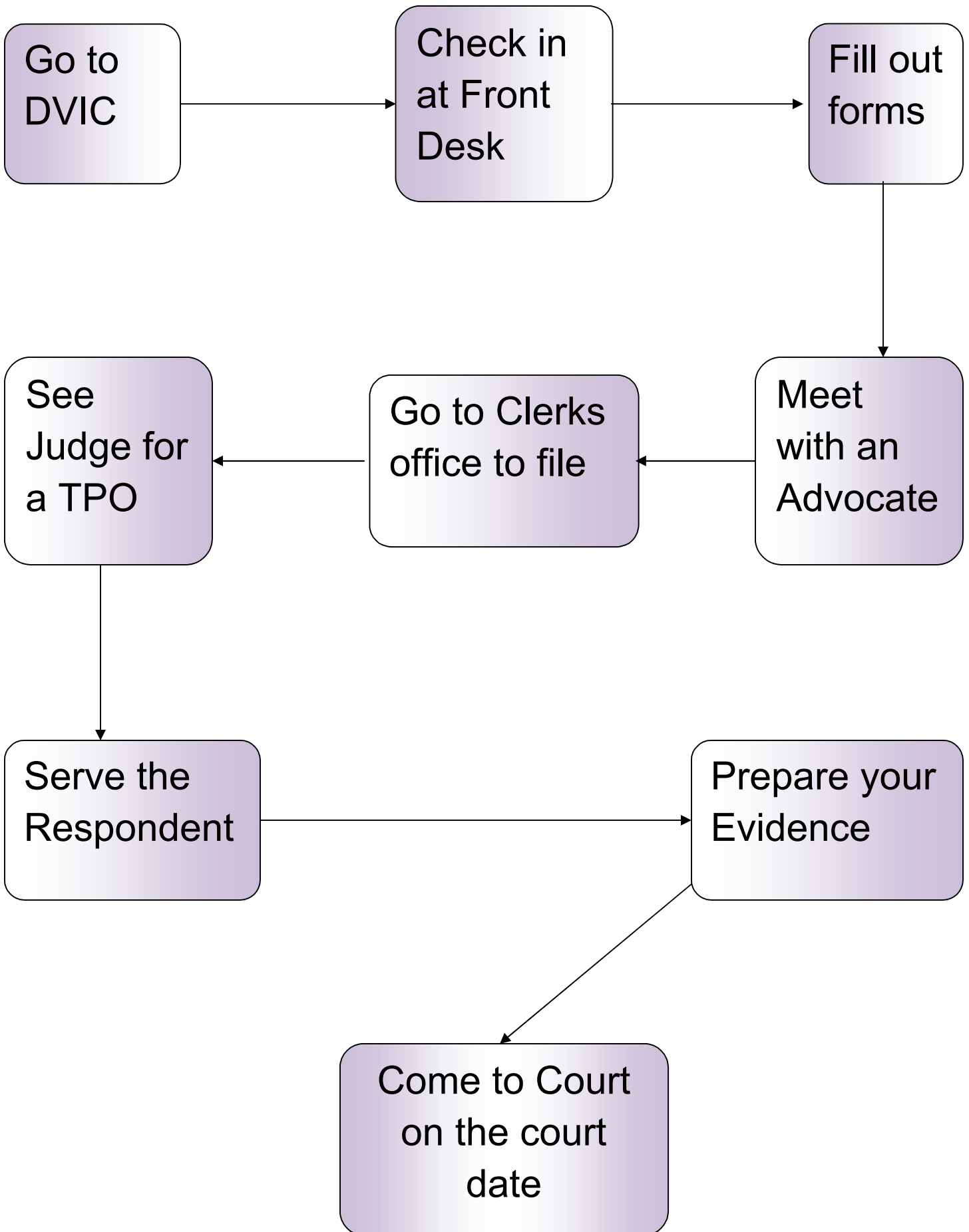
Criminal Court System

- If you are assaulted, threatened or stalked, you can get a protection order **and** call the police.
- A criminal case starts with a police report for a crime.
- The police decide whether to arrest the suspect.
- If the suspect is arrested, the government decides whether to start a case against the suspect, which is called “papering the case.”
- The government may decide to drop the case at any time.
- **The government may subpoena you to testify at trial, and if you do not testify a warrant will be issued for your arrest.**
- The judge may issue a criminal stay away order, which only lasts until the criminal case is over.



How to Get a CPO

1. Go to the Domestic Violence Intake Center (DVIC) to file your petition, which is a written request for the judge to enter a protection order.
2. At the DVIC, check in at the front desk and complete the paperwork.
3. Meet with an advocate who will explain the court process, discuss safety concerns, and assist with drafting the petition.
4. Go to the clerk's office and you will sign the petition under oath. You will also get all of your paperwork about the court date. You will not receive anything in the mail.
5. If you want a TPO, you will see a Judge that same day. The Judge can give you an order that day!
6. Serve the Respondent and prepare your evidence.
6. Come back to court on your scheduled court date.



Temporary Protection Order Hearing

If you request a TPO in your petition, the clerk will bring you to the courtroom to talk with the judge.

The Judge Will Ask About the Incidents

- Wait until the judge finishes asking the questions to give your answer.
- Call the judge Sir, Ma'am, or Your Honor.
- The Judge may ask you where you are staying. If you are staying in a confidential location, you may tell the judge that your address is confidential, but that you live in D.C.
- The judge may go over things very quickly and may want only brief answers because this is a short hearing.
- It helps focus your comments to tell the judge about the most recent incident or worst incident where the respondent put his or her hands on you, threatened you, stalked you, or destroyed your property.
- If you are afraid of the respondent, you can tell the judge that.

*You Can Get
a TPO the
Same Day
that You Go to
the DVIC if
You Are in
Immediate
Danger*

The Judge Will Ask About What You Want in the Order

If you want temporary custody of children,

- You can explain how the respondent is a danger to the children.
- You can tell the judge if the respondent physically hurt the children or if the children saw the respondent hurt you.

If you want the respondent to leave your home, you can explain who owns or rents the home.

Service

For the Court to give the you a CPO, the Respondent must be **served** with the

- Petition,
- Notice of Hearing and the Order to Appear, and
- Temporary Protection Order.

This means that someone has to hand the papers to the respondent.

*The papers just need to **touch** the respondent's body. The respondent does not need to accept the papers or read the papers.*

Who Can Be Served

- Respondent;
- Someone over the age of 18 who LIVES with the respondent who takes the papers at the respondent's home;

Who Can Serve

- You CANNOT serve the respondent.
- Any person who older than 18 and is not mentioned in the petition can serve the respondent.
- This includes police officers, private process servers, and perhaps your friends or family members.

Self Service

To have anyone who is not a police officer serve the respondent,

- Request a "*Self Service Packet*" from the clerk's office.
- Give the packet to the person who will serve the respondent.
- The person who serves the respondent will need to fill out the **Return of Service** form that is sticking out of the *Self Service Packet* and give that form back to you.
- You must bring the **Return of Service** form to court.

Service cont.

Police Service

In any state, there is no fee for the police to serve a protection order. The police can serve the respondent in two ways:

- If you have a good address for the respondent, the police can go to the respondent's home or work and serve there. To do this you need to request "*Police service*" at the clerk's office.
- If you see the respondent, you can call the police and give the police the papers to serve the respondent. To do this you need to
 - Request a "*Self Service Packet*" at the clerk's office.
 - When you see the respondent call the police and give the *Self Service Packet* to the officer when the officer arrives.
 - The officer will need to fill out the **Return of Service** form, include his or her badge number on the form, and give the form back to you.
 - Bring the **Return of Service** form to court.



If the TPO orders the respondent to **vacate** the residence, you can get a "*Self Service Packet*" from the clerk's office.

Go to your local police station and get an officer to go to your house with you.

The officer will make the respondent leave, give you the keys back, and serve the respondent.

Make sure that the officer fills out the *Return of Service* form and gives that form to you for you to bring it to court.

Violations of TPOs

If the respondent violates a TPO, you can immediately call the police.

If the respondent was served with the TPO, the police may arrest the respondent because violating a TPO is a crime. You may also go to the DVIC and file a motion for criminal contempt, which is a request for criminal charges based on that violation.



If the respondent was not served with the TPO, you can

- Call the police and have the police serve the respondent as long as you have a *Self Service Packet*.
- Go to the DVIC and file a supplemental petition to add the most recent incidents to the original petition.
- Contact the SAFE advocate if you feel unsafe!

THE CIVIL PROTECTION ORDER HEARING

Why the Civil Protection Order Hearing IS Important

If you do not come to the hearing, the judge will dismiss your case and your TPO will expire. If you cannot come to a hearing, you need to tell the court beforehand so they can give you a new court date. If you do miss your court date, you can come to a DVIC to file a “motion to reinstate,” which is a request to bring your case back.

If you are receiving assistance through Crime Victims' Compensation, your assistance may end if your case is dismissed because you didn't come to the hearing.

Preparing for Court

- Dress appropriately for court.
- Arrive on time for the hearing. If you are going to be late, you can call an advocate at 202-879-0720 or 202-879-0157.
- If you need to bring children to court, they can stay in the court's Child Care Center if they are toilet trained. If your children are not toilet trained, try to bring someone with you to court to watch the children.
- **Read the petition** before coming to court so that you remember the details.
- **BRING YOUR EVIDENCE!**

Preparing Your Evidence

On your court date, you may have the opportunity to tell the judge your side of the story. You can also present “*evidence*” to the judge. Evidence can be anything that relates to the incidents listed in your petition, or what you are asking the judge to put in the order. You can have other people tell the judge their story, those are “witnesses.” You can also give the judge things to look at, such as photos and e-mails. Here are some ideas of things that you may bring to the hearing:

- If you want the respondent to leave your home, you may bring the deed or lease that shows that your home is in your name.
- If you want custody or visitation with the children you may bring:
 - Copies of their birth certificates.
 - A plan for visitation.
 - If you want the respondent’s visitation with the children to be supervised by a family member or friend, you can bring those people or their contact information.
- If you want financial reimbursement from the respondent for any property damage or stolen property, you may bring any receipts for property that was damaged or estimates for repairs or replacement of that property.
- If you want the respondent to reimburse you for medical costs due to an assault, you can bring medical records that show the amount of your doctor’s bill.



Preparing Your Evidence cont.

You can bring evidence that helps show that the incident really did happen. Some evidence that you can consider bringing includes:

- Pictures of your injuries or of property that the respondent destroyed
- Copies of any threatening or harassing messages. This may include
 - Letters,
 - E-mails
 - Text messages
 - Facebook messages,
 - Myspace messages, or
 - Twitter messages.



- Threatening or harassing voicemails. You can bring your cell phone to court and play the voicemail for the judge.
- Phone records showing that the respondent has been repeatedly calling you. If you cannot get copies of your phone records, you can take pictures of the call log showing the date, time, and phone number that the respondent called you from. You can print these pictures out and show them to the judge.
- Police reports. You can get those reports by going to the police district where the incident occurred and requesting a copy of the report using the CCN number or by asking your SAFE advocate. There is no charge to get a copy of your police report.

Witnesses

You can bring witnesses to the hearing and have them tell the judge what they saw. You may want to bring anyone who saw the incident firsthand, who called the police, or who saw you after the incident when you were hurt or upset.



Witnesses Can Appear Voluntarily.

To do this, you simply have to ask the witness to come to the hearing. When the judge calls your case, tell the judge that you have witnesses to testify for you.

Witnesses Can Appear Involuntarily.

If a witness does not want to testify, you can subpoena the witness. A subpoena is a court order to appear at a trial or hearing. If a witness is served with a subpoena, but does not come to the hearing to testify, the court may penalize the witness. To subpoena a witness

- Get a subpoena form at the clerk's office. The clerk will sign a blank form for you to fill out. The form includes the witness's name, address, and the time and place the witness must appear.
- Serve the witness with the subpoena. The same rules for serving the respondent apply to serving a witness. Someone older than 18 needs to give the subpoena to the witness. That person needs to fill out a form that states when and where the witness was served and return this form to you.
- Bring this form to court.

Check-In Process

When you come to court, check in with the court clerk who is sitting at a desk outside of courtroom 113. The judge's clerk will tell you when you can go into the courtroom. Tell the judge's clerk if you have a completed **Return of Service** form.

If You are Late to Your Court Date

If you are late, go to the courtroom and sit in the left side of the courtroom. If the judge has not taken the bench, tell the judge's clerk that you are there. If the judge has taken the bench, wait until one of the judge's staff comes into the audience and alert that staff member that you are there.

The judge may dismiss your case if you are late to the court date!

CPO Court Date

What happens at your court date depends on three things:

- If **YOU** come to court,
- If the respondent was served, and
- If the respondent comes to court.

If You Do Not Come to Court Your Case Will Be Dismissed!

Court Process if *You Do Not Come to Court*

If you do not come to court ***your entire case will be dismissed*** and your TPO will expire.

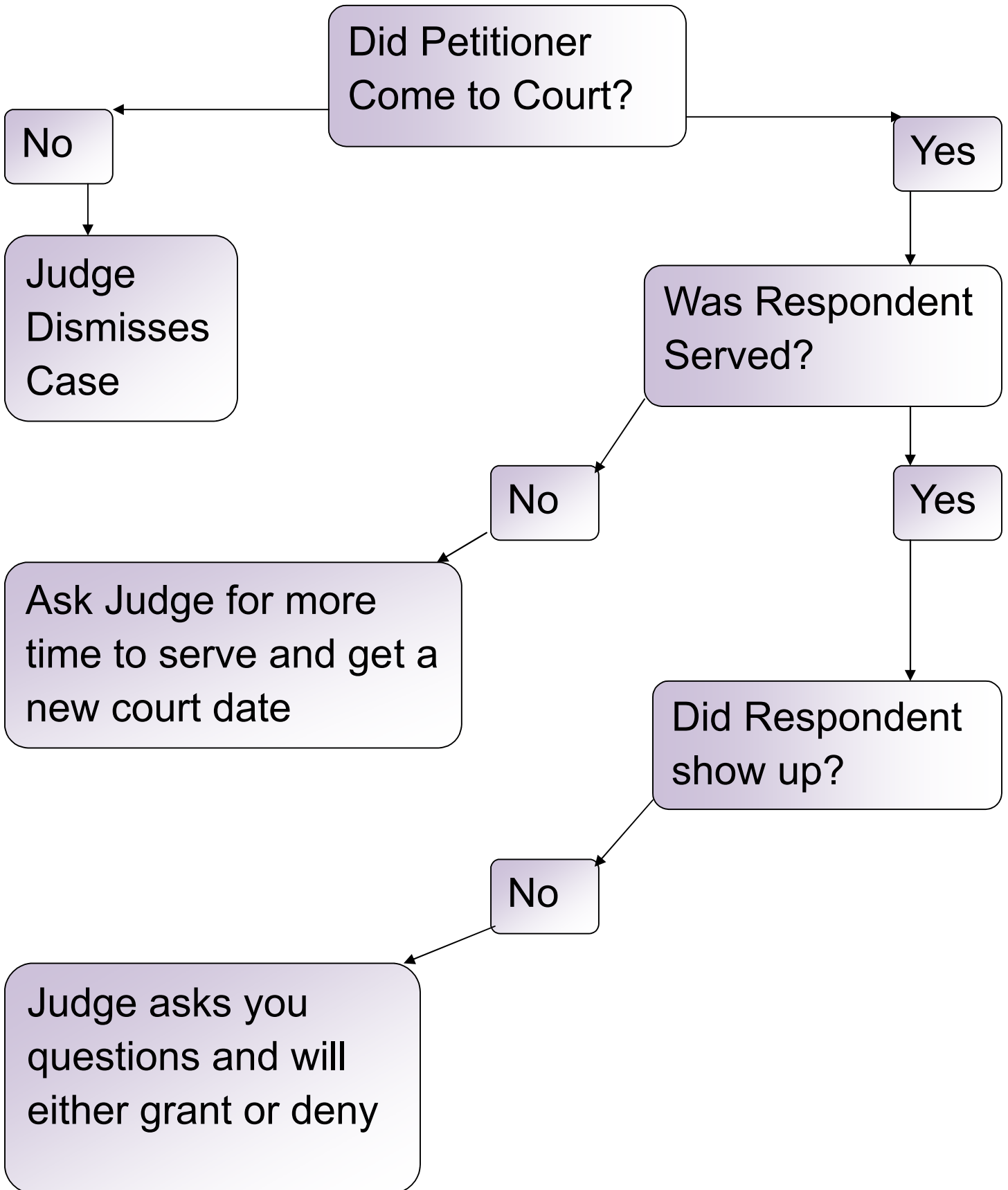
Court Process if the Respondent Was Not Served

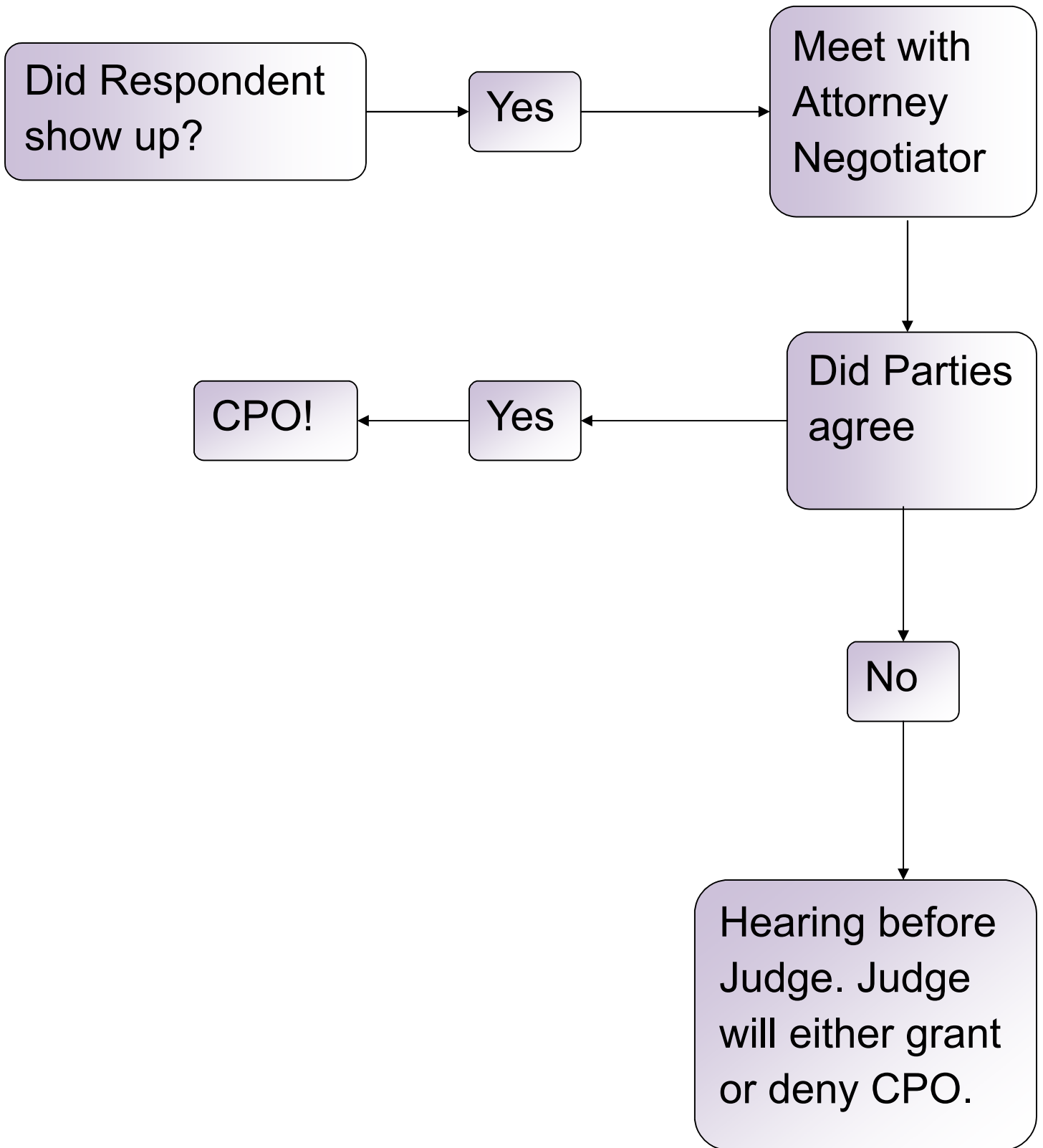
If the respondent has not been served, you can ask the judge for more time to serve the respondent. If the police have not been able to serve the respondent, the judge may ask what you are going to try next. You can tell the judge what your new service plan is. A SAFE advocate can help you with determining your new service plan. You can also ask the Judge to extend your TPO to the next court date if you feel like you are still in danger.

Court Process if the Respondent *Was Served but Does NOT Come to Court*

- If the respondent does not come to court after being served, the judge will ask you about the facts in your petition.
If you do not feel comfortable discussing the facts in court, you may ask the judge to adopt the admissions in the petition as the testimony.
- The judge will ask about when the respondent assaulted, threatened, or stalked you, or destroyed your property.
- If the judge finds that the respondent did any of those things, the judge can give you a CPO.

If the respondent has been served, comes to court, was arrested for an incident that occurred in your petition, and if the respondent was charged by the U.S. Attorney's Office, the CPO case may "**trail**" the criminal case. This means that the court will set the CPO court date for when the next criminal court date is. If the respondent **pleads guilty in the criminal case**, the court may **automatically** give you a CPO.





Court Process if Both Parties Come to Court

Attorney Negotiator

An attorney negotiator will meet with both parties separately to see if they can come to an agreement on an order

Types of Consent Civil Protection Orders

The attorney negotiator will ask if the respondent will agree to a CPO. The respondent can agree in two ways.

- **Consenting with Admissions.** The respondent can consent to a CPO and admit that the respondent did what the petitioner said the respondent did in the petition.
- **Consenting without Admissions.** The respondent can consent to a CPO **without** admitting that the respondent did what the petitioner said the respondent did in the petition.

The CPO is **still effective** even if the respondent consents to the CPO without admitting any fault.

Court Process if the Parties Consent

If the parties agree to an order, the judge will call the case. The parties will be sworn in. The judge will ask the respondent if he or she consents to the order and if the respondent understands the terms of the order. The judge will read the order and sign the order.

Make sure that you get a copy of your CPO and carry it with you at all times!

Court Process if the Parties Do Not Consent

If the parties do not agree to an order, the judge will hold a contested hearing.

Contested Civil Protection Order Hearing

In a contested hearing, both you and the respondent have an opportunity to tell your side of the story and present witnesses and evidence.

Take a look at D.V. LEAP's handout "Preparing for a CPO Hearing with the Appeal in Mind" for a list of helpful steps!

It is the judge's decision whether or not to give you a CPO. If the judge does not give you a CPO, you can tell the Court of Appeals that the denial was wrong, which is called "appealing" the court's decision.

*There are some important steps that **YOU** can take during the CPO hearing to help your case if you do have to appeal.*

Petitioner's Testimony:

- The judge will ask you questions about the incidents listed in your petition.
- The judge may ask you about where you live. If you are staying at a confidential location, you may tell the judge that your address is confidential, but that you live in D.C.
- The respondent will be allowed to ask you questions. This is called cross-examination.
 - Answer each question calmly and briefly.
 - You can ask the respondent to clarify a question.
 - If the respondent verbally abuses you, you may tell the judge that you object to abusive comments on the grounds that the respondent is "badgering the witness."



Witnesses:

- You can tell the judge if you have witnesses who are prepared to testify.
- The judge may ask the witnesses to leave the courtroom while other people are testifying.
- You can call witnesses one at a time.
- The clerk will swear the witness in.
- You may ask the witness open-ended questions.
 - An example of an open-ended question is: “On Friday, March 6, 2009, what did you see when you were at my house at approximately 6:00 p.m.?”

You may not “lead” the witness. An example of a leading question is: “You saw the respondent hit me on Friday, March 6, 2009 when you were at my house, isn’t that right?”



Respondent's Testimony:

- After the respondent testifies, you may ask the respondent questions.
- You should prepare a list of open-ended questions and questions requiring a yes or no answer.
- You can ask questions about anything in your petition or anything that the respondent said to the judge.

Evidence:

- You should tell the judge if you would like the judge to look at any evidence, such as text messages, voicemails, and bills.
- If the judge does NOT look any some of the evidence, you can tell the judge that you “object” and state what the evidence is and what the evidence would have shown.
 - For example, you can tell the judge that you would like to present a text message, received from respondent’s cell phone, and that the message would show that respondent threatened to hurt you.
- The judge may want to know how you knew that the messages on the internet, text messages, or voicemails were actually from the respondent. You can tell the judge if the messages contained information only the respondent would know or that you recognized the respondent’s voice



Objections:

- The respondent or the respondent's attorney may object to something that the you or one of the witnesses said or a question that you asked. Don't worry if this happens.
- If the respondent says “objection,” you should stop talking.
- The respondent will explain why he or she is objecting to the question, statement, or evidence.
- The judge may then ask you a question or may ask you to restate what you just said.
- If the respondent asked you a question before the objection and you forgot what the question was, you can ask for the respondent to repeat the question.

AFTER THE CIVIL PROTECTION ORDER HEARING

If the judge does not give you CPO, you have three options.

1. Motion for Reconsideration. A motion for reconsideration asks that court to review the judge's decision to deny the CPO.

- You must file this motion within **ten** days of when the judge denied your order.
- You must state some reason that the judge's decision was incorrect, such as the judge did not consider an important piece of evidence or the you discovered new evidence after the decision was made.
- The same judge that did not grant your CPO will decide this motion.

2. Appeal to the D.C. Court of Appeals. You may tell the D.C. Court of Appeals that you should have gotten a CPO by filing an "appeal."

- You must file an appeal within **thirty** days of when the judge denied your order.
- Appealing a final judgment is a more complicated and expensive process than filing a motion for reconsideration.
- If you want to file an appeal without a lawyer, you must start by filing a Notice of Appeal in the Superior Court Clerk's Civil Division Office. To find a guide on representing yourself for the entire appeals case, you can go to:
[http://www.dcappeals.gov/dccourts/docs/ AppealsCivilGuide.pdf](http://www.dcappeals.gov/dccourts/docs/AppealsCivilGuide.pdf)

3. File a New Petition. If a new incident of domestic violence occurs after a judge denies your CPO, you can come to the DVIC and reapply for a protection order.

What to Do if the Judge Gives You a CPO

- Make several copies of the CPO and carry a copy **at all times!**
- Give copies to your job, child's school, or anywhere else the respondent should stay away from.
- If you live in an apartment complex, give a copy to the security guard along with a picture of the respondent.
- Give a copy to any person who is named in and protected by the order.
- Consider changing household locks and phone numbers.

Violations

If the respondent violates any part of a CPO, then you can report the violation in two ways:

1. **Call the Police!** The police may arrest the respondent because it is a criminal offense to violate a protection order.
2. **File a motion for criminal contempt** at a DVIC, which is a request for criminal charges based on the violation of the CPO. You will be given a new court date. The respondent must be served before the court date and you must testify before a judge on the scheduled date.



***You cannot violate the CPO!
The CPO is against the respondent, not you!***

Changing Your CPO

- If you want to change any of portion of your CPO, you can come to the DVIC to file a **motion to modify** the CPO.

*Instead of Dropping
Your CPO, You Can
Ask the Judge to
Change What the
CPO Says!*

- In that motion, you can explain what you want to change and why you want to change it.
- You will be given a new court date. The respondent must be served before the court date and you need to come to court on the scheduled date.

Extending Your CPO

- A CPO lasts for a full year before expiring.
- If you want to extend the CPO beyond that one year you can come to the DVIC and file a **motion to extend** the CPO.
- You must file a motion to extend before the CPO expires.
- In the motion, you can explain why you feel unsafe and include any incidents when the respondent violated the CPO.
- If the CPO does expire, you can file for a new petition for a CPO if there are new incidents.

Vacating Your CPO

- A CPO lasts for a full year unless you file a motion to vacate the CPO. Even if you get back together with the respondent, the CPO remains in effect until you file a motion to vacate.
- You can speak with a SAFE advocate before vacating the CPO to discuss safety concerns and the possibility of modifying your CPO.
- You can file the motion to vacate at the DVIC. You will be given a court date. The respondent must be served before the court date and the you must testify before a judge on the scheduled date.
- If you do not come to the court date, the CPO will remain in effect.

Breaking Your Lease

You may want to move to a confidential location because you are unsafe where you are staying. You can break your lease due to domestic violence reasons. You will need to do two things:

1. Get a TPO, CPO, or a letter stating that you are a victim of domestic violence from your SAFE Advocate, police officer, doctor or other healthcare provider, or someone from the D.C. Housing Authority. Give this documentation to your landlord.

2. Give your landlord a letter saying that you are terminating your lease in the next fourteen days due to domestic violence. A SAFE advocate can help you with drafting this letter.

Changing Your Locks

- If a judge grants you a TPO or CPO or if there is a police report about an incident of domestic violence, you may be eligible for a free lock change through Crime Victim's Compensation.
- If you want to change your locks, contact SAFE or the Crime Victim's Compensation Program, 515 5th Street, N.W., Room 109, Washington, DC 20001, (202) 879-4216.



If you have a landlord, you can send your landlord a letter requesting that the landlord change your locks due to domestic violence. If the respondent is on your lease, you will need to give your landlord a copy of your TPO or CPO. Your landlord is required to change the locks within **five** business days. Your landlord may ask you for reimbursement. You can contact Crime Victim's Compensation for help with reimbursement.

Moving Out of D.C. with Your CPO

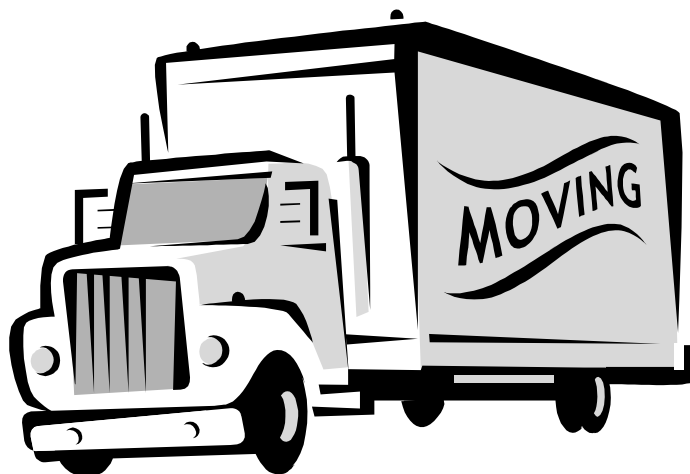
- **A D.C. CPO is valid in every state in the U.S.!**

***A D.C.
CPO Is
Good in
Every
State in
the U.S.!***

- If you have a CPO from D.C. and move to a new state, that CPO is enforceable in that new state.
- You may want to bring a copy of the CPO to the local police station or the local courthouse so that law enforcement officers know to enforce it.
- If you do register the CPO with an out-of-state police

department or court **the respondent may be served with a new copy of the CPO, so the respondent may learn what state you moved to.**

Make sure to check with your new state to see if they will notify the respondent. If you feel like it is not safe for you to register your order, keep a copy of your D.C. order with you at all times. Any police officer should enforce your CPO!



NOTES

My Safety Plan:

My Service Plan:

My Evidence:

My Witnesses:

NOTES

Questions to Ask the Respondent:

Questions to Ask My Witnesses:

Checklist for Your CPO Hearing

Are you afraid of the respondent? Yes No Why? _____

What was the worse incident of violence? _____

When did it occur? _____ Where did it occur? _____

Do you have pictures of the injuries or a police report to show the judge? Yes No

Is there a history of violence? Yes No Describe the past history:

Has the respondent threatened you? Yes No What did the respondent say? _____

When did he say that? _____

Has the respondent destroyed your property? Yes No

When did it happen? _____

Do you have pictures of the destroyed property that you could show the judge?

Yes No

Do you have receipts or estimates showing the cost of the property? Yes No

Has the respondent been repeatedly contacting you? Yes No

Did you tell the respondent to stop contacting you? Yes No

When did you say that? _____

List how many times each day respondent contacted you:

If you are asking for custody of the children:

Do you want respondent to have visitation? Yes No

If no, why? _____

I want that visitation to be:

Supervised by the Court Family member/friend (name) _____

On certain days:

From _____ (day of the week) at _____ a.m./p.m.

Until _____ (day of the week) at _____ a.m./p.m.

With pick up and drop off at _____
