**FREQUENTLY ASKED QUESTIONS**

1. **What is domestic violence**?

Domestic violence is a pattern of coercive control that includes emotional, verbal, and physical abuse. Crimes of domestic violence include domestic battery, strangulation, interference with the reporting of a crime, criminal confinement, intimidation, invasion of privacy, and stalking.

* Domestic battery occurs when a family or household member touches you in a rude, angry, or insolent manner. A family or household member can be a current or former spouse, current or former intimate partner, or someone with whom you share a child.
* Strangulation occurs when someone applies pressure to your throat or neck with their hands or an object in a way that affects your normal breathing or blood circulation.
* Interference with the reporting of a crime occurs when you try to call 911 and your abuser prevents you from doing that (such as by taking your phone or hanging up).
* Criminal confinement occurs when someone confines you without your consent, such as preventing you from leaving your home.
* Intimidation occurs when a person threatens to harm you or damage your property and you are in fear that the threat will be carried out.
* Invasion of privacy occurs when the person restrained by your protective order or no contact order contacts you.
* Stalking occurs when a person engages in a pattern of repeated harassment and that pattern causes you to be terrorized, frightened, intimidated, or threatened.
1. **I made a report and the suspect was arrested. What happens next?**

 After an arrest, the report is reviewed by the Prosecutor’s office. If charges are filed, the suspect will go in front of a judge for an initial hearing. At the initial hearing, the judge will address bond or pretrial release, any no contact orders that are requested, whether the suspect will hire private counsel or receive court appointed counsel, and future court dates.

1. **The suspect was arrested. When will he get out jail?**

The Court will either set a bond for the suspect at his initial hearing or release him on pretrial release. If a bond is set, it will have to be paid before the suspect can be released. If he is placed on pretrial release, he may be released the same day as his initial hearing. A suspect with a no contact order cannot be released until he is served with the order by a court.

1. **What is a no contact order?**

A no contact order is an order preventing an abuser from having direct or indirect contact with the protected person. Direct contact means the abuser calls you, texts you, writes you, messages you on social media, or sees you in person. Indirect contact means the abuser tells someone (for example, his mom or a friend) to give you a message. **It is a violation of the order even if the contact is not threatening**. A no contact order also prevents an abuser from showing up at your place of residence, employment, education, and if he sees you in public he must stay 1,000 feet away from you.

1. **I have a no contact order, but the suspect told me I will get in trouble too if he contacts me. Will I?**

**No.**  A no contact order is designed to protect survivors/ victims of domestic violence. Abusers commonly tell victims that they will also get in trouble for any communication after the order. This is a tactic to prevent you from reporting the violation.

1. **I want to drop the no contact order. How do I do that?**

No contact orders are put in place to protect victims of domestic violence. If you have a no contact order and you want it dismissed, you can write the Judge and ask for it to be dismissed. The Judge may or may not set the matter for a hearing.

1. **Do I have to go to every hearing?**

No. Although victims have the right to attend all hearings for their case, you do not have to attend unless you are subpoenaed to court.

1. **Will I have an opportunity to speak to the Judge?**

Generally, no. Victims are not parties to the case, but are witnesses. You will have an opportunity to speak to the Judge at sentencing by making a Victim Impact Statement.

1. **I don’t want to see my abuser again. Will I have to?**

It depends. If your case proceeds to trial, the defendant will be at trial.

1. **What is a deposition?**

A deposition is a statement made under oath. The deputy prosecuting attorney, defense attorney, and a court reporter will be present at the deposition. You will be asked questions by the defense attorney and by the deputy prosecuting attorney. Defendants generally do not attend depositions. You can also request that the victim’s advocate attend the deposition.

1. **I want to drop charges. Can I do that?**

The Morgan County Prosecutor’s Office has a no drop policy on domestic violence cases. This means once charges have been filed, the case proceeds based on the evidence.

1. **I signed something when police responded. What was it?**

You may have signed a battery affidavit or an authorization of release of medical information. Contact the Prosecutor’s office for questions.

1. **I have a no contact order or protective order but my abuser keeps texting/ calling/ messaging me. It is not threatening but I want it to stop. What do I do?**

Even if the contact is non-threatening, it is a violation of your no contact order or protective order. Call your local law enforcement and report the violation. Save any text messages or messages on social media and provide them to law enforcement.

1. **Who should be informed I have a no contact order?**

You can notify your employer, your place of education, and anyone who needs to know you have this order. The goal is to keep you safe.

1. **I was choked or strangled by the suspect. Should I seek medical attention?**

YES. Strangulation is serious and can cause internal injuries, brain damage, and/or delayed health consequences such as strokes, thyroid issues, miscarriage and/or death. You may look fine and have no external injuries, but you may have injuries that can only be discovered with special scans. Research shows that if you are strangled even one time by your partner you are 750 times more likely to be killed by your partner.

1. **I have children with my abuser and I have questions about divorce/ custody/ child support. What do I do?**

Contact an attorney who handles civil cases.

1. **I do not have a criminal case pending but I would like a restraining order. How can I get one?**

A restraining order is called a civil protective order. If you are the victim of domestic violence, sexual assault, or stalking, you can go to the clerk’s office and ask for an application to fill out. There is no filing fee.