

Getting Help

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

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

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

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

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

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

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

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

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

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

Other Domestic Violence Services

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

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

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

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

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

The Criminal Justice System

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Civil Protection From Abuse Order Process

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

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

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

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

The PFA Order process involves the following general steps:

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

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

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

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

Civil Lawsuits

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

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

Divorce and Parental Rights

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

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

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

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

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

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

Custody arrangements can include:

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

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

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

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

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

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