

Looking Out For Your Legal Rights®

October 2008

Published by Legal Services of New Jersey

Volume 27, Number 8

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*Cuáles Son Sus
Derechos Legales*

La versión en
español la encontrará
al reverso.

October is
Domestic Violence
Awareness Month



PROTECTION FOR DOMESTIC VIOLENCE VICTIMS: How to Obtain a Final Restraining Order

IF YOU ARE A VICTIM of domestic violence, you may be able to get protection in the form of a temporary restraining order that can later become final. A restraining order is a civil order from the Family Part of the Superior Court. It prohibits your abuser from having any contact with you, including over the telephone, in person, or electronically. That means no phone calls, text messages, or e-mails.

Who qualifies for a domestic violence restraining order?

You can get a domestic violence restraining order if:

- You are or were married to the abuser.
- You share children with the abuser.
- One of you is pregnant.
- You are over 18 and are currently living with or previously lived with the abuser.
- Regardless of your age, you are having or did have a dating relationship with an abuser over the age of 18.

Also, to qualify for a temporary restraining order, the abuser must have done things that meet the definition of at least one the following crimes: harassment, assault, terroristic threats, criminal mischief, kidnapping, burglary, sexual assault, criminal sexual contact,

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Final Restraining Orders

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false imprisonment, criminal restraint, criminal trespass, lewdness, or stalking.

When and where should I go to get a domestic violence restraining order?

It is always best to try to get a restraining order as soon as possible after an act of domestic violence has occurred. If you wait, you may have to explain to the court why you waited. Sometimes victims may wait because they do not know about restraining orders, or because they cannot get to a telephone or to a court. If you continue to live with the abuser after the act of domestic violence, a judge may decide that you are not really afraid and do not need a final restraining order.

You may seek a temporary restraining order at the police department 24 hours a day in the town where you live, where the act of domestic violence occurred, or where you are presently sheltered. Or you may visit the Superior Court (during business hours) in the county where you

live, where the act of domestic violence occurred, or where you are presently sheltered.

What do I tell the judge?

It is important for you to give the Municipal Court judge, Superior Court judge, or hearing officer details about the most recent incident of domestic violence. This includes a description of threats, names you were called, or ways you were physically abused or inappropriately touched. If you are specific, your case will be stronger. You should also report any prior incidents of domestic violence between you and the abuser, giving at least three of the more recent and more severe incidents that you have experienced. This is important, even if you did not tell anyone about the prior domestic violence incidents. Tell the judge if you reported the incidents, if another person witnessed them, if you got medical treatment for injuries, or if someone took pictures of those incidents. Physical proof may help you prove your case.

Looking Out For Your Legal Rights®

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This newsletter is for general information only. If you have a legal problem, you should see a lawyer.

A portion of the cost of this publication was supported by funds provided by the IOLTA Fund of the Bar of New Jersey.

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October is Domestic Violence Awareness Month

OCTOBER is Domestic Violence Awareness Month (DVAM), and domestic violence service agencies will be holding events to encourage communities to take action to prevent domestic violence. To find out about events in your community and how you can participate, call your local domestic violence service provider. You can find the address and phone number of your county domestic violence program in the Guide to Services, which is published on the Web site of the New Jersey Coalition for Battered Women at www.njcbw.org/guide.htm.

If you know someone who is a victim of domestic violence, or if you need help for yourself, call the statewide domestic violence hotline at Womanspace, 1-800-572-SAFE (1-800-572-7233), for advice or a re-

ferral to a local program. Many victims of domestic violence feel isolated and alone, but there is expert help available, and a phone call to the hotline can help victims become aware of options and services within their local communities.

Low-income victims can receive legal advice from LSNJ-LAW™, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) or Legal Services of New Jersey's Domestic Violence Representation Project (DVRP). Legal Services of New Jersey has a variety of publications, including a handbook, *Domestic Violence: A Guide to the Legal Rights of Domestic Violence Victims in New Jersey*. You can find the handbook on our Web site at www.lsnjlaw.org/english/family/domesticviolence/dvguide.

What relief may I request in a temporary restraining order?

When requesting a temporary restraining order, you may request many types of relief along with protection, including the following:

- Physical custody of any children that you and the abuser have together. (The law presumes that a victim who gets a restraining order gets physical custody of the children.) You may also request that the abuser's parenting time be suspended until after the final hearing.
- Possession of the home where you currently live (even if you are not the

owner of the home or do not pay any of the bills).

- Possession of and keys for a vehicle (even if you are not the owner or do not pay bills for the car).
- Possession of any important documents relating to you or the children, such as passports, birth certificates, etc.
- Cash or other emergency support, such as payment of a mortgage and household bills.

If you are allowed to stay in the home, the abuser is not allowed to come to the home without police supervision until

the final restraining order hearing. If you are granted a final restraining order, the abuser might be out of the home even longer.

After you provide all of this information to either a police officer or a staff member of the Superior Court domestic violence unit, they will create a five-page temporary restraining order. It is very important that you review this entire document to make sure it is correct. If anything has been left out or is not accurate, you must ask for it to be included or changed. After you sign the first page of this document, you will speak to either the municipal court judge (probably over the telephone) if you have gone to the police station or a domestic violence hearing officer or a judge (in person) if you have gone to the Superior Court. The judge or hearing officer will ask you to explain why you feel you need the order. You should repeat the information in the written document. After you answer the questions, the judge or hearing



When you ask for your temporary restraining order, you may ask for physical custody of children that you and the abuser have together.

officer will decide whether or not to give you a temporary restraining order.

What happens after I get my temporary restraining order?

If you receive a temporary restraining order, you should keep it with you at all times. Make extra copies and keep one in your home, your car, and your purse, and give one to your local police. The court and/or police must try to immediately give the abuser notice by serving him/her with a copy of the order. Once the abuser has notice of the restraining order, the law prohibits him or her from having any contact with you.

How do I prepare for my final hearing?

As soon as you get your temporary restraining order, you should look for the date, time, and place of your final restraining order hearing, listed on page four of the restraining order. Before the hearing, think about what your testimony will be and what evidence you may have to prove your testimony.

What happens at the final hearing?

You must appear at the date, time, and place listed on your temporary restraining order for your final hearing. After you arrive at court, check in with the sheriff's officer. State your name and tell the officer whether or not you will go forward with a hearing, if you have any witnesses, and if you need an interpreter. You may also tell the officer that you want to request an adjournment (a later court date) to gather more evidence or to try to get an attorney.

When it is time for your case to be heard, a court staff member, sheriff's

In court, you must prove that domestic violence occurred and that you need the protection of a final restraining order. You will do this through your testimony, the testimony of other witnesses, and through any physical evidence you present to the court.

officer, or the judge will call your name. Go to the table and stand in front of the name plate marked “Plaintiff” until the judge tells you to be seated. In order to get a final restraining order, you must prove your case to the court by a preponderance (greater weight) of the evidence. You must prove that domestic violence occurred and that you need the protection of a final restraining order. You will do this through your testimony, the testimony of other witnesses, and through any physical evidence you present to the court. In your testimony, you should describe:

- What your relationship is to the defendant;
- The details about the current incident of domestic violence (the reason you came to court to get this restraining order);
- Any history of domestic violence (prior incidents) between you and the defendant; and
- Why you think you need protection from the defendant.

You also have the right to present evidence on your behalf. This may include photographs of injuries or damaged property, video or audio recordings, or telephone records. After you have shared all of the above with the court, both the judge and the defendant will be able to ask you questions about what you have said (cross-examine you). It is im-

portant to listen carefully and not to answer unless you fully understand the questions you are asked. If you are unsure about a question, ask that it be repeated. Once this questioning is over, you may present other witnesses to testify on your behalf and question them.

After you and your witnesses have testified and you have presented all of your evidence, the defendant will have the opportunity to present his or her version of events. The defendant does not have to tell the court anything but, if he or she does testify, you have the right to cross-examine the defendant. The defendant also has the right to present physical evidence and other witnesses. You will also have a chance to cross-examine these witnesses.

After the defendant is done presenting evidence, you may ask the court if you may respond to that evidence or testimony. This is called *rebuttal testimony*. At this time, you are only permitted to respond directly to new issues raised by the defendant, not go over issues you already explained.

After the plaintiff and defendant present their complete cases, the court will deliver its opinion. While the court is delivering its opinion, you are not supposed to speak. This is the time when the judge tells you what he or she did and did not believe. You will also learn if you will be receiving a final restraining order. If you do not get a final restraining order, the

temporary restraining order will be dismissed and the defendant will be permitted to have contact with you or return to a home you shared. If the court grants you a final restraining order, you have the right to request that the relief already in the order remain permanent, as well as additional relief. This may include:

- A request that the court do a risk assessment. (This is especially important in situations where the defendant has been violent towards the children or abuses alcohol or drugs.) A risk assessment means that a member of the court staff will examine information and talk to you in order to determine whether or not to recommend that the defendant have unsupervised parenting time with the children.
- A request to remain in a home you and the defendant shared permanently or for a certain amount of time before you leave, or time to return to remove your belongings.



The court can order that a certain amount of money be taken out of the defendant's pay check every week, or that he or she directly pay for a mortgage or household or hospital bills.

- Support for you. The court can order that a certain amount of money be taken out of the defendant's pay check every week, or that he or she directly pay for a mortgage or household or hospital bills. It is a good idea to know how much money you will need before you go into court. If there are specific bills that must be paid—for example, to fix a damaged door or for prescriptions—bring those bills with you.
- Child support. When asking for child support, it is a good idea to bring pay stubs (yours and the defendant's, if you have them), along with last year's tax return, if available. This will help the court in determining the proper amount of child support.
- Specific custody and visitation arrangements. If a current custody order exists, the court will take that into consideration when making its decision, but certain provisions may have to change. For example, you should request a specific public place for pick-up and drop-off (such as the police station or a local fast food restaurant). It is important to have specific dates and times for parenting time, because the defendant may not have any contact with you.

What happens after I get a final restraining order?

A final restraining order restrains the defendant from having any contact with you (unless exceptions are made in order to communicate about your children). If the defendant has contact with you, you should call the police. The defendant can be arrested for a violation of the restraining order. If the

defendant does not follow the parenting time or support provisions of the order, you should file a motion with the family court seeking to enforce that order.

Where can I go for more help?

If you are a victim seeking help with obtaining a final restraining order or

any domestic violence issue, please contact Legal Services of New Jersey's Domestic Violence Representation Project by calling LSNJ-LAW™, LSNJ's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). (Outside of New Jersey, please call (732) 572-9100 and ask to be transferred to the hotline.)

By Monica C. Gural, Staff Attorney, Legal Services of New Jersey's Domestic Violence Representation Project

A Checklist for Victims of Domestic Violence

DOMESTIC VIOLENCE is not limited to physical abuse. It also includes emotional and sexual abuse.

Following are some examples of common forms of domestic violence, but this is by no means a complete list. Use this information to keep a record of the abuse for legal purposes, such as for restraining orders or divorce, or to remind you of the realities of your relationship with your abuser in order to help you assess your safety.

Physical Abuse

Has your abuser ever:

- Spit at you?
- Thrown things at you?
- Pulled your hair?
- Bitten or scratched you?
- Burned you?
- Cut you?
- Pushed, shoved, or grabbed you?
- Kicked or thrown you down?
- Slapped you with an open hand?
- Punched you with a closed fist?
- Tried to choke/strangle you?
- Assaulted you with a weapon?
- Beaten you while you were pregnant?

- Been violent toward the children?
- Physically abused family pets?

Have you ever sought medical treatment for injuries caused by your abuser during any of these incidents?

Has the physical violence gotten worse or more frequent in the past year?

Sexual Abuse

Has your abuser ever:

- Forced you to have sex when you did not want to?
- Forced you to perform unwanted sexual acts, or to have sex with other people, or to use objects?
- Forced you to have sex after abusing you physically or emotionally?

Has the abuse gotten worse or become more frequent in the past year?

Threats

Has your abuser ever:

- Threatened to hurt you?
- Threatened to kill you?
- Threatened to hurt or kill a member of your family?

- Threatened to hurt or kill a family pet?
- Driven recklessly when you were in the car, knowing that it scared you?
- Threatened to flee with the children?
- Threatened to commit suicide, or made a suicide attempt?

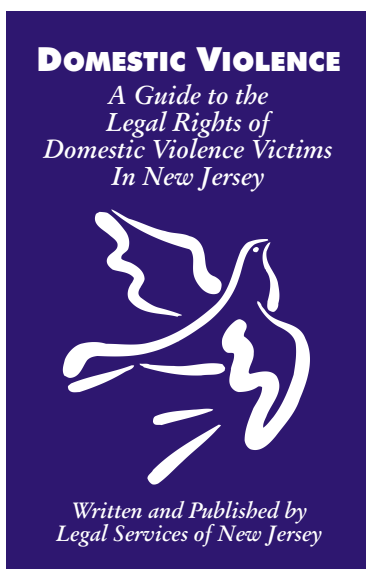
Has your abuser ever been treated for a mental health condition?

Have the threats gotten worse or more frequent in the past year?

Other Abusive Behavior

Has your abuser ever:

- Threatened you to prevent you from leaving?
- Physically kept you from leaving by doing such things as blocking a doorway, taking your car keys, disabling your car?
- Locked you in a room?
- Forced you to go anywhere against your will?



Contact Legal Services of New Jersey for a copy of our guide to the legal rights of domestic violence victims.

- Purposely or repeatedly followed or stalked you by doing things such as staking out your home or place of employment?
- Come to your home uninvited, or after being told not to?
- Broken into your home with the intention of assaulting you or stealing from you?
- Purposely or recklessly damaged your property or possessions by doing such things as punching holes in the walls, ripping up personal journals, tearing your clothing?
- Harassed you by purposely and repeatedly annoying or alarming you by making hang-up calls, calling your home or place of employment, or deliberately preventing you from sleeping?
- Stopped you from calling for help by taking or disabling your phone?

Emotional Abuse

Has your abuser ever:

- Called you humiliating or demeaning names?
- Treated you like a household servant?
- Withheld money, the checkbook, credit cards?
- Tried to control your daily activities, such as where you go, what you do, who your friends are?
- Isolated you from family and friends?

Is your abuser especially possessive or jealous? (For example, saying things such as, “If I can’t have you, no one can.”)

Has the abuse gotten worse or become more frequent in the past year?

Substance Abuse

- How often does your abuser drink alcohol? Daily? Weekly? Once a month or less?
- Does your abuser's alcohol use affect your daily life?
- Does your abuser ever abuse prescription drugs?
- Does your abuser use illegal drugs?
- Did any of the abusive incidents occur when your abuser was drunk or high?

- Has the substance abuse worsened in the past year?

If you answered yes to any of these questions, you may need to get advice on how to deal with the problem. The LSNJ Domestic Violence Representation Project (DVRP) or LSNJ-LAW™, LSNJ's statewide, toll-free legal hotline, 1-888-LSNJ-LAW (1-888-576-5529), may be able to provide you with legal information. □

How Can I Get a Copy of My Criminal History Record?

THE NEW JERSEY DIVISION of State Police Criminal Information Unit provides fingerprint-based criminal history background checks to anyone who requests a copy of his or her record. In March this year, the New Jersey State Police began using the independent live scan fingerprinting services of Sagem Morpho, Inc., a private company under contract with the State of New Jersey. This changes the way you get a copy of your criminal history record.

check to see if you have any outstanding warrants for your arrest. Currently, the New Jersey State Police Criminal Information Unit does not report outstanding bench warrants to municipalities. However, to be safe, you should satisfy all outstanding warrants before you begin this process.

Why do I need a copy of my record?

You may need a copy of your personal criminal history record for many reasons, including:

- Immigration applications,
- Naturalization applications,
- Visa applications,
- Personal records,
- Expungement (clearing) of your criminal record, or
- To demonstrate good conduct.

Note: Before you begin the process of requesting your criminal history record,

How do I get a copy of my record?

In order to be fingerprinted for one of the purposes listed above, you must download Form A (Personal Records



You must be fingerprinted in order to get a copy of your criminal history record. The new procedure is explained in this article.

Request) of the Universal Fingerprint Form from the New Jersey State Police Web site at www.njsp.org. The form outlines the purpose of your fingerprinting and tells you where to mail the criminal history record request.

If you need to be fingerprinted for any other reason not included in the list above, you must download the appropriate form on the New Jersey State Police Web site. If you do not have access to the Internet, call the New Jersey State Police Criminal Information Unit at (609) 882-2000, ext. 2918 and ask them to mail you the appropriate form.

Where do I go to get fingerprinted?

After you have completed the form, contact Sagem Morpho to schedule a time and place to have your fingerprints recorded at one of their approved sites. The quickest and easiest way to schedule your appointment is on their Web site at www.bioapplicant.com/nj.

If you do not have Web access, call Sagem Morpho, toll-free, at 1-877-503-5981 (Monday through Friday, 8 a.m. to 5 p.m., and Saturday, 8 a.m. to noon). A toll-free TTY number, 1-800-673-0353, is available for hearing-impaired applicants with a modem-equipped telephone. Spanish-speaking operators are available upon request.

What do I have to bring to my fingerprint appointment?

You must bring all of the following to your appointment:

- Your completed Universal Fingerprint Form*** (NJAPS2 Version 3.0). The home address that you enter on the form must be identical to the home address printed on the identifica-

tion that you provide. Your address must be complete and accurate in order for Sagem Morpho to mail back the results of your criminal history background check.

- Identification.*** Your ID must be issued by a federal, state, county, or municipal body for identification purposes. It must include your photograph, name, home address, and date of birth. Acceptable identification includes a passport or a valid photo driver's license or photo ID issued by New Jersey's or any state's MVC or DMV.

- The required fee.*** The fee is \$41.00. You may pay by credit card, electronic debt check, or money order. Payment will be charged to your account when you schedule your appointment. If you scheduled your appointment on the telephone and agreed to pay by money order, you will need to bring to your appointment your money order for the exact amount, made payable to *Sagem Morpho, Inc.* Sagem Morpho will give you an Applicant ID number when you schedule your appointment. This number must be included on your money order. No other form of payment is accepted at the fingerprint site. If you made a payment on the Internet, you must bring the payment confirmation with you.

Note! If you do not present all of the above information, you will be turned away from the fingerprint site and you

will have to pay an additional fee to re-schedule your appointment. Also, if you appear for fingerprinting at a site where you are not scheduled or on a different date and time, you will be turned away and not fingerprinted. You may also have to pay the \$11 appointment fee.

***What happens after
I have been fingerprinted?***

Your scanned fingerprints are sent electronically to the New Jersey State Police Criminal Information Unit for processing. You should receive a response within 10 business days. If you do not receive a response after 10 business days, contact the New Jersey State Police

Criminal Information Unit at (609) 882-2000, ext. 2918.

If you discover an error on your criminal history record after you receive it, or if you need more information, please contact Legal Services of New Jersey's Prisoner Reentry Project by calling LSNJ-LAW™, LSNJ's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529). Outside of New Jersey, please call (732) 572-9100 and ask to be transferred to the hotline. You can also write to:

Prisoner Reentry Project
Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357



By Elizabeth Jiménez, Senior Paralegal, Legal Services of New Jersey's Prisoner Reentry Project

www.LSNJLAW.org



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Cuáles Son Sus Derechos Legales

Octubre 2008

Publicado por Los Servicios Legales de Nueva Jersey

Octubre es el mes para aprender sobre la violencia doméstica, en inglés *Domestic Violence Awareness Month* (DVAM). *Página 1*

Una lista de cotejo para las víctimas de violencia doméstica. *Página 3*

*Looking Out
For Your Legal Rights*
Flip issue over for the English
edition of *Looking Out for Your
Legal Rights*.

Octubre es el
mes para aprender
sobre la
violencia doméstica



Octubre es el mes para aprender sobre la violencia doméstica

Octubre es el mes para aprender sobre la violencia doméstica, en inglés *Domestic Violence Awareness Month* (DVAM) y las agencias que brindan servicios a las víctimas de violencia doméstica o intrafamiliar llevarán a cabo eventos para animar a los miembros de la comunidad a tomar medidas para prevenir este tipo de violencia. Para averiguar sobre dichos eventos en su comunidad y cómo puede participar, llame al centro contra la violencia doméstica de su localidad. Puede encontrar la dirección y número de teléfono de tal programa operando en su condado en la guía de servicios

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El boletín de educación jurídica para los habitantes de Nueva Jersey

Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357

DVAM

continúa de la página 1

publicada en el sitio Web de la coalición de mujeres maltratadas, en inglés *the New Jersey Coalition for Battered Women*, www.njcbw.org/guide.htm.

Si conoce a alguien que es víctima de violencia doméstica o si usted necesita ayuda, llame a la línea directa de *Womanspace* que atiende casos de violencia doméstica en todo el estado, marcando el 1 - 8 0 0 - 5 7 2 - S A F E (1-800-572-7233), para recibir asesoramiento o para que su caso sea remitido a un programa local. Muchas víctimas de violencia doméstica se sienten abandonadas y solas, pero hay ayuda capacitada a su alcance y una llamada telefónica puede ayudarles a que se den cuenta de las opciones y servicios disponibles dentro de sus propias comunidades.

Las víctimas que tienen bajos ingresos pueden recibir asesoramiento

legal de LSNJ-LAW™, en la línea directa gratuita de asistencia jurídica de los Servicios Legales de Nueva Jersey para todo el estado, 1-888-LSNJ-LAW (1-888-576-5529) o del proyecto de LSNJ para la representación de víctimas de violencia doméstica, *Domestic Violence Representation Project* (DVRP). Los Servicios Legales de Nueva Jersey tienen

una variedad de publicaciones, incluyendo una nueva versión del manual titulado: *La violencia doméstica: Una guía de los derechos legales en Nueva Jersey para las víctimas de la violencia doméstica*.

Todos tenemos que desempeñar un papel en la prevención de la violencia doméstica. Las formas para involucrarnos incluyen hacer

una donación en efectivo al refugio local para casos de emergencia, en inglés *shelter* o hacer una donación de muebles, equipo de oficina u otros artículos que dichos centros necesiten. Hoy mismo, tome medidas. □



Cuáles Son Sus Derechos Legales

Con respecto a *Looking Out*

Looking Out for Your Legal Rights® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web www.lsnj.org/espanol/selfhelp.htm.

Suscripciones

La suscripción cuesta \$10 dólares por año.

Números atrasados

Puede ver números atrasados en www.lsnj.org/espanol/selfhelp.htm. Los números atrasados impresos, en caso de estar disponibles, cuestan \$3 dólares cada uno.

Cambio de Dirección

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al último ejemplar de *Looking Out*.

Comentarios

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

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Legal Services of New Jersey
P.O. Box 1357
Edison, NJ 08818-1357
publicaciones@lsnj.org

Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.

Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.

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Una lista de cotejo para las víctimas de violencia doméstica

LA VIOLENCIA DOMÉSTICA no se limita al maltrato físico. También incluye el maltrato emocional y el sexual.

A continuación le presentamos algunos ejemplos de las formas más comunes de violencia doméstica, pero bajo ninguna circunstancia se debe considerar esta lista como absoluta y final.

Existen otras formas de violencia doméstica que no están incluidas en esta lista. Utilice esta información para ayudarse a documentar el maltrato y luego usar dicha información en propósitos legales, tales como obtener una orden de protección o un divorcio, o para que pueda evaluar su seguridad teniendo presente las realidades de la relación.

El maltrato físico

La persona que le maltrata alguna vez:

- ¿Le ha escupido?
- ¿Le ha tirado cosas?
- ¿Le ha halado el cabello?
- ¿Le ha mordido o rasguñado?
- ¿Le ha quemado?
- ¿Le ha cortado?
- ¿Le ha empujado o agarrado demasiado fuerte?
- ¿Le ha pateado o tirado al piso?
- ¿Le ha pegado con la mano abierta?
- ¿Le ha pegado con la mano empuñada?
- ¿Ha tratado de ahogarle o estrangularle?
- ¿Le ha agredido con un arma?
- ¿Le ha dado una paliza mientras estaba embarazada?
- ¿Ha sido violento con los niños?

- ¿Ha maltratado físicamente a la mascota de la familia?

¿Ha solicitado usted tratamiento médico debido a lesiones causadas durante alguno de estos incidentes por la persona que la maltrató?

¿La violencia física ha empeorado o aumentado en frecuencia en el último año?

El maltrato sexual

La persona que le maltrata alguna vez:

- ¿Le ha obligado a tener relaciones sexuales cuando usted no lo deseaba?
- ¿Le ha obligado a realizar actos sexuales a tener relaciones sexuales con otras personas o a utilizar objetos?
- ¿Le ha obligado a tener relaciones sexuales después de haberle agredido física o emocionalmente?

¿El maltrato ha empeorado o aumentado en frecuencia en el último año?

Los amenazas

La persona que le maltrata alguna vez:

- ¿Ha amenazado con hacerle daño?
- ¿Ha amenazado con matarle?
- ¿Ha amenazado de hacerle daño o matar a algún miembro de su familia?
- ¿Ha amenazado con hacerle daño o matar a la mascota de la familia?
- ¿Ha manejado de manera peligrosa mientras usted estaba en

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el carro sabiendo que le causaba temor?

- ¿Ha amenazado con huir llevándose a los niños?
- ¿Ha amenazado con suicidarse o ha hecho algún intento de suicidio?

¿Ha recibido tratamiento por alguna condición mental?

¿Las amenazas han empeorado o aumentado en frecuencia en el último año?

Otro comportamiento

La persona que le maltrata alguna vez:

- ¿Le ha amenazado para prevenir que usted se vaya?
- ¿Le ha puesto algún impedimento físico para que usted no se vaya, como bloquear la puerta, quedarse con las llaves de su automóvil o descomponer el automóvil?
- ¿Le ha encerrado en una habitación?
- ¿Le ha obligado a esconderse en algún lugar en contra de su voluntad?
- ¿Le ha perseguido o asechado intencional y repetidamente haciendo cosas como rondar su hogar o lugar de trabajo?
- ¿Ha entrado a su casa sin ser invitado(a) o después de que usted le dijo que no lo hiciera?

- ¿Ha entrado a su hogar por la fuerza con la intención de agredirle o robarle?
- ¿Ha dañado intencionalmente o sin consideración alguna su propiedad o posesiones al hacer cosas tales como hacer huecos en las paredes a puños, romper su diario, rasgar su ropa?
- ¿Ha entrado atormentado de manera intencional y hace que se sienta incomoda(o) o alarmada(o) cuando le llama y cuelga el teléfono, llamando a su hogar o lugar de trabajo, o intencionalmente le impide dormir?
- ¿Le ha quitado o ha desactivado el teléfono para que usted no pueda pedir ayuda?

El maltrato emocional

La persona que le maltrata alguna vez:

- ¿Le ha llamado nombres humillantes o degradantes?
- ¿Le ha tratado como un sirviente doméstico?
- ¿Le ha impedido el acceso al dinero, chequera y/o tarjetas de crédito?
- ¿Ha tratado de controlar sus actividades diarias tales como el lugar a donde va, lo que hace y quienes son sus amistades?
- ¿Le ha aislado de sus familiares y amistades?

¿Es la persona que le maltrata particularmente posesiva o celosa, diciendo cosas tales como, “Si yo no te puedo tener, nadie te va a tener”?

¿El maltrato ha empeorado o aumentado en frecuencia en el último año?

El abuso de las drogas

- ¿Cuán seguido consume alcohol la persona que le maltrata? ¿Diariamente? ¿Semanalmente? ¿Una vez al mes o menos?
- ¿El consumo de alcohol de la persona que le maltrata afecta su vida diaria?
- ¿La persona que le maltrata alguna vez ha consumido en exceso o de forma abusiva medicamentos recetados?
- ¿La persona que le maltrata utiliza drogas ilícitas?

- ¿Alguno de los incidentes de maltrato domestico ocurrió cuando la persona que le maltrata estaba bajo los efectos del alcohol o las drogas?
- ¿En el último año el abuso de las drogas ha empeorado?

Llame a la agencia local encargada de casos de violencia doméstica donde puede recibir ayuda sobre cómo prepararse para una audiencia final en un caso de violencia doméstica.

Para obtener más información, comuníquese con LSNJ, donde puede obtener una copia de nuestro manual titulado *La violencia doméstica: Una guía de los derechos legales en Nueva Jersey para las víctimas de la violencia doméstica*. También puede visitar nuestro sitio Web, www.LSNJLAW.org/espanol.

Traducido del inglés por Al Moreno, M.A., coordinador de los servicios lingüísticos en LSNJ

www.LSNJLAW.org/espanol

Para información acerca
de las leyes y asuntos relacionados con la ley

Formulario para hacer el pedido

- Sí, quiero suscribirme a *Looking Out for Your Legal Rights® / Cuáles Son Sus Derechos Legales*. Adjunto encontrará un cheque/giro postal por \$10.00 dólares para una suscripción por un año (10 ejemplares).

- Nueva suscripción Renovación de la suscripción

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