

## **CANTON'S COMMITMENT TO COMBAT DOMESTIC VIOLENCE**

*In recognition of October as Domestic Violence Awareness Month, the Canton Police Department will publish a weekly series of articles about family violence. This is the second of the four articles.*

### **COURT Issues Related to Domestic Violence**

**If my partner is arrested, when will he have to go to court?** He will have to go to court the next day court is in session. If he is arrested early on a weekday morning, he may be in court that same day. If he is arrested on a Friday afternoon, the next court day is Monday (unless it is a State holiday).

### **Are people from court going to call or contact me?**

Yes. The Family Violence Victim Advocate will contact you by phone or letter. In addition to the Family Violence Victim Advocate, a number of other people may call or contact you. Each of them has a particular job to do in the court involving your partner's case and they will want information from you. It is important to understand who the person is and why they are calling before you give them any information. It is also important to ask what they will do with the information you provide and whether or not your partner will know what you said. You don't have to talk to anyone, especially if you don't know who they are or understand what they want. However, if you don't talk with court staff it may be difficult for them to know what you want or need.

If you have questions about who is calling you or you want the court to know what you want or need call the Family Violence Victim Advocate.

### **What will happen in court?**

At the first court date (the arraignment), five basic things will happen. First, the case is sent to a part of the court called Family Services- for an investigation and review. Second, in cases where your partner is still in jail, the judge will determine if there was probable cause for the arrest. Third, the judge will decide whether to raise or lower the bond set by the police or bail commissioner. Remember, anytime the person who was arrested has the money to make bail he will be released. Fourth, the judge will decide whether a protective order should be made. Finally, the judge will set the next court date. (Occasionally this is the only thing that happens at the first court date, if there is a reason to postpone the case.) There may be a number of court dates before the case is over.

### **Do I need to be in court?**

If your partner has been arrested and you have not, you are not legally required to be in court. If you need a protective order, then you should go to court or call a Family Violence Victim Advocate to request one. If you want to have a say in what happens to your partner, it is important that you go to court and/or call either the Family Violence Victim Advocate or a Family Relations Counselor.

### **Who should I talk to in court?**

The first person you should look for is the Family Violence Victim Advocate. Ask a marshal or someone in the clerk's office how to find her. This person's job is to help people in your situation get through the court system. The advocate can give you information, will listen to your concerns, will help you ask the court for protection if you want her to, and will help you to understand all your options. The Family Violence Victim Advocate can also put you in touch with other agencies that might help you including the local domestic violence agency. The local domestic violence agency can offer shelter for you and your children as well as support groups and other services. If the Family Violence Victim Advocate is not there, you can talk to the Family Services Counselor.

Your conversations with a Family Violence Victim Advocate are confidential. This means the advocate will not tell anyone else what you told her unless you give her permission to do so or the law requires it. Conversations with other people who work in the court may not be confidential.

**Note:** The official name for Family Services is “Court Support Services Division Family”, or “CSSD Family” for short. Previously they were called “Family Relations.” You may still hear them referred to in court as “Intake Assessment and Referral (IAR)”, “Family Relations” or “Family.”

### **What is Family Services? Do I have to talk to them?**

Family Services is a part of the court that gathers information for the court and then develops recommendations for the prosecutors and judges about what should be done in family violence cases, including whether a protective order should be issued. Family Relations Counselors, are not lawyers; they are more like investigators who talk to each of the people involved in the case and try to get a better idea of what has been happening and what the court should do.

You do not have to talk to Family Services but, if you refuse, the prosecutor and judge may not know what you want or what you need. If you have ideas about how you want the case handled, you should talk to a Family Relations Counselor or the Family Violence Victim Advocate to make sure your opinion is considered.

### **If I'm in court, what choices do I have about my partner's case?**

Even though you are the victim, you do not have control over his case. The prosecutor and judge make the decisions. They may, however, want to know what you want to have happen. Do you want him to go to jail? Does he need counseling or drug/alcohol treatment? Do you need to keep him away from you? Keep away from your children? Do you want him to attend the Family Violence Education Program? It may be difficult to decide what is best for you and your family. The Family Violence Victim Advocate can give you information that will help you understand all your options. When you think about what you want the court to do, you should remember that your partner may not be "changed" by the judge's orders. If the judge tells him to stay away from you, he might come to your home anyway (you can call the police and tell the prosecutor if he does). If the judge orders him to attend counseling, he may or may not attend the sessions and he might still be violent or abusive. Although the judge won't necessarily do what you want, you have a much better chance of getting what you want if you talk to the Family Violence Victim Advocate and a Family Relations Counselor.

### **If I don't go to court, how can I find out what is happening with my partner's case?**

There are several ways that you can find out what is happening in court. First, you could call a Family Violence Victim Advocate to ask about the case. You could also request updates by registering with a service provided by the Connecticut Judicial Branch called Connecticut Statewide Automated Victim Information and Notification (CT SAVIN). For more information about CT SAVIN call 1.877.846.3428. In addition, you may wish to consult the webpage for The Judicial Branch at [www.jud.ct.gov](http://www.jud.ct.gov). Click on the link, “Case Look-up” to find information about your partner's case.

### **Should I get a lawyer even if I have not been arrested?**

If you have the money to hire a lawyer, it might be a good idea. Although your lawyer may not be allowed to talk to the judge in the criminal case, your lawyer could help you explain to Family Services and the prosecutor what you want. Your lawyer could also help explain to you what is happening in court, and how it affects you. If you cannot afford to hire a lawyer, you should make sure that the Family Violence Victim Advocate and the Family Services Counselor understand what you want. Also, ask them to explain to you what is happening in the case. **Do not hesitate to ask questions.**

**Will my partner get an attorney?**

If your partner has been arrested and he is indigent (poor), then he may have a right to a free court-appointed lawyer (usually a public defender). If he is not poor (according to guidelines that the public defenders' office uses) he can either hire an attorney or represent himself.

**FAMILY VIOLENCE VICTIM ADVOCATES**

Family Violence Victim Advocates are staff members of the local domestic violence agencies who work in the court. Victim advocates are there to give you information about the court process and to answer your questions. They can help you understand what choices are available to you and help connect you to other services. If you want them to, Family Violence Victim Advocates can let the court know what you want to have happen in the case you are involved with. Your conversations with a Family Violence Victim Advocate are confidential. This means an advocate will not tell anyone else what you told her unless you give her permission to do so or the law requires it.

**Call: 1-888-774-2900**

If using a cellular phone, call **Infoline at 2-1-1**

(or check Resource Directory at the back of this book for a local phone number)

***For additional information- call the Canton Police Department at 860-693-7972.***