

# FAMILY PROTECTION ACT

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## Domestic Abuse Information Handbook



June 2014

## **A Basic Safety Planning Guide**

If you are a victim of domestic abuse or are afraid that you may be harmed, you should prepare a plan to keep yourself and your children safe. Take time now to think about your circumstances so that if you find yourself in a threatening situation, you and your children can leave safely and quickly without panic and confusion.

### **Safety While You Are In a Relationship**

- If an argument seems unavoidable, try to have it in a room or area that has access to an exit and not in a bathroom or kitchen or anywhere near weapons.
- Practice how to get out of your home safely. Identify which doors, windows, elevators, or stairwells would be best.
- Pack a bag of clothes for yourself and your children and keep it hidden in your home. If you think it is not safely hidden in the home, leave it with a trusted relative or friend.
- Keep a list of important telephone numbers in your bag. The list should include the telephone numbers of trustworthy friends and relatives.
- Make plans for where you will go if you need or want to leave home.
- Identify a neighbor you can tell about the violence. Ask the neighbor to call the police if any strange noises are heard (break-in noises, shouting, screaming, gunshots, etc.) coming from your home. Arrange with your neighbor that if they call and you don't answer the phone, or your abuser answers and says you're all right but can't come to the phone, the neighbor will call the police (9-1-1) immediately and tell them about the dangerous and possibly life-threatening situation.

- Think of a code word to use with your children, family, friends, and neighbors when you need help from the police.
- Use your own instincts and judgment. You have the right to protect yourself until you are out of danger.
- Call Victims of Crimes Assistance Hotline at 775-VOCA(8622).

## **Safety When Preparing to Leave a**

### **Relationship: Have Resources Available**

- Open a savings account in your own name to establish or increase your independence. Try to keep it at a different bank than the one the abuser uses.
- Leave money, extra keys, credit cards, important documents, and extra clothes with a trustworthy friend or relative.
- Determine who would be able to let you stay with them or to lend you money.
- Keep change, calling card, or cell phone with you in case you need to make emergency phone calls. Try to use a phone that the abuser cannot trace.
- Review your safety plan often so that you know the safest way to leave your abuser. The risk of violence may increase when your abuser knows you are leaving. This is one reason a place whose location is kept confidential may be a good short-term choice.
- Contact the Clerk of Courts at 488-2607/4979/1585 to find out how to get a restraining order.

### **Checklist of Items to Leave With:**

- Passport, driver's license, and auto registration

- Birth certificate(s) and Social Security card(s)
- Money, credit cards, and bank info
- House and car keys
- Lease or rental agreement
- School records, insurance papers, and medical records
- Medications
- Address book
- Marriage certificate and/or divorce papers
- Immigration documents
- Work permits
- Favorite toys or books for the children
- Jewelry and other small valuables

## **Safety and the Phone:**

### **Stay Anonymous**

- Screen your calls.
- Save your text messages or voicemails. Any recorded threats may possibly be used as evidence of domestic abuse or as evidence of violations of your restraining order.
- You may need to change your telephone number.

## **Safety for Teens in Abusive**

### **Dating Relationships**

- Decide which friend, teacher, guidance counselor, relative, or police officer you can tell about your situation.

- Contact the Clerk of Courts at 488-2607/4979/1585 to find out how to get a restraining order.
- Call Victims of Crimes Assistance Hotline at 775-VOCA(8622).

## **How Can the Justice System Protect You?**

If you are a victim subjected to domestic abuse by a spouse, former spouse, person you are dating or have dated, person who you have a child in common with, a parent, child, family member, or persons jointly residing or formerly residing in same place you live, there are a number of ways in which the Justice System offers protection.

### **Police-Issued 24 Hour “Stay Away” Order:**

Any police officer may order a person whom he or she reasonably suspects poses probable danger of further physically abusing or harming a family or household member to leave the premises for a period of separation of 24 hours. During this period of separation, a victim may seek a Temporary Restraining Order.

### **Temporary Restraining Order:**

If you have been the victim of domestic abuse, you can petition the court for a temporary order for protection.

- Come to the Clerk of Court’s Office located at the Judiciary complex in Medalaii, Koror to obtain a petition. If you are incapacitated and unable to get to the Clerk’s Office, you may send a family or household member on your behalf.
  - Office hours are Mondays to Fridays, except on holidays from 7:30 a.m. to 4:30 p.m.
  - If it is after regular office hours, contact the following numbers:
    - 775-5013 or 775-2607; if that is not responsive then, call the back-

up number 775-7024.

- A court employee will assist you in completing the petition.
  - Make sure you list generally all the incidents of abuse.
- You will NOT be charged a filing fee.
- All information shared with the court employee will be confidential.
- A hearing will be held on short notice and you will go before a judge. He or she may ask you questions to obtain an accurate picture of the events that led to this point. Be respectful to the judge. Do not interrupt the judge when he or she is speaking. Listen carefully to any questions the judge may ask you and be sure to answer the question completely and truthfully. If at any point you do not understand a question, ask the judge to repeat or rephrase the question.
- Let the judge know if there are children involved or if there is a pending divorce. A Temporary Restraining Order can have consequences on visitation and on other legal actions.

A Temporary Restraining Order remains in effect at the discretion of the Court only for a limited period of time (180 days maximum). Shortly after a Temporary Restraining Order is issued, the Court will schedule a hearing to determine whether a further Protective Order is appropriate.

### **Protective Order:**

As soon as possible after a Temporary Restraining Order is granted, and no later than 15 days, the Court will hold a

hearing to determine whether the Order should continue in the form of a Protective Order.

- All parties will be present at this hearing and may be represented by counsel.
- If, after hearing relevant evidence, the Court finds that a Protective Order is necessary to prevent domestic abuse, the Court may order a Protective Order for a fixed reasonable period of time.
- Upon subsequent application, a Protective Order may be extended for additional fixed reasonable periods of time, as the Court deems appropriate.

## **Preparing for a Protective Order Hearing**

Protective Order hearings are held at the Judiciary complex in Medalaii, Koror. If you are unsure in which courtroom the hearing will take place, ask a court employee in the Clerk of Court's Office for assistance.

You will have up to 15 days between the granting of a Temporary Restraining Order and the hearing for the Protective Order. To ensure that the hearing goes smoothly and to help you receive the relief you desire, you should use this time to prepare for the hearing.

**As you get ready for the hearing, you should make sure to:**

**Review your Petition.** Sometimes Temporary Restraining Orders contain substantial errors or omissions. Because of the rushed nature of the Temporary Restraining Order process, often many details of the abuse are not included. Point out errors to the judge and let him or her know if you wish to include more information.

**Gather all the documents and/or physical evidence you will need to bring to the hearing.** The documents and evidence might include:

- Text messages or recordings on your cell phone
- Torn clothing
- Medical records
- Police reports (in order to put these into evidence, the officer who wrote the reports must be present for

the hearing)

- Pictures showing the harm done to you or your belongings by the respondent (abuser)
- Actual items broken by respondent (abuser), if they small enough to bring into court
- Witnesses who can testify if they actually saw the incident or your injuries

**Prepare your testimony.** Try to list the events from most recent to oldest. Dates and times help, but you do not need to be exact.

**Arrange for childcare for the day of the hearing.** You may be at the courthouse longer than scheduled, so you should arrange for childcare for your children. You should also make arrangements for afterschool care for any of your school age children, as you may still be at the courthouse.

### **Seeking an Attorney:**

If you want and can afford an attorney, contact one immediately. If you cannot afford a lawyer, you may contact Micronesian Legal Services Corporation – Palau Office for assistance. Please note, however, that you are not guaranteed a lawyer.

Keep in mind that you may proceed without an attorney if you wish.

If the respondent (abuser) comes to the hearing with an attorney, you have the right to ask for a postponement so that you can seek an attorney's assistance. Please note, however, that a postponement is not guaranteed.

### **At the Courthouse:**

On the day of your Protective Order hearing, you will be

required to go to the Judiciary complex in Medalaii, Koror. When you arrive, please go into your courtroom and seat yourself at one of the tables in the front of the courtroom. If another case is in progress, please sit quietly in the back rows or outside the courtroom until your case is called and you are asked to come forward.

Please note that, due to the Temporary Restraining Order in place, **you are not permitted be alone with the respondent (abuser), even inside a courtroom.** If the respondent (abuser) is already present in the courtroom when you arrive, do not enter the courtroom or remain in the courtroom with respondent (abuser) without a Court Marshal present. Please let a court employee know the reason for your appearance and he or she will make appropriate arrangements to have a Marshal present.

### **Conduct at the Hearings:**

- Be respectful to the judge. Do not interrupt the judge when he or she is speaking. Listen carefully to any questions the judge may ask you and be sure to answer the question completely and truthfully. If at any point you do not understand a question, ask the judge to repeat or rephrase the question.
- Try to state the events from most recent to oldest. Dates and times help, but you do not need to be exact.
- Do not forget to tell the judge if there have been prior acts of domestic abuse. Indicate if you have experienced physical, verbal, emotional, and/or

sexual abuse.

- Tell the judge if you are in fear of the respondent. Explain why you are in fear.
- Present any witnesses you may have. Ask them to describe in detail what they saw or heard. Witnesses can come with you to the courthouse, but will have to wait outside the courtroom when you are giving testimony.
- Show the judge any physical evidence you brought with you, such as photos, answering machine recordings, letters, text messages, emails, torn clothing, broken items, medical records, etc.
- Listen to the respondent's (abuser's) testimony. Do not interrupt him or her. The judge will tell you when it is your turn to respond to his or her testimony. Bring a pad and a pen, as you may want to take notes so you do not forget what you want to say in response to the respondent.
- If the judge grants a Protective Order, you need to be prepared to ask the judge for whatever other relief you are seeking with respect to children (custody or risk assessments for possible abuse), or other special concerns such as counseling and/or drug/alcohol treatment.

### **After the Hearing:**

If you are granted a Protective Order:

- Wait for the clerk to give you a copy of the judge's order. The Court will provide a copy to the police department and serve the respondent (abuser) a copy.

If you are denied a Protective Order:

- You can appeal the judge's decision. The appeal will be subject to the Rules of Appellate Procedure. Ask the Clerk of Courts for more information. You should keep in mind however that no one can guarantee that the Appellate Court will overrule the judge's decision.
- If you are left without a protective order, it is still important to protect yourself as much as you possibly can. File a new complaint if more abuse occurs and make a safety plan.

## **Safety After Obtaining a Restraining/Protective Order**

- Keep a copy of your restraining/protective order on you at all times. Leave copies with your children's school, day care, or baby-sitter as well as trusted neighbors and nearby relatives. Provide a copy to the security guard where you live or work.
- Change the locks on your doors immediately. Buy additional locks and safety devices to secure your windows (including the garage, basement, and patio doors). If you have an alarm system, change the entry code and emergency password.
- Discuss a safety plan with your children for when you are not with them. Make sure they know how to dial 9-1-1 to call the police. Teach them their own telephone number, their address, and your full name.
- Inform your children's school, day care, etc. about who has permission to pick up your children.
- Tell your neighbors and landlord that your partner no longer lives with you and that they should call the police if your partner is seen near your home.

## **Violations of the Restraining/Protective Order**

The judge will specify in the restraining/protective order what kinds of contact the respondent (abuser) is forbidden to have with you. A violation occurs if the respondent (abuser) makes any contact with you that is not permitted in the order. Know what kinds of contact the order prohibits and report any violations to the police department immediately.

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**Clerk of Courts  
Palau Judiciary  
P.O. Box 248  
Koror, Republic of Palau 96940  
Phone: (680) 488-2607/4979/3331  
Fax: (680) 488-2708  
Email: palaujudiciary@palaunet.com  
Website: palausupremecourt.net**

**Victims of Crimes Assistance  
Ministry of Health  
P.O. Box 6027  
Koror, Republic of Palau 96940  
Phone: (680) 4882212/1360**

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