

Sample script for DV victims for hearings for an Order of Protection

My name is _____.

I live at (give your current address).

I am _____ years old.

I am asking for an Order of Protection from (name the abuser).

He is sitting _____ (identify him in the courtroom if present).

He lives at _____ (give his current location if known).

We were married on _____ (date of marriage)
in _____ (give place of marriage). We are still married but
separated on _____ (date) when _____ moved out.

Or

We were never married but we lived together from _____ to _____
(give the dates) at _____ (give the location). (I or he/she)
moved out on _____ (date).

We have a child together. His/her name is _____ and he/she was born
_____ (date of birth). Give the names and DOB of every child you
have with the Defendant _____
_____.

Or

We do not have any children together.

If it applies: I have a child _____ (name and age) from another relationship who
was present when the defendant (hurt me or threatened me).

There are no prior court orders between us OR There is a prior court order
between us from a: Domestic Violence/DSS child support/private divorce or
separation in _____ (give approximate date and time, and provide a copy
for the Judge if you have it). If applicable: Here is a copy your honor.

TELL WHAT HAPPENED:

On _____ (date) at about _____ (time of day or night),
at _____ (location), Mr./Mrs. _____ (identify the abuser by name),

he/she _____ (describe what happened):

Hit me with _____ (fists, or whatever object he used)

Slapped me _____ (in the face)

Choked me by _____ (hands, rope, belt)

Punched me _____ (tell where he hit you and how many times)

Pushed me _____ (against the wall, into the sink, against the car)

Threw me to the ground, floor, down the steps

Threw _____ at me

Burned me by _____

Cut me with _____

Pointed a gun at me

Fired a gun at me

Threatened to hurt or kill me

Grabbed me by my hair and dragged me/pulled my hair out

Raped me

Sexually assaulted me by _____

Broke my (cell phone, the window, the door)

Punctured the tire(s) on my car

Tell the Judge if:

He was drinking, drunk, high, and how you know. Slurring speech, unsteady on his feet, red eyes, smelled of alcohol.

He was screaming, cursing, angry, threatening

Any children were present and scared or threatened

TELL THE JUDGE WHAT YOU DID NEXT:

Called law enforcement. Tell what happened when they arrived.

Did they arrest the defendant?

If you did not call police, explain why, or why you waited to call them later instead of right then.

Called a friend or family member to pick you up or give you a place to stay or take you to the hospital.

Drive away? Run away? Tell where you went and why.

DESCRIBE ANY INJURIES YOU SUSTAINED BY THE ABUSER:

Bruises

Cuts

Black eye

Broken bones

Bloody nose

If you have printed pictures of your injuries to show to the Judge, SAY:

Your honor, I have pictures of my injuries to show you. These pictures were taken by _____ (tell who took them) on _____ (give the date they were taken). They accurately reflect my injuries on that date. The pictures have not been altered in any way. Explain each picture if needed to show separate injuries. THEN SAY: Your honor I would like to have these pictures marked as Petitioner's exhibit #1 and entered into evidence. Hand them to the Bailiff. The Judge will allow the Defendant to review them and state any objections he may have. The bailiff will hand them to the court reporter who will mark them and then give them to the Judge, unless they are not allowed.

Do not rely on pictures or texts on a cell phone, as they are generally not allowed in the courtroom. Please **print** any pictures, texts, Facebook posts, or other documents captured in a digital format, so that a copy can be presented to the court for review and entered in to evidence. As with the pictures, be prepared to tell the Judge how you got a copy of the document, that it is the same as when you observed it online, and that it has not been changed in any way.

Tell the Judge what happened, if applicable, at the hospital, 24 hour clinic, or Doctor's office. What is the diagnosis and/or treatment?

Briefly tell the Judge about prior incidents of physical abuse or threats. Some Judges may not allow this if they are not mentioned in your petition. Other Judges will allow it for the purpose of showing there is a pattern and the likelihood that the abuse could happen again. A lot of detail is not required, but a short version of when, where, and what happened can be helpful to a Judge, so be prepared to provide a history of the abuse.

MAKE SURE YOU TELL THE JUDGE WHY YOU WANT AN ORDER OF PROTECTION:

I am scared of _____ (give the name again) because _____ (tell why):

Possible examples:

I believe he will hurt me again.

He has threatened to hurt me or kill me or my child.

He won't leave me alone. He follows me. He calls me all the time. He comes by my house. He comes by my office. I've told him to stay away but he won't leave me alone. I'm scared all the time. I can't sleep. I can't work.

FINANCIAL SUPPORT: I need financial support because: (examples)

I can't pay the rent, utilities, or buy food without money from the defendant.

I'm not working OR I only work part time, OR

I work but my income is not enough to pay the rent, utilities, food.

I need child support to help with food and rent and clothes for our child.

PROPERTY

I am scared he will sell, damage, or get rid of my property and I need an Order to keep him from doing so.

HOME

I need to move back into our home (with our child). I have nowhere else to go. I can't afford anything else. I need law enforcement to be there and protect me when he is moving out and I am moving back out. I am asking you to make him leave by _____ (date and time).

OR

I need law enforcement to go with me to let me get my personal property out of the house/apartment. I am asking you to allow me to do this _____ (date and time).

I would like for this Order of Protection to be in effect for _____
(Minimum 6 months to maximum 1 year).

Thank you your honor.