

INFORMATION FOR VICTIMS OF DOMESTIC VIOLENCE

If you are the victim of domestic violence and a police officer has responded, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You also may request that the officer assist you in obtaining your essential personal effects and in locating and taking you and your children, or assist in making arrangements to take you and your children, to a safe place within such officer's jurisdiction, including but not limited to a domestic violence program, a family member's or a friend's residence, or a similar place of safety. When the officer's jurisdiction is more than a single county, you may ask the officer to take you and your children, or make arrangements to take you and your children, to a place of safety in the county where the incident occurred. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You may request a copy of any incident reports at no cost from the law enforcement agency.

You may ask the district attorney or a law enforcement officer to file a criminal complaint. You also have the right to file a petition in the Family Court when a family offense has been committed against you. You have the right to have your petition and request for an order of protection filed on the same day you appear in court, and such request must be heard that same day or the next day court is in session. Either court may issue an order of protection from conduct constituting a family offense which could include, among other provisions, an order for the respondent or defendant to stay away from you and your children. The Family Court also may order the payment of temporary child support and award you temporary custody of your children. If the Family Court is not in session, you may seek immediate assistance a criminal court in obtaining an order of protection.

You have the right to seek legal counsel of your own choosing and if you proceed in Family Court and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you.

The forms you need to obtain an order of protection are available from the Family Court and the local criminal court:

Family Court:

Local Criminal Court:

[See attached list]

The resources available in this community for information relating to domestic violence, treatment of injuries, and places of safety and shelters can be accessed by calling the following toll-free numbers for the New York State Coalition Against Domestic Violence Hotline:

(English): 1-800-942-6906

(Spanish): 1-800-942-6908

You also may call the domestic violence hotline near you:

Filing a criminal complaint or a family court petition containing allegations that are knowingly false is a crime.

