

Domestic Violence Survivor's Handbook



Coconino County

June 2013

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Coconino County Coordinated Community Response Team to Domestic Violence & Sexual Assault

CCRT

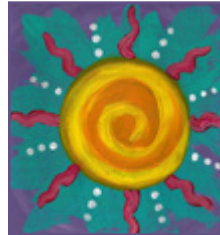
c/o Northland Family Help Center

2532 N. Fourth St. #506

Flagstaff, AZ 86001

Phone: 928-233-2212

Administrative support provided by
Northland Family Help Center



In this handbook we routinely use the term 'victim' to describe those who are or have been abused by their partners. However, we want to stress that those who have been victimized are not weak people, as the word 'victim' often implies. They are strong women, men and children who are navigating a life that is sometimes filled with hardships. We hope that this book will be a tool for survivors of domestic violence as well as their advocates to help find safety for them and their children.

Important Acknowledgments:

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Table of Contents

List of Resources	i-ii
What is Domestic Violence?	1
Dating and Teen Violence	2
Models of Equality Within Relationships	3
Domestic Violence in LGBT Relationships	5
Domestic Abuse in Later Life and Vulnerable Adults	7
Domestic Violence Safety Plan	9
Sexual Assault within a Relationship	11
Resources for Sexual Assault Victims	12
Stalking as Sexual and Domestic Violence	13
Stalking Safety Plan	14
Resources for Victims of Stalking	15
Address Confidentiality Program	15
Victims with Pets	16
Domestic Violence and its Effects on Children	17
Undocumented Victims of Violence	19
Victim's Rights	21
Full Faith and Credit	22
Orders of Protection - Coconino County, Non-Tribal Lands	23
Where to Obtain an Order of Protection	28
Orders of Protection - Navajo Nation	28
Where to Obtain an Order of Protection	31
Orders of Protection - Hopi Tribe	31
Where to Obtain an Order of Protection	34
Filing for Divorce or Legal Separation	35
Creditor and Debtor Issues	38
Legal Resources	40
Landlord and Tenant Issues	41
Definition of Terms	44

Resources

Crisis and Information Hotlines

Adult Protective Services (877)767-2385

Arizona Coalition Against Domestic Violence
1(800)782-6400

Arizona Coalition Against Domestic Violence
Legal Advocacy
(602)279-2900 or 1(800)782-6400

Arizona Child Abuse or Neglect (CPS)
1(888)767-2445

Love Is Respect (Hotline for Teens)
1(866)331-9474

FBI Victim Advocate (928)774-0631
(call and ask for Victim Advocate)

National Domestic Violence Hotline
1(800)799-7233 or 1(800)787-3224

Native Americans for Community Action
(928)526-2968 or (928)773-1245

Northern Arizona Center Against Sexual Assault
(Sexual Assault Resources) (928)527-1900 or
1(800)634-2723

Northern Arizona Regional Behavioral Health
Authority (877)756-4090

Northland Family Help Center (Domestic
Violence Resources) (928)527-1900 or
(877)634-2723

Parent's Anonymous of Arizona
(Addictions Counseling) 1(800)352-0528

Parent's Assistance Hotline (Information on
Parent's Legal Rights) 1(800)732-8193

Rape, Abuse and Incest National Network
(RAINN) 1(800)656-4673

Stalking Resource Center 1(800)394-2255

Victim Witness Services of Coconino County
(928)679-7770

Domestic Violence Shelters

Chinle

ADABI, Inc. (928)674-8314

Flagstaff

Hope Cottage (Homeless Shelter for Women &
Children) (928)774-9270

Northland Family Help Center (Youth Shelter)
(928)527-1800

Northland Family Help Center (HALO House)
(928)527-1900 or 1(877)634-2723

Sharon Manor (Transitional Housing)
(928)213-0634

Kayenta

Tohdenasshai Shelter
(928)697-8591 or 1(877)697-8591

Page

Another Way/PRDVS (928)645-5300

Pine Top/Lakeside

White Mountain S.A.F.E. House
(928)367-6017 or 1(800)224-1315

Sedona

Verde Valley Sanctuary (928)634-2511

Winslow

Alice's Place (928)289-3003

Online Resources

Arizona Coalition Against Domestic Violence
www.azcadv.org

Resources

Police and Legal Services

Chinle

Chinle Judicial Court (928)674-2070
Chinle Police Department (928)674-2111
DNA Legal Services (928)674-5242

Flagstaff

Coconino County Superior Court
(928)779-6535
Flagstaff Municipal Court (928)774-1401
Flagstaff Justice Courts (928)679-7650
Flagstaff Police Department (928)774-1414
DNA Legal Services
(928)774-0653 or 1(800)789-5781

Fredonia

Fredonia Municipal Court (928)643-7242
Fredonia Justice Courts (928)643-7472
Fredonia Marshal's Office
(435)644-2349 (24-Hour Dispatch)

Havasupai Tribe

Tribal Court (928)448-2701
Bureau of Indian Affairs Law Enforcement
(928)448-2891

Kayenta

Kayenta Judicial Court (928)697-5549
Kayenta Police Department (928)697-5600

Keams Canyon

Hopi Tribal Court (928)738-5171
Hopi Police Department (928)738-2233
DNA Legal Services (928)738-2251

Page

Page Magistrate Court (928)645-4280
Page Justice Courts (928)645-8871
Page Police Department (928)645-2461

Tuba City

Navajo Nation Family Court (928)283-3140
Navajo Police Department (928)283-5242
DNA Legal Services (928)283-5265

Williams

Williams Municipal Court (928)635-4456
Williams Justice Courts (928)635-2691
Williams Police Department (928)635-4461

Window Rock

Window Rock Judicial Court (928)871-6962
Navajo Police Department (928)871-6113
DNA Legal Services (928)871-4151

Winslow

Dilkon Judicial Court (928)657-8141
Winslow Police Department (928)289-2431

For Federal Cases

United States Attorney's Office
Flagstaff, AZ (928)556-0833

What is Domestic Violence?

Domestic violence is a pattern of behavior that includes the use or threat of violence and intimidation for the purpose of gaining power and control over another person. Domestic Violence is behavior – emotional, psychological, physical, or sexual abuse – that one person in an intimate relationship may use in order to control the other person. There are many different forms which include behavior such as threats, name-calling, isolation, withholding of money, physical harm, and sexual assault.

Domestic Violence or Intimate Partner Violence involves stress reactions, trauma, and emotional, mental or physical injury. Domestic violence can happen to men as well as women, and between same sex partners. Children who are exposed to domestic violence (even if they are not being abused themselves) are still affected by what is going on in the home. Domestic violence is not just limited to physical violence. It can include emotional and sexual abuse as well.

Types of Domestic Violence

- 1. Physical-** Pushing, shoving, strangling, hitting
- 2. Emotional-** Insults, isolation, threats
- 3. Sexual-** Sexual assaults and rape, including statutory and marital rape
- 4. Mental-** Degrading, humiliating remarks, confusion
- 5. Financial-** Control of finances, inability to manage on one's own

What is the law in Arizona?

Arizona Revised Statute 13-3601

“Domestic violence” is constituted as any act that is a dangerous crime committed against anyone who fits any of the following criteria: 1. The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household; 2. The victim and the defendant have a child in common; 3. The victim or the defendant is pregnant by the other party; 4. The victim is related to the defendant or the defendant's spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law; 5. The relationship between the victim and the defendant is currently or was previously a romantic or sexual relationship.

Navajo Domestic Abuse Act

Domestic abuse means the infliction of any of the following acts upon a victim. “Assault” is an attempt to cause bodily harm to another through the use of force, or the creation in another or a reasonable fear of imminent bodily harm; “Battery” is the application of force to the person of another resulting in bodily harm or an offensive touching; “Threatening” is using words or conduct which place another in fear of bodily harm or offensive touching; “Coercion” is compelling an unwilling person through force or threat of force to engage in conduct the person has a right to abstain from; “Emotional Abuse” is using threats, intimidation, or extreme ridicule to inflict humiliation and emotional suffering upon another.

Hopi Family Relations Ordinance 5.01

Abuse and violence means the infliction of any of the following acts upon a person: “Assault” is an attempt to cause bodily harm to another through the use of force, or the creation in another or a reasonable fear of imminent bodily harm; “Battery” is the application of force to the person of another resulting in bodily harm or an offensive touching; “Threatening” is using words or conduct which place another in fear of bodily harm or offensive touching; “Coercion” is compelling an unwilling person through force or threat of force to engage in conduct the person has a right to abstain from; “Emotional Abuse” is using threats, intimidation, or extreme ridicule to inflict humiliation and emotional suffering upon another.

Dating and Teen Violence

What is Dating Violence or Abuse?

Dating abuse is a pattern of destructive behaviors used to exert power and control over a dating partner. While this definition sees dating violence as a pattern, that does not mean the first instance of abuse is not dating violence. It just recognizes that dating violence usually involves a series of abusive behaviors over a course of time.

What are the warning signs of abuse?

Because relationships exist on a spectrum, it can be hard to tell when a behavior crosses the line from healthy to unhealthy or even abusive. Use these warning signs of abuse to see if your relationship is going in the wrong direction:

- checking your phone or email without your permission
- constantly putting you down
- extreme jealousy or insecurity
- explosive temper
- isolating you from family and friends
- making false accusations
- mood swings
- physically hurting you in any way
- possessiveness

What is emotional or verbal abuse?

Emotional abuse includes non-physical behaviors such as threats, constant monitoring or “checking in,” excessive texting, humiliation, intimidation, isolation or stalking. Behaviors like calling you names and putting you down, yelling and screaming at you, intentionally embarrassing you in public, preventing you from seeing or talking with friends and family, telling you what to wear, using online communities or cell phones to control, intimidate or humiliate you, blaming your actions for their abusive or unhealthy behavior, stalking you, threatening to commit suicide to keep you from breaking up with them, threatening to harm you, your pet or people you care about, making you feel guilty or immature when you don’t consent to sexual activity, threatening to expose your secrets such as your sexual orientation or immigration status, starting rumors about you, or threatening to have your children taken away.

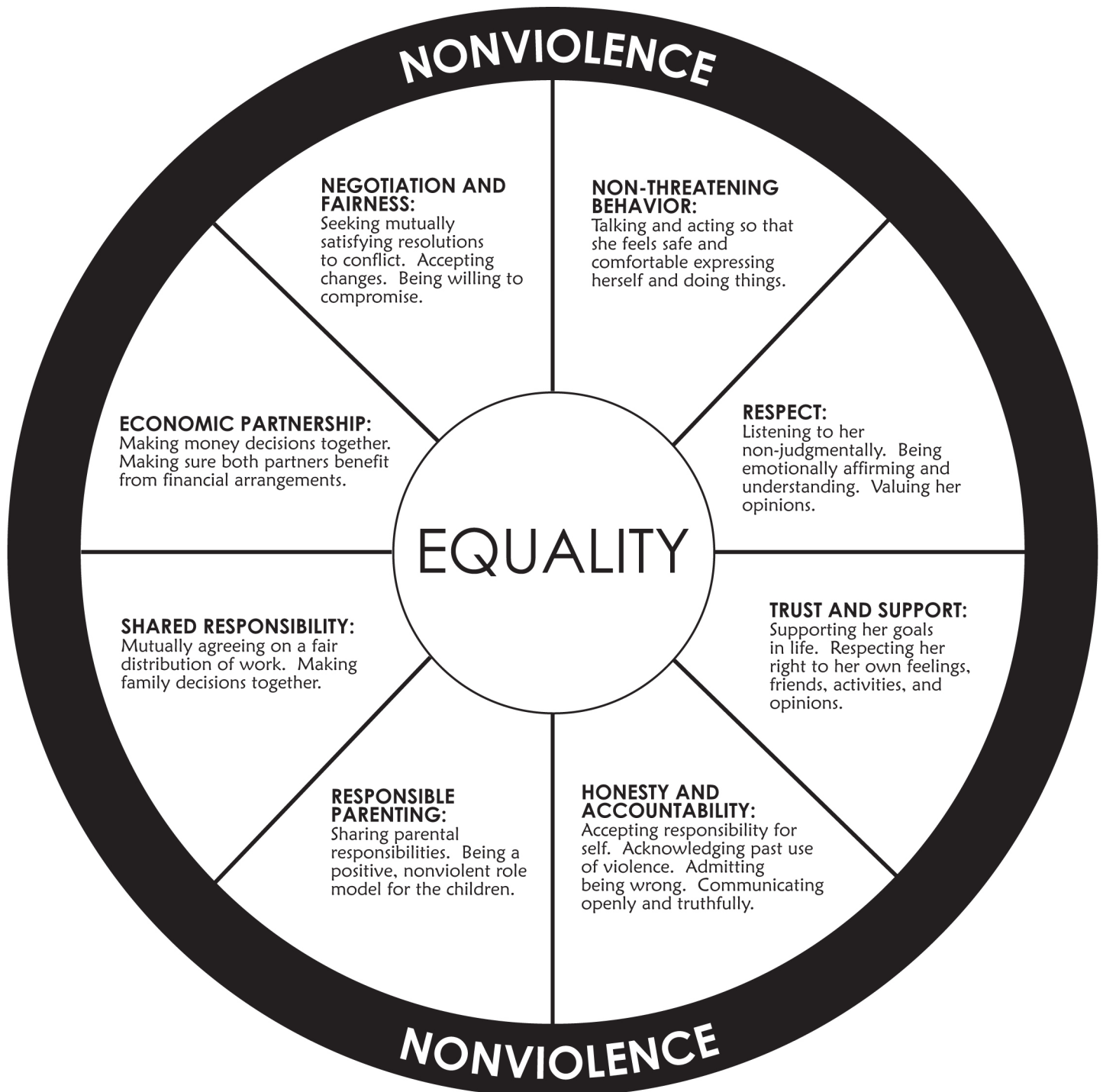
Is emotional abuse really abuse?

A relationship can be unhealthy or abusive even without physical violence. Verbal abuse may not cause physical damage, but it does cause emotional pain and scarring. It can also lead to physical violence if the relationship continues on the unhealthy path its on.

Sometimes verbal abuse is so bad that you actually start believing what your partner says. You begin to think you are stupid, ugly or fat. You agree that nobody else would ever want to be in a relationship with you. Constantly being criticized and told you aren’t good enough causes you to lose confidence and lowers your self esteem. As a result, you may start to blame yourself for your partner’s abusive behavior.

REMEMBER – Abuse is never your fault. In fact, your partner may just be trying to control or manipulate you into staying in the relationship. Talk to someone you trust, like a parent, friends or teacher about the situation and make a safety plan.

Model of Equality within Relationships



Developed by:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134

Produced and distributed by:

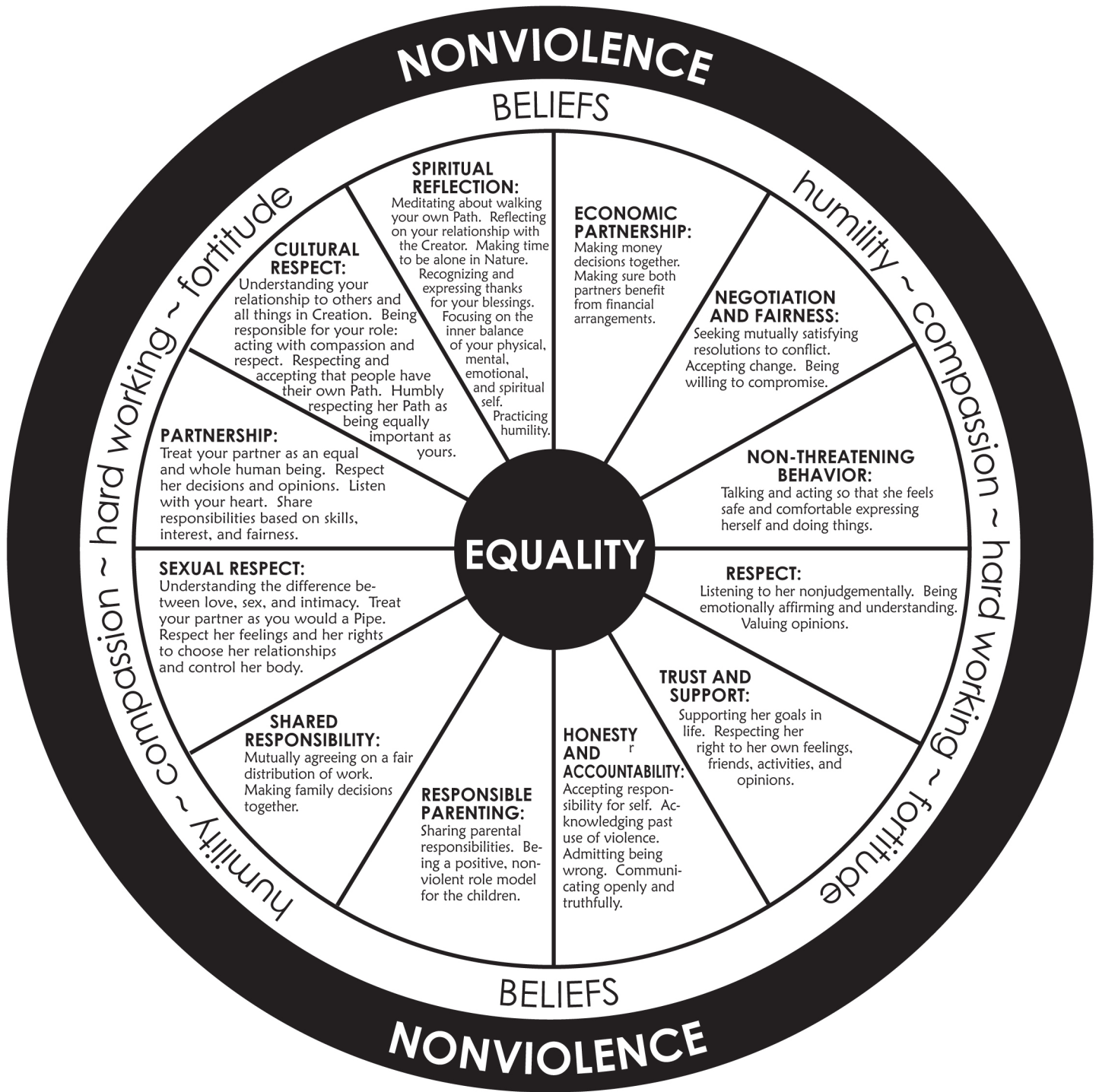


NATIONAL CENTER
on Domestic and Sexual Violence
training • consulting • advocacy

4612 Shoal Creek Blvd. • Austin, Texas 78756
512.407.9020 (phone and fax) • www.ncdsv.org

Model of Equality within Relationships

Equality is a natural life-supporting power that is grounded in spirituality.



Produced by Sacred Circle -
National Resource Center to End Violence
Against Native Women, a project of Cangleska, Inc.
Based on DAIP's model.

Produced and distributed by:



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Domestic Violence in LGBT Relationships

Is domestic violence different in same-sex relationships than in straight ones?

Same-sex partners who are abusive and controlling use all the same tactics to gain power and control in relationships as heterosexual abusive partners – physical, sexual, and emotional abuse, financial control, isolation, etc. But same-sex partners who are abusive also may use ‘scare tactics’ that prey on fears specific to same-sex partnerships. Same-sex abusive partners use discrimination and rejection to control their partners, and may threaten to ‘out’ them to others.

What are some of the specific social obstacles victims of LGBT domestic violence face?

Survivors may experience incredible isolation in LGBT relationships that are abusive. Friends or family may have rejected them, distanced themselves or made unsupportive, homophobic statements when the survivor came out or talked about their relationship.

It may be hard for someone who is LGBT to recognize that their relationship is abusive, especially if it is their first time being in a same-sex couple. They may simply think that this is what all same-sex relationships look like because they don’t have experience to tell them otherwise. This false idea may also be encouraged by their abusive partner.

What are some specific legal obstacles victims of LGBT domestic violence face?

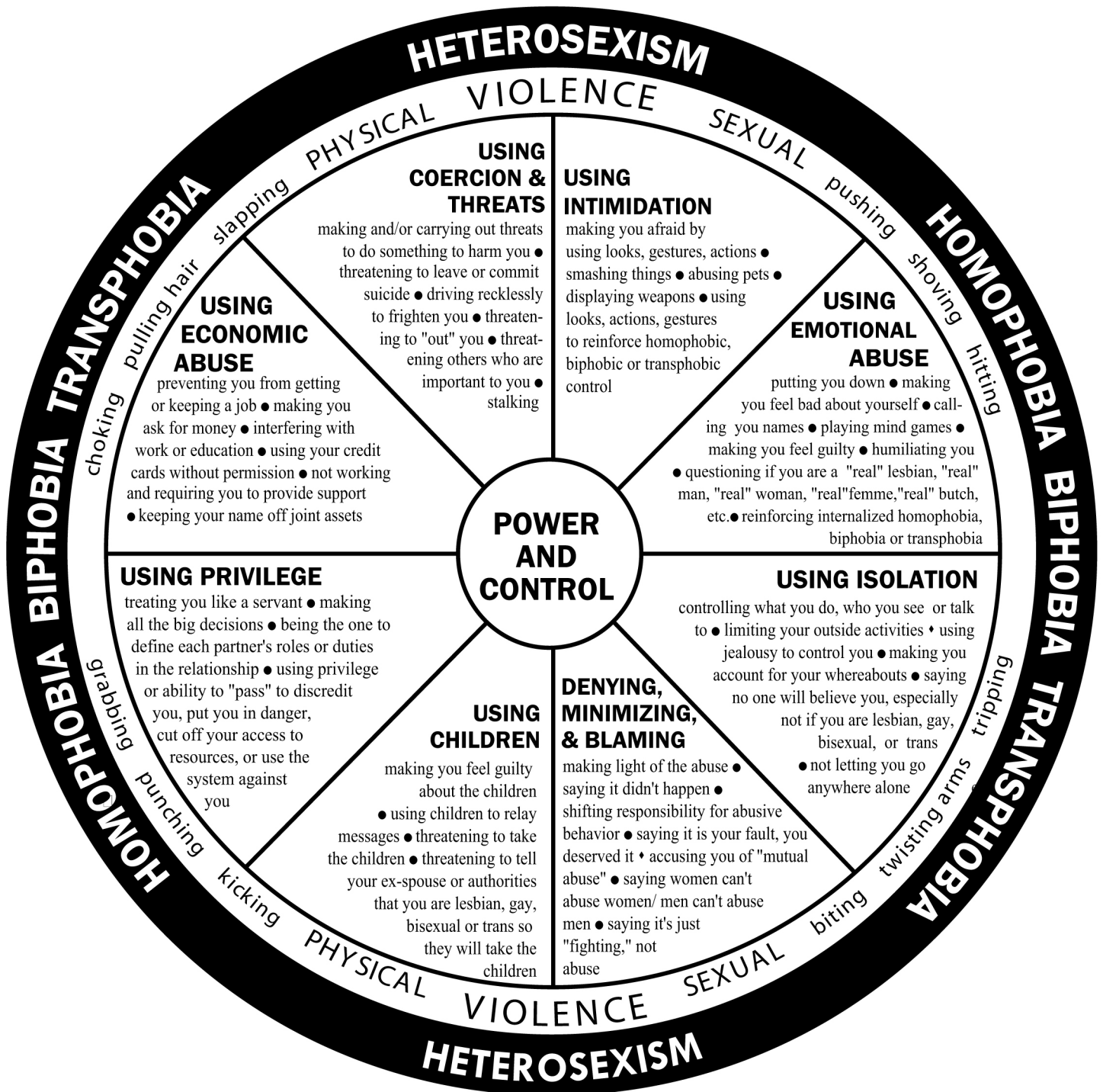
Some legal help that is available to heterosexual survivors are not available to gay, lesbian, trans, or bi survivors. Because some states do not legally recognize same-sex relationships, survivors may be unable to seek protective orders. In Coconino County, you *can* obtain an order of protection against a same-sex partner. On the Navajo Nation or Hopi Tribal Lands, you *can* obtain an order of protection against a same-sex partner. Same-sex survivors who are immigrants are unable to self-petition under VAWA.

LGBT Specific Resources

Wingspan Anti-Violence Program
Tuscon, Arizona
(800) 553-9387
Toll Free Bi-Lingual LGBT Crisis
Help Line

National Domestic Violence Hotline
1-800-799-SAFE (7233)
Call for a list of resources

Power and Control Wheel for LGBT Relationships



Developed by Roe & Jagodinsky

Adapted from the Power & Control and Equity Wheels developed by the Domestic Abuse Intervention Project • 206 West Fourth Street • Duluth, Minnesota 55806 • 218/722-4134

TEXAS COUNCIL ON FAMILY VIOLENCE

P.O. Box 161810 • Austin, Texas 78716
 Phone: 512/794-1133 • Fax: 512/784-1199
www.tcfv.org

Abuse in Later Life and Vulnerable Adults

Domestic, sexual and emotional abuse can occur regardless of age, mental or physical impairment.

What is Domestic Abuse in Later Life and Abuse of a Vulnerable Adult?

Domestic violence and sexual abuse in later life are aspects of elder abuse. The abuse can be the same as other victims, including: physical, sexual, emotional, verbal, financial, threats, neglect.

Vulnerable adults are people who are unable to protect themselves from abuse, neglect or exploitation by others because of a mental or physical impairment.

What are the barriers to leaving Domestic Abuse in Later Life?

Like all abusive relationships, victims of abuse later in life often love or care about the people who harm them, such as spouses, adult children, additional family members, and others. Victims often have a difficult time deciding whether or not to continue to have contact with the abuser. Many of the barriers victims of abuse later in life might face in their decisions to leave are similar to any other domestic abuse victim, including economic ties and emotional connections. However, medical conditions and disabilities are often strong barriers to leaving because victim's medical needs may make living on their own difficult or impossible.

Did you Know?

- This problem occurs in all communities, and affects people of all ethnic, cultural, racial, economic, and religious backgrounds.
- Most victims are female, but men can be harmed, too.
- In addition to physical, sexual and emotional abuse, many abusers financially exploit their victims.

Adult Protective Services

220 N. Leroux St, (300A)
Flagstaff, Arizona 86001
Phone: (928) 214-2572

Chinle Family Service Office

Navajo Route 7, BIA Bldg., Rm. C-9
P.O. Box 1000, Chinle, AZ 86503
Phone: 928.674.2095

Abuse in Later Life Power and Control Wheel



Created by the National Clearinghouse on Abuse in Later Life (NCALL), a project of the Wisconsin Coalition Against Domestic Violence (WCADV)
 307 S. Paterson St., Suite 1, Madison, WI 53703 608-255-0539
www.ncall.us/www.wcadv.org

This diagram adapted from the Power and Control/Equality wheels developed by the Domestic Abuse Intervention Project, Duluth, MN

Domestic Violence Safety Plan

Safety in the home during a violent incident:

If an argument seems unavoidable, try to have it in a room or area where you have access to an exit. Try to stay away from the bathroom, kitchen, bedroom, or anywhere else where weapons might be available or from rooms that do not have more than one exit (i.e. avoid being cornered). Practice how to get out of your home safely. Identify which doors, windows, elevator, or stairwell would be best to use. Have a packed bag ready and keep it at a relative's or friend's home in case you have to leave quickly. Below is a checklist of important documents and items to take with you when you leave:

Identification:

- Driver's License, ID
- Identification for the children
- Children's birth certificates
- Your birth certificate
- Social Security cards
- Certificates of Indian blood
- Children's Fingerprint Cards*
- Other forms of Identification
 - Passport, Visa or green card

* If you are concerned your partner may abduct your children, you should consider getting your children a fingerprint card. This would allow law enforcement to have a record of your child's fingerprints, which may help in finding and returning them to you.

Legal Papers:

- Your protection order
- Lease, rental agreement or house deed
- Home-site lease papers, grazing permits
- Vehicle titles, car registration and insurance papers
- Health and life insurance papers
- Medical records (immunization records, prescriptions), hospital cards
- Marriage license, divorce and custody papers
- School records (IEP, report cards)
- Work permits, green card, passport

Financial Items:

- Money or credit cards
- Bank books
- Bank statements
- Check books
- ATM card
- Food Stamp cards

Other Items:

- House and car keys (Have a set of keys outside in a safe and accessible place)
- Toiletries (diapers)
- Medications (Keep them organized - e.g. Do not mix them, leave prescriptions in labeled bottles)
- Children's small toys
- Pictures of you, your children and your abuser
- Change of clothes
- Phone card
- Jewelry
- Address book

Safety in the home during a violence incident, continued...

- Identify one or more neighbors you can tell about the violence and ask that they call police if they hear a disturbance coming from your home.
- Devise a code word to use with your children, family, friends, and neighbors when you need the police. Consider discussing with age-appropriate children a safety plan for them during an unavoidable argument, including where they should go in the house to stay safe and how to dial the police.
- Decide and plan for where you will go if you have to leave home (even if you don't think you will need to). Use your own instincts and judgment. You have the right to protect yourself until you are out of danger. **The most important thing is your safety.**
- Record abusive incidents with as much detail as possible. Write dates, times and the sequence of events that took place. If possible, photograph injuries for documentation. Keep these records outside of your home.

Safety when preparing to leave:

- Open a savings account and/or credit card in your own name to start establishing or increasing your independence. Think of other ways in which you can increase your independence.
- Leave an emergency wallet, money, an extra set of keys, copies of important documents, extra medications, and clothes with someone that you trust so you can leave quickly.
- Memorize or keep a list of phone numbers in your emergency wallet in case you do not have access to your cell phone.
- Determine who would be able to let you stay with them or lend you some money. Shelters can try and find places for you and your children to stay, and they may have money for you and your children to relocate out of state.
- Keep the shelter or hotline phone number close at hand and keep some change or a calling card with you at all times for emergency phone calls.
- Review your safety plan as often as possible in order to plan the safest way to leave your abuser.

Safety in your home after leaving:

- If your abuser leaves the home by choice, or by court or police order, change the locks on your doors as soon as possible. Buy additional locks and safety devices to secure your windows.
- Change your locks on your vehicle doors (a locksmith or the car dealer can do this)
- Discuss a safety plan with your children for when you are not with them.
- Inform your children's school, daycare, etc., about who has permission to pick up your children.
- Inform neighbors and your landlord that your partner no longer lives with you and that they should call the police if they see him or her near your home.

REMEMBER: Leaving your abuser can be the most dangerous time in your relationship. Having a support system, finances, and a place to stay can help you leave the abuse.

Sexual Assault within a Relationship

What is Sexual Assault?

Sexual Assault is any type of sexual contact without consent between two or more people *regardless of their gender or marital status*. Consent is when both parties verbally agree to participate in a sexual act. If at any time one of the participants says, “No”, then there is no consent.

What is Sexual Abuse?

Sexual abuse refers to any action that pressures or coerces someone to do something sexually they don't want to do. It can also refer to behavior that impacts a person's ability to control their sexual activity or the circumstances in which sexual activity occurs. Some examples of sexual abuse are unwanted kissing or touching, refusing to use condoms or restricting someone's access to birth control, keeping someone from protecting themselves from sexually transmitted infections (STIs), sexual contact with someone who is very drunk, drugged, unconscious or otherwise unable to give a clear and informed “yes” or “no,” threatening or pressuring someone into unwanted sexual activity.

“My partner has made me have sex when I didn't want to, but I've never been raped.”

If you have ever been forced into having sex or performing a sexual act that you did not want to do, that is sexual assault, regardless if it is done by your husband, wife, boyfriend or girlfriend.

What is the law in Arizona?

Arizona Revised Statute 13-1406

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

Hopi Tribal Code 3.10.2

A person who engages in sexual contact with another person, without his or her consent, is guilty of a sexual assault, a serious offense. “Without consent” includes any of the following: 1. The victim is coerced by the immediate use or threatened use of force against a person or property. 2. The victim is incapable of consent by reason of mental disorder, drugs, alcohol, sleep or any other similar impairment of cognition. 3. The victim is intentionally deceived as to the nature of the act. 4. The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

Arizona Revised Statute 13-1401

The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant.

Navajo Domestic Abuse Act

Sexual Abuse is any physical contact of a sexual nature, or attempted physical contact of a sexual nature, with a person, made without that person's consent. Consent cannot be obtained through means such as force, intimidation, duress, fraud, or from a minor under any circumstance.

Being Raped Is Never Your Fault.

Resources for Sexual Assault Victims

Northern Arizona Center Against Sexual Assault (NACASA)

The Northern Arizona Center Against Sexual Assault is a safe place for victims of sexual assault age 16 and older to go for help and to explore their options after an assault. Examinations are performed by doctors and nurses who are specially trained to provide medical forensic care immediately following an assault. NACASA examiners have received special training to provide comprehensive care to sexual assault victims and may provide expert testimony in court if a case goes to trial.

NACASA provides FREE:

- Medical/forensic examinations (Rape Kits) in a calm, quiet and confidential setting
- Medication to prevent sexually transmitted infections
- Emergency contraception
- Sexual assault survivor support services including mental health counseling and support groups

Why is a medical/forensic exam needed after an assault?

Sexual assault is traumatic. You may be in shock and unaware of injuries. The forensic examiner will document any injuries creating a medical record of what happened to you. They will collect physical evidence from your body. You will receive treatment to prevent sexually transmitted infections. To be effective, medical treatment should be received as soon as possible. However, if you do decide to get an examination after an assault, you have the right to stop the examination at any time.

What if I am not sure if I want to report my assault to the police? Should I still have a medical examination and evidence collection?

Yes. Even if you are unsure about whether you want to report the assault to the police or participate in prosecution you should have evidence collected as soon as possible. By having the examination done as soon as possible evidence can be collected and stored, keeping your options open if you choose to report in the future.

What do I do if I am sexually assaulted?

- **Find a safe environment** – anywhere away from the attacker. Ask a trusted friend to stay with you for moral support.
- Know that **what happened was not your fault**.
- **Seek medical/forensic help quickly**. Get assurance that your body is okay and treatment for any injuries or infections.
- **Do not shower**, wipe, brush your teeth, eat or drink anything, smoke or do anything else to wash away or destroy evidence.
- **Keep wearing your same clothes** you have on.
- **Bring along a change of clothing** to your exam – the clothing you are wearing may need to be taken as evidence.
- Wait until you arrive at your examination to use the bathroom. **Urinating can wash away evidence**.

Locations to call for an examination

NACASA -

(928)527-1900 or 1(800)634-2723

Safe Child Center -

(928)773-2053 or 1(800)853-2313

For patients age 15 and under or for those with developmental disabilities

Page Hospital -

(928)645-2424

Tuba City Hospital -

(928)283-2500

Chinle Indian Health Services -

(928)674-7091

Stalking as Sexual and Domestic Violence

Research shows an enormous overlap between stalking and sexual and domestic violence. The National Violence Against Women Survey found that 76% of female stalking murder victims had been stalked by their intimate partner. Of the women surveyed who had been stalked, 67% said their partner had also physically abused them and 31% said their partner sexually abused them. Although sexual assault and domestic violence victims might not use the word 'stalking' to describe their experiences, a perpetrator's behavior often involves stalking because the same patterns of power and control appear in both situations.

Advocates can provide information on the opportunities available for holding the offender accountable, such as increasing the criminal charges, filing a stalking protective order and crime specific safety planning.

Stalkers often use technology to assist them in stalking their victims. If stalkers have access to a victim's computer, they can track them by looking at the history or websites visited on the computer. Spyware on computers (sometimes sent through email) can send stalkers a copy of every keystroke made, including passwords, websites visited, and emails sent by victims. Stalkers can also use the Internet to contact or post things about the victim on message boards or discussion forums. Often stalkers will email the victim, or fill their in-box with spam and have been known to send viruses or other harmful programs to victims' computers.

Stalkers may also use social media sites like Facebook to stalk or harass their victim. If this occurs, block the person who is sending you unwanted messages and report them to the website managers. Do not accept friend requests from people you do not know and do not use these sites to give out information about your whereabouts or other personal information.

What is the law in Arizona?

Arizona Revised Statute 13-2923

A person commits stalking if the person intentionally or knowingly engages in a course of conduct that is directed toward another person and if that conduct either would cause a reasonable person to fear for the person's safety or the safety of that person's immediate family member or to fear death of that person or that person's immediate family member.

Navajo Violence Against Family Act 539

An individual commits stalking if he/she intentionally or knowingly pursues a pattern of conduct that would cause a victim to feel frightened, intimidated or threatened.

Hopi Tribal Code 3.7.11

A person commits a minor offense by persistently placing obscene or harassing telephone calls, or other electronic or Internet messages, with the intent to annoy, abuse, or threaten another person.

Are you being stalked?

- Does your ex-partner always seem to be just around the corner when you are going to work, out with friends, or in your neighborhood?
- Does someone you know keep making unwanted phone calls to you at home or work?
- Do you find signs that your partner has been in or near your home, your car, or your workplace when you weren't there?
- Are you receiving repeated letters, gifts, text messages and/or emails even though you told the sender to stop sending them?
- Has someone tried to get information about you from a third person like a family member, friend or co-worker?

Stalking Safety Plan

Safety Anytime:

- If possible, have a phone nearby at all times, preferably one to which the person stalking you has never had access. Memorize emergency numbers, and make sure that 911 and helpful family or friends are on speed dial.
- Treat all threats, direct and indirect, as legitimate and inform law enforcement immediately.
- Vary routines, including changing routes to work, school, the grocery store, and other places regularly frequented. Limit time spent alone and try to shop at different stores and visit different bank branches.
- Do not interact with the person stalking or harassing you. Responding to their actions may reinforce their behavior.
- When out of the house or work environment, try not to travel alone and try to stay in public areas.
- Consider obtaining a protective order against

the person stalking you. Arizona offers stalking protective orders and other victims may be eligible for protective orders under Arizona's domestic violence statutes.

More information on how to obtain an Order of Protection can be found on pages 23-34.

- Get a new, unlisted phone number. Leave the old number active and connected to an answering machine or voicemail. Have a friends, advocate, or law enforcement screen the calls and text messages and save any messages from them. These messages, particularly those that are explicitly abusive or threatening, can be critical evidence for law enforcement to build a stalking case.
- **Trust your instincts.** If you are somewhere that doesn't feel safe, either find ways to make it safer or leave.

Safety at Home:

- Identify escape routes out of your house. Teach them to your children.
- Install solid core doors with dead bolts. If all keys cannot be accounted for, change the locks and secure the spare keys. Fix any broken windows or doors.
- Have a code word you use with your children that tells them when they need to leave.
- Inform neighbors and, if residing in an apartment, any on-site managers about the situation, providing them with a photo or description of the person stalking you and any vehicles they may drive. Ask your neighbors to call the police if they see them at your house. Agree on a signal you will use when you need them to call the police.
- Pack a bag with important items you would need if you had to leave quickly. Put the bag in a safe place, or give it to a friend or relative you trust.
- Consider putting together a "stalking kit" that includes a stalking log, a camera, information about the person stalking you, etc.*

Safety at Work and School

- Give a picture of the the person who is stalking you to security and friends at work and school.
- Tell your supervisors. They have a responsibility to keep you safe at work.
- Ask a security guard, manager or coworker to walk you to your car or to the bus.
- If the person who is stalking you contacts you, save any voicemails, text messages, and emails.
- Give the school or daycare center a copy of your protective order. Tell them not to release your children to anyone without talking to you first.
- Make sure your children know not to give your address or phone number to anyone.
- Keep a copy of your protective order at work.

* Stalking Kits are available at the Flagstaff Police Department and the Coconino County Sheriff's Office.

Resources for Victims of Stalking

Making a Safety Plan:

Stalking Resource Center
1(800)FYI-CALL
www.ncvc.org

Stalking Kits:

Flagstaff Police Department
(928)774-1414
911 Sawmill Road

Coconino Sheriffs Office
928-774-4523, option 1
911 Sawmill Road

Address Confidentiality Program
(602)542-1653

Cyber-Stalking:

NetSmartz
www.netsmartz.org/Parents

OnGuard Online
www.onguardonline.gov

Stay Safe Online
(National Cyber Security Alliance)
www.staysafeonline.org

If you feel you are in danger, consider going to:

- The Police Station
- Residences of family or friends, if these places are unknown to the person who is stalking you
- Domestic violence shelters
- Place of worship
- Public areas (some stalkers may be less inclined toward violence or creating a disturbance in a public place)

Address Confidentiality Program

The Address Confidentiality Program (ACP) provides survivors of domestic violence, sexual offenses, or stalking with a means to prevent perpetrators from locating her/him through public records. The goal of ACP is to help survivors stay safe by protecting their location as a part of an overall safety plan.

The ACP will provide two critical services: A legal substitute address and mail forwarding services. The legal substitute address may be used as a residential, school or work address. This address will be reflected on their ACP authorization card, which will be carried by ACP participants, and has no reflection of their actual address. When presented with a current and valid authorization card, state and local government agencies are required to accept the substitute address as their lawful address of record. The mail forwarding services are used when ACP participants use the substitute address; their mail is sent to the substitute address. The ACP will receive participant's 1st class mail and forward the mail to the participant's actual confidential mailing address. The ACP can also accept registered, certified and legal mail on behalf of the participants. There will be no cost to participants for this service. ACP will not forward on magazines, junk mail or packages.

For more information and to locate an application assistant, please visit the website link at www.azsos.gov/Info/acp. There is trained application assistance at Northland Family Help Center (Flagstaff), Victim Witness Services (Flagstaff), and Page Regional Domestic Violence Services (Page).

A person who is interested in participating in the ACP as part of their safety plan, must meet with a registered application assistant. The application assistant will review with the potential applicant the criteria to enroll, provide program education and assist with the application process.

Victims with Pets

Are there any programs available to house my pets while I am staying in a shelter?

Yes. There are programs in Flagstaff and in Page that work with individuals who need a safe place for their pets.

Flagstaff:

Victim Witness Services for Coconino County funds a program called Pet's Too! The Pet's Too! allows individuals who are fleeing a domestic violence situation and relocating to a shelter to temporarily place their pet in a local, safe haven. Animals are housed in a Pet's Too! shelter at an undisclosed location and away from harm.

How do I sign up for the Pets Too! program?

You must complete an intake form with Victim Witness Services for Coconino County, which is located at 201 E. Birch Avenue, Suite 4, Flagstaff, AZ. The telephone number is (928)679-7770.

Page:

Another Way/Page Regional Domestic Violence Services can work with clients who have pets to find a safe place for them to stay. The domestic violence shelter has several beds available for families with pets, and if these beds are filled the shelter staff can work with you to find a member of the community who can foster your pet while you are at the shelter.

How do I apply for the Page Regional pet program?

You must contact Page Regional Domestic Violence Services to see if they have a bed available in the area where pets are allowed. If there is no bed available, ask the shelter staff if they can help you find a member of the community to foster your pet. The telephone number is (928)645-5300.

Are there any legal measures of protection I can take for my pet?

Yes. In Coconino County, Navajo Nation and Hopi tribal lands, you can request to place your pets on your order of protection. If the judge grants you this request, your pets will have the same protections against the person who abused as you do, such as a no contact order.

Domestic Violence and its Effects on Children

Even if they are not physically or sexually assaulted themselves, children who are living around and seeing domestic violence are still affected deeply by it.

While not necessarily seen in all children of domestic violence, these are typical effects of domestic violence on children:

Infants and Toddlers (0-2 Years)

- Developmental delay
- Failure to thrive due to a chaotic, loud and harmful environment
- Emotional withdrawal and low frustration tolerance
- Physical problems like frequent colds, ear infections, diarrhea

Pre-Schoolers (3-6 Years)

- Language developmental delay. The child may be afraid to speak, afraid of becoming the target of anger. This is due in part to not being spoken to by adults or experiencing meaningful discussions with adults.
- Low frustration tolerance means the child cries easily and often and is unable to handle stress well.
- Acts out aggressively towards peers and adults by modeling the aggressive behaviors observed at home.
- Emotional withdrawal, including excessive thumb-sucking, rocking, infant-like behaviors.
- Inability to play constructively with lots of throwing or kicking, possible destruction of play things. Child may be working out their frustration and worry in play.
- Inconsistent or inappropriate display of emotions, the result of the child not learning appropriate emotional responses.

Elementary School Age (7-11 Years)

- Scholastically delayed/poor school performance due to chaotic home environment.
- Behavior problems with peers and adults from lack of appropriate personal relationships.
- Aggressive acting out becomes more severe and purposeful due to modeling the violence behavior witnessed in the home.
- Severe behavioral difficulties are the culmination of low frustration tolerance.
- Fearful/nightmares/night terrors from the child reliving fears when asleep.
- Chronic physical complaints, like headaches and stomachaches, brought on by emotional distress.
- Chronic low self-esteem from child blaming themselves for situation at home.

Adolescence (12-17 Years)

- Depression, the loss of hope or joy about everyday activities.
- Aggressions/delinquency/running away as a way to take care of their own needs.
- Academically and/or socially unable to perform.
- Teenager may carry out role of victim or aggressor in their own relationships outside of the family.

What are some steps I can take to support my child?

1. **Trust and respect them.** Acknowledge children's right to have own feelings and opinions.
2. **Promote emotional security:** Talk and act so that children feel safe expressing themselves.
3. **Provide physical security:** Provide food, shelter, clothing; Maintain a family routine.
4. **Provide discipline:** Be consistent; Be clear about limits and expectations.
5. **Give time:** Participate in your children's lives and include them in your activities.
6. **Encourage and support:** Be positive; Recognize improvement; Let them make mistakes.
7. **Give affection:** Express verbal and physical affection, especially when they are upset.
8. **Care for yourself:** Give yourself personal time; Maintain friendships; Accept love.

Nurturing Children with Love and Care



DOMESTIC ABUSE INTERVENTION PROJECT

202 East Superior Street
Duluth, Minnesota 55802

218-722-2781

Undocumented Victims of Violence

What are some of the challenges undocumented victims face?

Because of their undocumented immigration status, many victims of domestic violence fear the police because they may believe they could be deported if they ask for help. Undocumented immigrant victims also may not have access to resources because of language and cultural differences. The person who is abusive may also make threats of uncovering their immigration status or against their family in their home country as a way to keep control. There are also few resources available specifically for undocumented victims of domestic violence.

As an undocumented victim of domestic violence, are there any legal resources available to me?

You may not have legal status in the United States and might not want to help law enforcement build a case against the person who abused you. However, you may be eligible for a Visa if you do help police investigate any crimes you had done against you, especially in domestic violence and sexual assault cases. The T, U and VAWA Visas provide a way for victims to remain in the United States to assist in an investigation and prosecution of those who have abused them.

What are the different types of visas for victims?

T Visas are for victims of severe human trafficking. U Visas are for victims of specific crimes who assist law enforcement. VAWA Visas are for domestic violence victims married to a United States citizen or a Lawful Permanent Resident.

What are the eligibility requirements for a T Visa?

To be eligible for a T Visa, the victim is or has been a victim of a severe form of trafficking in persons, such as sex trafficking or labor trafficking. The victim is required to help with the investigation or prosecution, and the victim should show that deportation back to their home country would harm them in some way.

What are the eligibility requirements for a U Visa?

To be eligible for a U Visa, the person is a victim of qualifying criminal activity* who has suffered substantial physical and mental abuse. The crime must have occurred in the United States and violate U.S. law. The victim must also reasonably assist police in the investigation or prosecution of the crime.

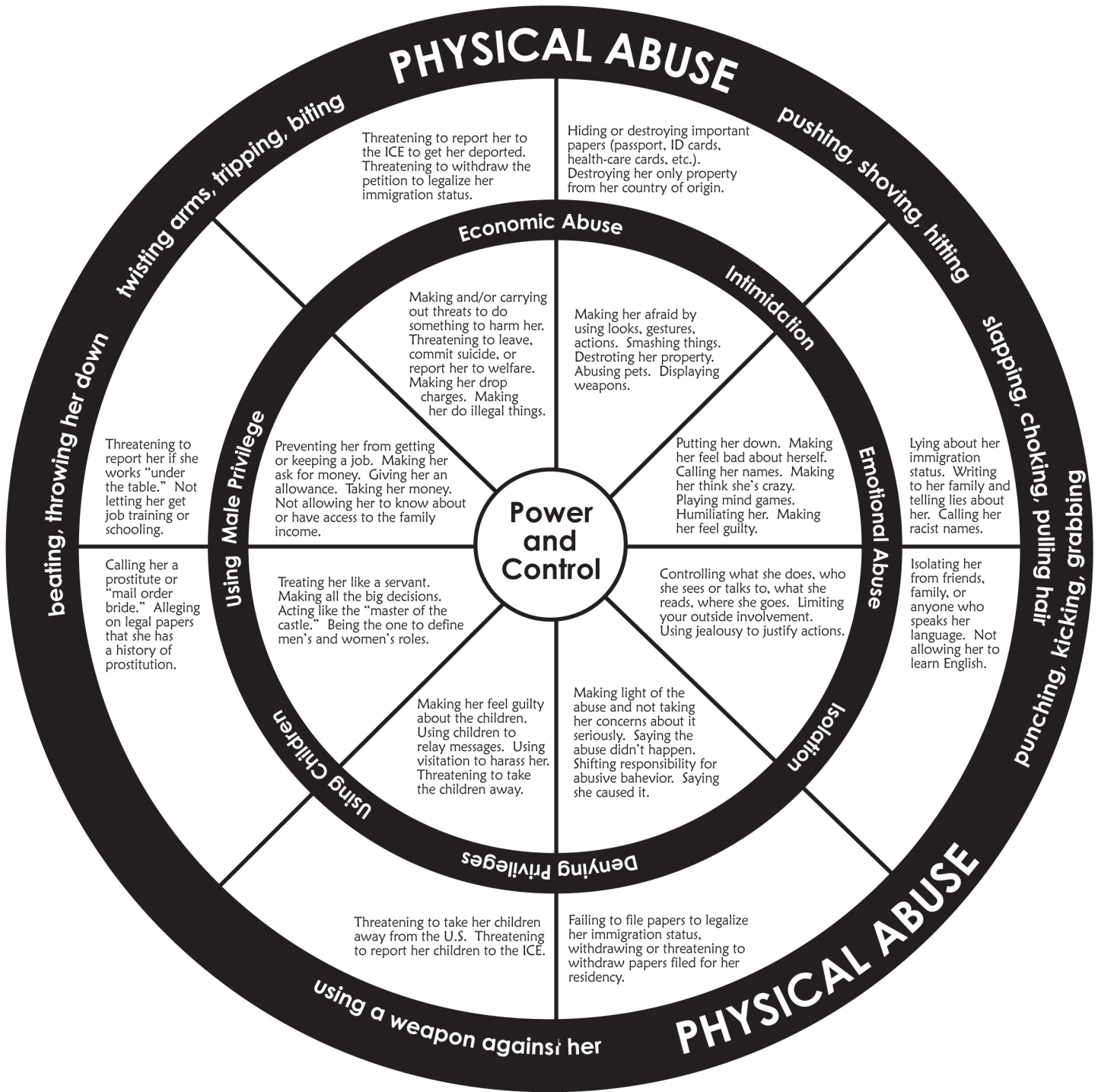
*Qualified Criminal Activity includes, but is not limited to:

- domestic violence
- rape
- sexual assault
- incest
- abusive sexual contact

What are the eligibility requirements for a VAWA Visa?

To be eligible for a VAWA Visa, the victim must have or had a legal marriage with the abusive spouse, or is a parent or child of the abuser. The abuser must be a United States citizen or a Lawful Permanent Resident, and the victim must live or have lived with the abuser. The victim must also show they were battered and cannot have been involved in any illegal activity themselves.

Immigrant Power and Control Wheel



Produced and distributed by:

Adapted from original wheel by:
 Domestic Abuse Intervention Project
 202 East Superior Street
 Duluth, MN 55802
 218.722.4134



NATIONAL CENTER
 on Domestic and Sexual Violence
training • consulting • advocacy
 4612 Shoal Creek Blvd. • Austin, Texas 78756
 512.407.9020 (phone and fax) • www.ncdsv.org

Victim's Rights

Coconino County, per Arizona Constitutional Rights for Crime Victims

To preserve and protect victims' rights to justice and due process, a victim of crime has a right to request:

1. To be notified that you have been the victim of a federal crime;
2. To be informed of the place where you may receive medical and social services;
3. To be informed of public and private programs that are available for counseling, treatment, and other support services;
4. To receive reasonable protection from a suspected offender.
5. To know the status of the investigation of the crime, insofar as doing so will not interfere with the investigation;
6. To receive notification regarding the arrest of a suspected offender;
7. To have your property that is being held for evidentiary purposes to be maintained in good condition and to be returned as soon as it is no longer needed.

Hopi Tribal Lands, per the Hopi Code 1.5.8

The Hopi Tribe recognizes that victims of crime, including victims of Domestic Violence and Elderly Abuse, must be treated with the utmost respect in all criminal investigations and court proceedings. Victims shall have the following rights to request:

1. To be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process.
2. To be reasonably protected from the defendant.
3. To confer with the Tribal Prosecutor regarding the disposition of the case.
4. To refuse a personal interview by the defense attorney or anyone representing the defendant regarding the charges alleged in the criminal complaint.
5. To be accompanied by a victim's advocate, Village leader, family member or friend, at all court proceedings.
6. To be compensated for all reasonable economic losses caused by the defendant.
7. To have personal property seized as evidence returned promptly.
8. To be informed, upon request, when the defendant is released from custody.

Federal Bureau of Investigation, per the Office for Victim Assistance

Victims should be treated with fairness and with respect for their dignity and their privacy. As a crime victim under the Victim's Rights and Restitution Act, you have the right to request:

1. To be treated with fairness, respect and dignity, and to be free from intimidation, harassment or abuse.
2. To be informed, upon request, when the accused or convicted person is released from custody.
3. To be present at and, upon request, to be informed of all criminal proceedings when the defendant has the right to be present.
4. To be heard at any proceeding involving a post-arrest release decision, a negotiated plea and sentencing.
5. To refuse an interview, deposition or other discovery request by the defendant.
6. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition.
7. To receive prompt restitution.
8. To be heard at any proceeding when post-conviction release is being considered.
9. To a speedy trial or disposition and prompt and final conclusion of the case.

Navajo Nation, per Violence Against Family Act

A victim of family violence has a right to be treated with fairness, respect and dignity within the criminal justice system. He/she has a right to have the criminal justice system respond in a prompt and effective manner. He/she has the right to request:

1. To be protected from the accused individual;
2. To participate in the criminal justice system by being present and heard;
3. To be accompanied by an advocate of his/her choice;
4. To be provided information about the sentencing and imprisonment of the accused individual;
5. To be notified of the offender's release prior to his/her release;
6. To be timely notified of court proceedings;
7. To restitution and enforcement of orders;
8. To be free of intimidation, harassment, abuse, uninitiated contact; and
9. To an interpreter or translator.

Federal Crime Victims, per the U.S. Department of Justice

To preserve and protect victims' rights to justice and due process, a victim of crime has a right to request:

1. To be reasonably protected from the accused.
2. To reasonable, accurate, and timely notice of any public court or parole proceedings, involving the crime or of any release of the accused.
3. To not be excluded from any such public court proceeding unless the court determines otherwise.
4. To be reasonably heard at any public proceeding involving release, plea, sentencing, or parole proceeding.
5. To reasonably confer with the attorney for the Government in the case.
6. To full and timely restitution as provided in law.
7. To proceedings free from unreasonable delay.
8. To be treated with fairness and with respect for the victim's dignity and privacy.

Full Faith and Credit

What is Full Faith and Credit?

Under the federal Violence Against Women Act (VAWA), a valid order of protection is enforced where it is issued and in all other jurisdictions. If you get an order of protection anywhere in the United States or any of its territories, including on reservations, it will be valid anywhere else in the United States.

Which Orders of Protection are enforceable?

The Full Faith and Credit provision applies to both civil and criminal orders of protection, whether issued after a hearing. Orders may differ from jurisdiction in form, content, length, layout, or name (e.g., protection from abuse order, no contact order, stay away order harassment order restraining order permanent order, conditions of release order). Even though they may differ in these areas, they will still be enforced. Emergency orders of protection are not honored under Full Faith and Credit.

Does Full Faith and Credit uphold custody orders?

Orders of protection often include terms that award custody of the minor children to the victim. However the definition of "protection order" stated in VAWA contains language that specifically leaves out custody and support orders from court orders that are entitled to enforcement under Full Faith and Credit. It is unclear whether Congress intended to leave out the custody terms in orders of protection or only custody orders that are part of a separate divorce or custody decrees. But, some custody terms in orders of protection do meet the requirements necessary for inter-state enforcement. However, these laws are complex, so if you are unsure about your custody terms, ask an advocate or seek legal assistance.

Information on finding legal advocacy and assistance can be found on page 40.

Orders of Protection – Coconino County, Non-Tribal

Orders of Protection and Injunctions Against Harassment

Domestic Violence is a crime. As a person and as a citizen of the United States of America, you have the right to be safe from crime. No one has the right to threaten or abuse you, and you can take action against those who do threaten or abuse you. One of the first steps to protect yourself and your children is to file for an Order of Protection or an Injunction Against Harassment. You do not need a lawyer to get one and it includes a variety of abusive acts. In order to receive protection from a person, you must show the court that the person who is abusing you has committed or may commit an act of Domestic Violence. You do not have to be physically injured or hurt to be considered a victim of Domestic Violence.

What are Orders of Protection and Injunctions Against Harassment?

An **Order of Protection** is a legal restraint used to prevent future abuse from another person and to prohibit the person from contacting people protected by the order. You can obtain an Order of Protection against a spouse or former spouse, a parent of your child, a person with whom you live with or has lived with you in the same household, a person related by blood, marriage, or court order.

Relationship Test for Orders of Protection

1. **Related by Blood:** The victim is related to the defendant or the defendant's spouse by blood (parent, grandparent, child, grandchild, brother or sister)
2. **Related by Marriage:** The victim and the defendant are or were married; the victim is related to the defendant or the defendant's spouse by marriage (parent-in-law, grandparent-in-law, step-parent, step-grandparent, step-child, step-grandchild, brother-in-law, and sister-in-law)
3. **Other Relationships:**
 - The victim and the defendant reside or have resided in the same household;
 - The victim and the defendant have a child in common;
 - The victim or the defendant is pregnant by the other party,
 - The victim is related to the defendant or the defendant's spouse through adoption;
 - The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant;
 - The victim and defendant are or have been in a dating relationship.

An **Injunction Against Harassment** is a court order that orders a person to stop harassing, intimidating, threatening, or annoying another person. You must be able to show that person has threatened you, or abused you more than once. You do not have to have a personal relationship to the other person to get an Injunction Against Harassment.

Similarities between Orders of Protection and Injunction Against Harassment

- Both can help prevent future abuse and harassment from another individual that has previously harassed or abused you.
- Both may forbid certain acts, such as ordering an individual to stay away from you, your residence, your workplace, your school or your children's school, as well as prohibit a person from contacting you by any means.

How and where can I get an Order of Protection or an Injunction Against Harassment?

You can file a petition for an Order of Protection or Injunction Against Harassment in any superior, municipal or justice court. Request an Order of Protection or Injunction Against Harassment from a clerk at the court's counter, Self Service Center, or protection order window.

What information do I need in order to obtain an Order of Protection or Injunction Against Harassment?

If known, the name, date of birth and address of the person from whom you are requesting protection. Also, if possible, any other address where that person can be reached. Also include the dates and facts of the domestic violence or harassing acts, or why you believe that domestic violence or harm is likely to occur without protection. In order for the court to be able to notify you if a hearing is scheduled or if there is a change of the hearing date, you will need to provide a safe address and phone number where you may be contacted. Also include additional helpful information such as a physical description of the person who is abusing you, their Social Security Number if you know it, and other names they may go by.

Do I have to put my address on the Petition to get an Order of Protection or an Injunction Against Harassment?

No. You may request that your address be kept confidential by the court if the defendant does not know your address. You should be provided a separate form to maintain your address in the court's files in the event they need to contact you regarding your protective order.

Do I have to be an adult to get an Order of Protection or an Injunction Against Harassment?

Unless determined otherwise by the court, a parent, legal guardian or the person who has legal custody may request the order if the person seeking protection is a minor.

Can I include my children, other family members, or pets?

Yes. You may include children, family members or friends and pets in your Order of Protection or Injunction Against Harassment, if the judge determines it is appropriate. If the person you wish to add to your order is an adult, the judge may require the presence of this person when you are requesting the protective order.

Do I have to pay to file an Order of Protection?

No. By law, there are NO authorized filing fees and NO authorized fees to have the Order of Protection served. There are also NO filing fees for an Injunction Against Harassment and, if there is a dating relationship involved, there are NO authorized fees to have the Injunction Against Harassment served.

How long does the Order of Protection or Injunction Against Harassment last?

Before the Order of Protection or Injunction Against Harassment becomes valid it must be served by a court official to the defendant. It must be served within one year of the date it is issued. It is good for one year from the date of service on the defendant.

What do I do after I fill out the forms?

Submit the forms to the court clerk, and wait for the clerk to call you to meet with the judge; the judge will then ask questions. If granted, carry your forms with you at all times and if the defendant violates the order, call law enforcement immediately.

Can I get an Order of Protection if the courts are closed?

Yes. An Emergency Order of Protection is for the protection of a person in immediate and present danger of domestic violence. These types of orders may be granted by a judicial officer either in writing or orally upon request of the victim, usually via a law enforcement officer. Emergency Orders of Protection are meant to provide temporary protection. The order may grant the victim exclusive use of their home if there is reasonable cause to believe the abuser would otherwise physically harm those living there. The order may also prevent the abuser from contacting the victim or coming near the residence, place of employment, or school of the victim or other persons listed on the order.

An Emergency Order of Protection is valid only until the end of the next judicial business day following the day that the Emergency Order of Protection was issued. For example, if an Emergency Order of Protection was granted Friday night, it will be valid until Monday afternoon. Emergency Orders of Protection are best used in a situation where the court will be closed for longer than overnight, such as weekends and holidays.

Where and how can I get an Order of Protection when the courts are closed?

Any law enforcement officer can contact a judge by phone or fax to issue an Emergency Order of Protection. The judge may authorize the order in writing or verbally and it must be served on the defendant to be effective. The law enforcement officer must have reasonable belief that you are in immediate and present danger of Domestic Violence based on a recent incident of actual Domestic Violence.

How do I enforce my Order of Protection?

Always carry the original order with you at all times. Make a copy of the order and keep it in a safe place so that it is always available to you. Keep copies in places such as your car, home, and at work. If a violation occurs, call the police immediately and provide them with a copy of the order. Police can arrest the individual even if the officer did not see the crime committed.

In the event that your children have been threatened or injured and are included on the order, bring a copy and a picture of the abusive person to each of your children's schools and speak with the principal and the teacher. Let your neighbors, co-workers, and any building security know that you have an order protecting you. Describe and if possible show a picture of the person so that they can call the police if they see that person.

What happens if the defendant violates the Order of Protection or Injunction Against Harassment?

In an emergency, call 9-1-1. The defendant is not legally in violation of the order if the order has NOT been served. Once the order is served on the defendant, a violation of the court order is a criminal act and the police should be contacted immediately. You are advised NOT to contact the defendant or invite the defendant to visit you. The decision to file criminal charges for violation of an Order of Protection or Injunction Against Harassment is made by the Prosecutor's Office, NOT by the victim or the court.

What if I get an Order of Protection or Injunction Against Harassment but the defendant has not yet been served and comes near me or commits another abusive act against me?

Call 9-1-1 and explain that you have a protective order and the defendant is approaching you but has not yet been served. If you are unable to contact the authorities before the defendant contacts you, report the incident as soon as possible. Carry the order with you at ALL TIMES! Any Arizona law enforcement agent can serve the Order of Protection or Injunction Against Harassment if you provide them with a copy.

Can an Order of Protection or Injunction Against Harassment be changed?

Yes. A petition to request that the order or injunction be modified or dismissed may be filed by the petitioner or the defendant. At the hearing, the order or injunction may be modified or continued by the court. The modified order or injunction must be served to be in effect and it is good for one year from the date of service of the original order. Once the request to dismiss or modify the order or injunction is filed, the court is required to hold a hearing within 10 days of the request. If the order is modified, it must be re-served and is effective for one year from the date of service of the original order. If the defendant does not accept the order while in court, the defendant may be detained by the judge until a law enforcement officer is summoned to serve the defendant the order.

Can I get an Order removing the abuser from my home?

Yes. If the judge determines that there is reasonable cause to believe physical harm may result, you may be granted exclusive use of your house in an Order of Protection. However, this order does not affect third parties, such as landlords. The landlord does not have to allow you to stay in the residence if you are not on the lease. The court may allow the defendant to return one time to the residence with a law enforcement officer, to retrieve personal belongings.

I have been ordered to stay away from my house. How do I collect my belongings?

You may return one time to collect personal belongings with a law enforcement officer accompanying you. Contact the local law enforcement agency to make the arrangements. Law enforcement CANNOT resolve disputes regarding what belongings belong to whom. You may file a civil action in the Justice Court to recover property in the residence that you believe is being wrongfully denied to you.

What can I do if I believe this order stops me from seeing my children?

An Order of Protection does not determine custody and cannot address parenting time issues. If you were never married or never established paternity (i.e. Fathers name on birth certificate) through an action in Superior Court, you have no legal right to the children. These rights must be established by filing an action in the Superior Court as a domestic relations matter. The order only addresses safety issues.

You have three options:

1. Ask for a hearing to modify the protective order in the Court that issued it
2. If the order does not prohibit contact with children, arrange for parenting time through a neutral third party (a friend or relative) not involved with the order of protection
3. File an action in Superior Court, as part of a domestic relations case, to clarify your custody rights or parenting time schedule.

Remember - Orders of Protection are just pieces of paper and cannot guarantee to keep you safe. It is important you weigh your options.

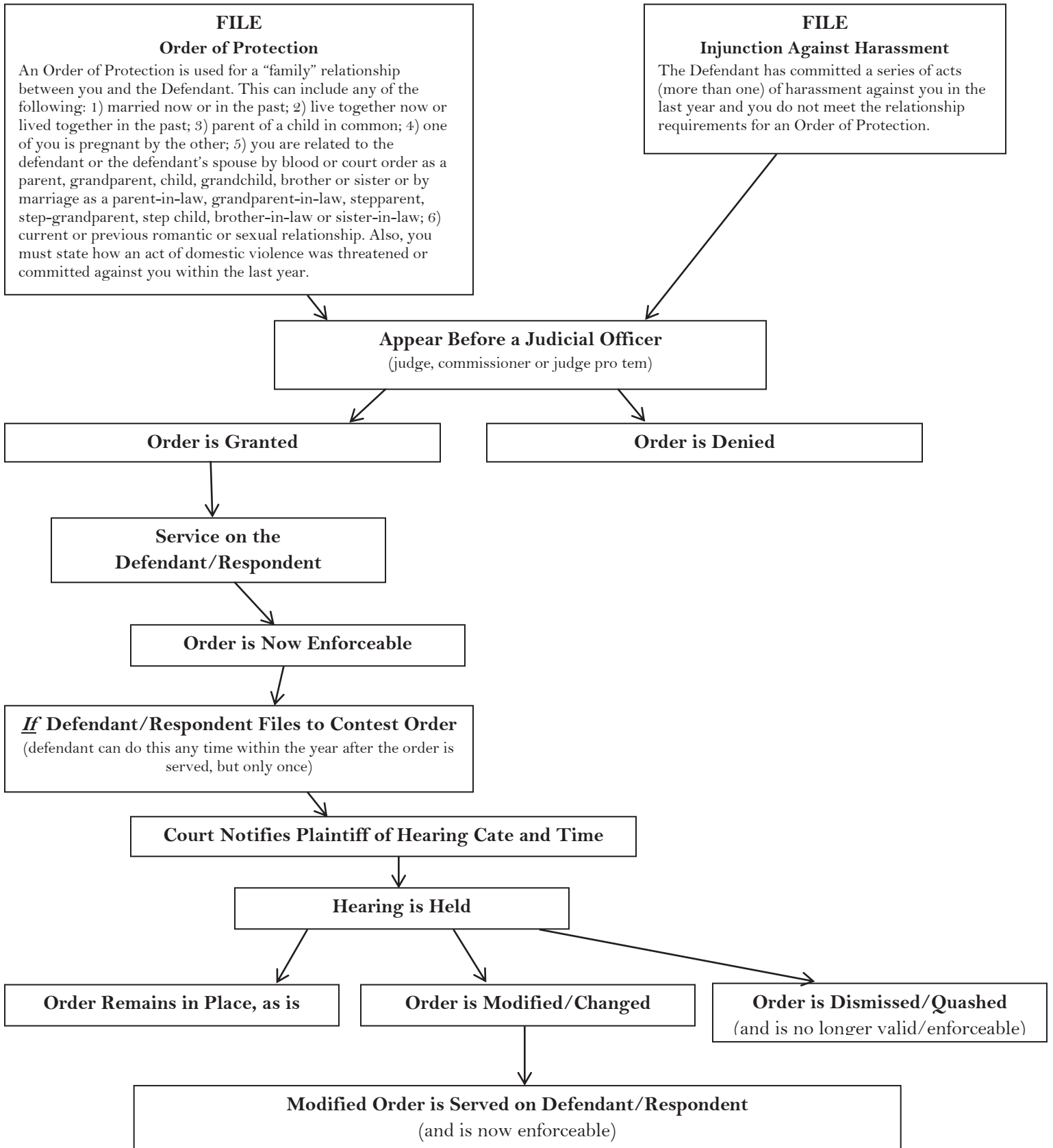
Pros to getting an Order:

- help make a legal case against the person who abused you;
- may offer protection against the person who abused you, especially if their job or freedom is at stake.

Cons to getting an Order:

- could aggravate the person who abused you to do so again;
- obtaining the court records could tell the person who abused you the county where you are staying.

Arizona Order of Protection/ Injunction Against Harassment Flowchart



Where to Obtain an Order of Protection - Coconino

Flagstaff

Flagstaff Municipal Court
Monday – Friday 8am – 4:30pm
15 N. Beaver Street
(928)774-1401

Flagstaff Justice Court
Monday - Friday 8am - 5pm
200 N. San Francisco St.
(928) 679-7650

For open cases, like divorce or custody cases:

Flagstaff Superior Court
Monday - Friday 8am - 5pm
200 N. San Francisco St.
(928) 679-7500

Page

Page Magistrate Courthouse
Monday – Thursday 7am – 5:30pm
547 Vista Avenue
(928)645-4280

Williams

Williams Municipal Court
Monday – Friday 8am – noon,
1pm – 5pm
700 W. Railroad Avenue
(928)635-4456

If you have questions or problems with going to the courthouse for an Order of Protection, you can contact the Victim Witness Services office at (928)679-7770.

Sedona

Sedona Municipal Court
Monday – Friday 8am – 5pm
102 Roadrunner Drive
(928)282-1189

Fredonia

Fredonia Municipal Court
Monday – Friday 8am – 5pm
25 N. Main Street
(928)643-7241

Orders of Protection - Navajo Nation

Protection Orders in Navajo Nation

A Protection Order is a court order that restrains the person who abused you from doing certain acts under penalty of the law. Such an order may contain requirements to adjust the relationship of the parties to prevent further abuse and violence. The term includes any emergency, temporary or permanent protection orders issued by the court. You can file for the Navajo Nation Petition for Domestic Abuse Protection Order and the Arizona Petition for Temporary Restraining Order at your local family court.

Who may file an Order of Protection?

A person may seek a domestic abuse protection order for herself or himself, on behalf of a minor child, on behalf of any person prevented from seeking an order by a physical or mental incapacity, or by hospitalization, on behalf of a client in the case of social service, housing, health, legal or law enforcement personnel, or as a next friend of a victim. The Domestic Abuse Protection Order is meant to prevent abuse of a family member.

Relationship Test for Domestic Abuse Protection Order

A “Family Member” means any individual who is a spouse, former spouse, household member, parent, legal guardian, present or former stepparent or stepchild(ren), or former in-law, or relative to the second affinity which includes aunts, uncles, nieces, nephews, cousins, grandparents, grandchildren; or an individual whom one has a continued personal relationship.

Do I have to pay to file an Order of Protection?

No. The court cannot charge the petitioner any fee for filing, copies, forms, service of process or any other services associated with petitioning for a protection order. The court may order the defendant to pay costs and fees.

How long does my Protection Order last?

A protection order is effective as soon as it is served to the defendant. A Temporary Protection Order is effective until the court holds a hearing and issues a Domestic Abuse Protection Order, or until the court dismisses the petition. A Domestic Abuse Protection Order is effective for five years, unless otherwise specified by the judge.

May I renew my Order of Protection?

You may petition the court to renew or extend a protection order at any time before its expiration. In an emergency, the court may issue an extension or renewal. The court may modify a protection order if unanticipated problems occur or circumstances change.

What happens if the defendant violates the Order of Protection?

The defendant must first be served the Order of Protection. Call a police officer and tell them the person you have an Order of Protection against has violated the terms of your order. The defendant can be arrested whether or not the police officer actually saw the violation occur. The police officer can then detain the defendant.

Can an Order of Protection be dropped?

Yes. If you wish to drop your order, you must ask the court to vacate the protection order. A protection order can only be dropped by a court order. The court may consider whether either or both parties have attended counseling, whether the defendant has attended substance abuse counseling, whether the circumstances of the relationship have changed, or any other factors the court deems relevant.

What happens after I petition for an Order of Protection?

Once you petition for protection, the order is considered a Temporary Order of Protection. After you petition for an order, a judge will immediately look at the Temporary Order of Protection request. If the judge grants the temporary order, the court clerk will immediately take the Temporary Order of Protection to the Police Department to be served.

If the person who abused you is in police custody, it is important you go to the court for a temporary order of protection as soon as possible so it can be served while the person is still in custody. Follow up with the prosecutor of the case to make sure it has been served.

All Orders of Protection are considered temporary until you go to court. A Temporary Order of Protection is only good until your hearing; hearings must be held within 15 days. If you filed for a Temporary Order of Protection and your request was denied, you will still have a hearing date within 15 days.

If you go to your hearing and the defendant does not show up to the hearing, another Temporary Order of Protection lasting 30 days will most likely be granted.

How long does an Order of Protection last?

If your temporary order of protection is made permanent, the amount of time the order is good for, up to 5 years, is decided by you, the petitioner.

Can I add my children to my Order of Protection?

Children may be added to Temporary and Permanent Orders of Protection if you can show abuse by the defendant. The judge may grant you temporary custody for no more than 60 days and the judge may instruct you to file for divorce during that time. If you are unmarried, the father of your children has no parental rights and cannot petition for custody.

Where is my Order of Protection valid?

Orders of Protection granted on the Navajo Nation are still valid outside of the Navajo Nation, per Full Faith and Credit. If you have been granted an Order of Protection outside of the Navajo Nation, your order is also valid on the reservation, however you must file a petition to grant your order at the appropriate Tribal Court. Only then will your order be enforced as if it were an order of a court of the Navajo Nation.

Where do I file charges against the person who abused me?

You cannot file charges against the person who abused you at the courthouse where you petitioned for your order of protection. You must go to the Prosecutor's office to file charges.

Five steps to getting a Protection Order:

1. Fill out the Protection Order Petition

DNA Advocates or domestic violence shelter advocates can help you fill out the form. There are different forms for different places and you can get a form from DNA or any of the domestic violence shelters, or from the tribal courthouses. The Navajo Nation Petition for Domestic Abuse Protection Order and Victim Compensation forms are available at DNA Advocates, most domestic violence shelters, some police departments, and the County Attorney's or Victim Witness Services.

2. File the Protection Order Petition

Take the completed petition to the local family court. Keep a copy for yourself. The police will serve the person who abused you with the court order. You may also pay a private process server to serve the papers. You can request the defendant to reimburse you for this during the hearing. It is imperative to put explicit directions to the location of the person who abused you on the petition – include all home, work, and friends.

3. Get a Temporary Protection Order

When you receive a temporary protection order, the person listed on the order must stay away from you, even if he/she does not know about the protection order. Keep a copy of the protection order with you at all times. Change the locks on your doors if the person who abused you has keys. If he/she bothers you, call the police immediately.

4. Get a Hearing Date

On the Navajo Nation, the court automatically sets a mandatory hearing date whether a temporary protection order has been granted or not. You must go to the hearing, or the court may dismiss your protection order.

5. Go to the Hearing

If you go to the hearing and the defendant has not been served with the temporary protection order, request a new hearing date. If you go to the hearing and the defendant has been served, tell the court you want to go ahead with the hearing. You can bring people to the hearing with you as support and as witnesses. Some courts do not allow children to be in the courtroom, so be prepared to find childcare. You will need to describe all the incidents of abuse; what happened and when, how long the abuse has been going on, and the exact details of the incidents. You will then need to tell the court what you want. If you are nervous, just read your petition. After you are done, the abuser will tell his or her side of the story. If the judge finds that the defendant has committed violence against you, you will receive a protection order on the day of the hearing. After you get the protection order, call the police if the defendant violates any part of the protection order.

Remember - Orders of Protection are just pieces of paper and cannot guarantee to keep you safe. It is important you weigh your options.

Pros to getting an Order:

- help make a legal case against the person who abused you;
- may offer protection against the person who abused you, especially if their job or freedom is at stake.

Cons to getting an Order:

- could aggravate the person who abused you to do so again;
- obtaining the court records could tell the person who abused you the county where you are staying.

Where to Obtain an Order of Protection Navajo Nation

Chinle Judicial Court

On U.S. Highway 191, Route 7 in Chinle, across from the Chinle Catholic Church. The structure is a brown building with a sign that reads, "Chinle District Court."
(928)674-2070

Tuba City Family Court

240 South Main Street
(928)283-3140

Kayenta Judicial Court

North of milepost 394 and U.S. Highway 163
(928)697-5549

Window Rock Judicial Court

2nd floor of the Window Rock Police Department,
Window Rock Tribal Park
(928)871-6962

Dilkon Judicial Court

North side of the Dilkon Chapter House in a large beige building with a red metal roof top next to the Police Substation in Winslow, AZ
(928)657-8141

If you have questions or problems with going to the courthouse for an Order of Protection, you can contact the Victim Witness Services office at (928)679-7770.

Orders of Protection - Hopi Tribe

Protection Order on Hopi Tribal Lands:

A Protection Order is a court order that restrains the person who abused you from doing certain acts under penalty of the law. Such an order may contain requirements to adjust the relationship of the parties to prevent further abuse and violence. The term includes any emergency, temporary or permanent protection orders issued by the court.

Who can file for an Order of Protection?

A person may file for a temporary or permanent protection order for herself or himself, on behalf of a minor child, on behalf of any person prevented from seeking an order for themselves by a physical or mental incapacity, or by hospitalization, or as a next friend of a victim. You can also have an advocate, such as someone who works in social services, law enforcement, the medical field, or in education, file an order on your behalf.

Do I have to pay for an Order of Protection?

No. The Hopi Tribe will not charge you any fee for filing, copies, forms, service of process or any other services associated with petitioning for a protection order.

What proof of violence do I need to file for an Order of Protection?

The court may grant a protection order when it finds that it is more likely than not that an act of abuse and violence has occurred or is about to occur. You may still be issued an order of protection even if you used reasonable force in self-defense against the person who abused you, if you have filed an order of protection against the person before, if you have not filed for a divorce from the person or if you are a minor.

What is a Temporary Protection Order?

The court can issue a Temporary Protection Order without notifying the person who abused you or holding a hearing in order to protect you from immediate. If the court determines that you need immediate protection, you can get a Temporary Protection Order in one day. It will last for up to fifteen days.

Once you file for an Order of Protection, the court will immediately grant or deny your order without a hearing or notice to the defendant. The court may grant you a temporary order or protection if it determines that an emergency exists. You can show an emergency if the person who abused you did so within 24 hours of the filing of a petition for an emergency protection order, and the abuse resulted in physical or emotional injury to you or another victim, or damage to property, or if you or another victim is likely to be harmed if the defendant is given notice of an impending protection order. Police reports, medical records, or your statement may also help prove the existence of an emergency situation.

How do I make my Temporary Protection Order permanent?

Once you have filed a petition for a temporary protection order, regardless if it is granted or denied, the court will schedule you a hearing within 15 days of your filing. Within those fifteen days the court will hold a hearing to decide whether it should issue a permanent Family Abuse Protection order, which is a long-term protection order.

The purpose of the hearing is to give you an opportunity to explain why you feel you are in danger and why you think you need the protection order. It will also give the person harming you the chance to show why a protection order should not be granted against him or her.

The court will then notify the defendant of the hearing date. Within these 15 days, the defendant may ask the court to terminate or change the protection order, but they must also notify you at least 5 days before your hearing date of his/her request to modify the protection order. Even if the defendant asks to modify the protection order, it will stay in effect until your hearing date.

At your hearing date, if the court finds evidence that the abuse occurred or is about to occur, the court may issue a Permanent Protection Order, which is valid for up to one year.

What is an Emergency Protection Order?

If you need a protection order during the times courts are closed, such as after hours, weekends and holidays, you may petition for an Emergency Order of Protection. To do this, an official from the Office of the Hopi Prosecutor, or an officer of Hopi Law Enforcement, or a legal representation may petition the Hopi Tribal Court for an Emergency Protection Order by telephone, police radio or fax. A judge may issue an Emergency Protection Order by telephone or fax if that official believes immediate and present danger of abuse and violence exists and an Emergency Protection Order is necessary to prevent the occurrence or recurrence of abuse and violence.

The official, officer, or legal representative will record the judge's permission to grant an Emergency Order of Protection and then give a copy of the order to you and serve a copy of the order to the abuser.

How long does an Emergency Protection Order last?

The Emergency Protection Order expires at the end of the next working court day after its issuance, unless the issuing judge indicates otherwise. For example, if you were granted an Emergency Order Friday evening, your order will expire at the end of court hours on Monday.

During the working day that the Emergency Order is in effect, you can go to the court to petition for a Temporary Order of Protection, which, if granted, is good for 15 days.

What does a Protection Order protect me from?

The available relief for a Permanent Protection Order includes but is not limited to: (1) No further abuse, including threats, harassment, or harm. (2) Temporary or permanent possession of the household to a person regardless of whether the residence is owned jointly, or owned solely by the abuser. (3) Stay away from the victim or others in danger of the abuser, and stay away from residences of victim and victim's family or clan members, school or work or a reasonably defined geographic area. (4) No contact from the abuser to the victim. (5) Rent or mortgage payments paid by the abuser if he or she is found to have a duty to support the victim or other members of the household. (6) Alternative housing paid by abuser to the victim if the victim cannot remain in her or his home due to the danger of recurrence of abuse. (7) Temporary child custody. (8) Possession of personal property to victim, including cars, checkbooks, keys and important documents. (9) Law enforcement supervision for the victim to return to her or his residence to collect personal belongings.

Emergency and Temporary Protection Orders may include relief described above: (1) No further abuse, (2) Exclusive possession of household, (3) Stay away from victim, (4) No contact with victim, (7) Temporary child custody, (8) Possession of personal property, and (9) Law enforcement supervision back to household.

Where is my Protection Order valid?

Orders of Protection granted on Hopi Tribal Lands are still valid outside of the Hopi Tribe, per Full Faith and Credit. If you have been granted an Order of Protection outside of the Hopi Tribe, your order is also valid on the reservation, however you must file a petition to grant your order at the appropriate Tribal Court. Only then will your order be enforced as if it were an order of a court of the Hopi Tribe.

Can I renew my Protection Order?

You may petition the court to renew or extend a protection order at any time before it expires. The court may modify a protection order if unanticipated problems or changes in circumstances occur.

How is an Order of Protection dismissed?

If you wish to end your Protection Order, you must ask the court. A protection order can only be dismissed by court order. The court will consider whether either or both parties have attended counseling and for how long, whether the abuser has attended substance abuse counseling and for how long, whether the circumstances have changed to remove the danger to the victim, or any other factors the court deems relevant.

Hopi law enforcement officers are required to enforce any protection order that is not expired or dismissed, regardless of the status of your relationship with your partner.

Remember - Orders of Protection are just pieces of paper and cannot guarantee to keep you safe. It is important you weigh your options.

Pros to getting an Order:

- help make a legal case against the person who abused you;
- may offer protection against the person who abused you, especially if their job or freedom is at stake.

Cons to getting an Order:

- could aggravate the person who abused you to do so again;
- obtaining the court records could tell the person who abused you the county where you are staying.

5 Steps to Getting an Order of Protection:

1. Fill out the Protection Order Petition

DNA Advocates or domestic violence shelter advocates can help you fill out the form. There are different forms for different places and you can get a form from DNA or any of the domestic violence shelters, or from the tribal courthouses.

2. File the Protection Order Petition

You must make three copies of the Petition. Take the original and the copies to the court and give them to the court clerk. The clerk will stamp them and give a stamped copy back to you. Keep the copy for you records.

3. Get a Temporary Protection Order

When you receive a temporary protection order, your abuser must stay away from you. Keep a copy of the protection order with you at all times. Change the locks on your doors if the person who abused you has keys. If he/she bothers you, call the police immediately.

4. Get a Hearing Date

On Hopi Tribal Lands, the court automatically sets a mandatory hearing date whether a temporary protection order has been granted or not. You must go to the hearing, or the court may dismiss your protection order.

5. Go to the Hearing

The court will schedule a hearing within 15 days to decide whether or not you need a long-term protection order. At the hearing both parties appear and the judge will determine whether to continue the protection order, modify it, or dismiss it. You may bring witnesses and any other proof of abuse. You may represent yourself or seek the help of an attorney or advocate. The judge may issue a Family Abuse Protection Order effective for up to one year. If you are requesting that the defendant pay for damages, you must bring proof of such damages. If children are involved, be prepared to suggest appropriate visitation (i.e. when and where the defendant can visit the children, and who should supervise the visitation). If you feel the children will be harmed or abducted by the defendant if visitation is allowed, you should make this clear to the judge. The judge may then order supervised visitation or no visitation. If the judge enters a Family Abuse Protection Order after the hearing, you will get a copy. Keep a copy of the order with you AT ALL TIMES.

Where to Obtain an Order of Protection - Hopi Tribe

Hopi Tribal Court	Office of the Prosecutor	Domestic Violence Program	Court Clerks
Arizona 264, Keams Canyon, AZ (928)738-5171	(928)738-2245 (928)738-2246 (928)738-2247	(928)738-1115 (928)738-1116 (928)738-1117	(928)738-5171

If you have questions or problems with going to the courthouse for an Order of Protection, you can contact the Victim Witness Services office at (928)679-7770.

Filing for Divorce or Legal Separation

What is the difference between a divorce and a legal separation?

In essence, a divorce ends the marriage and a legal separation suspends the marriage.

Arizona is a “no fault” state, which means that it is not necessary to say which person caused or wants the divorce, and it is not necessary to give any specific reasons for it. A divorce completely dissolves the marital financial ties and marital status, which means you are no longer legally or financially connected or to your partner.

In a legal separation, the property and debts are divided, custody and child support issues resolved, all other issues normally addressed in a divorce are resolved.

The only difference between a divorce and a legal separation is that the parties remain married; however, they usually live separate from each other. Unlike a divorce, a legal separation must be agreed to by both parties.

Three reasons to file for a legal separation rather than a divorce:

1. You have been married less than ten years and wish to receive social security benefits
2. You need to remain married to receive health and medical benefits under your spouse’s insurance plan
3. Your religion prohibits you from seeking divorce

You or your spouse may petition the court at any time to convert a petition for legal separation to a petition for dissolution of marriage.

What documents will I need to file for divorce or separation?

Collect as many financial, personal and medical documents as possible, including information about your children.

Examples of documents needed to include:

- Tax returns for the last three years
- Social security numbers of all family members
- Credit reports
- Retirement and pension plan information
- Bank account information
- List of personal belongings
- List of creditors, including addresses, phone numbers, description of debt, amounts owed and monthly payments
- Medical insurance information
- Birth certificates and other information related to your children
- Spouse’s and your employer, address, phone number, monthly and gross income

If you have requested and obtained an Order of Protection due to domestic violence, you do not need to provide your personal address information on your Petition for Divorce as long as you provide information regarding how you can be contacted.

What relief can I request in a Petition for Dissolution or Petition for Legal Separation?

You can ask the court to grant you a variety of relief by Decree of Dissolution or Legal Separation. Some common requests of relief are custody of the children, distribution of assets and debts, spousal maintenance (alimony), child support, and attorney’s fees.

What are the residency requirements for filing for a divorce in Arizona?

For a divorce to occur, one or both of the parties must have lived in the State of Arizona for 90 days prior to filing. If only one party lived in the State, the court may be limited in what property and debts that it can divide, and what orders it can enter against a non-resident spouse, but the court can absolutely dissolve the marriage. The same rules of division apply for legal separations; however the 90 day rule does not apply.

What if I have been served with papers for divorce or separation?

Do NOT ignore the papers that have been served on you and do NOT wait until the last minute to respond. The Summons will give you important information on deadlines that you must meet to protect your legal rights. Within twenty days of receiving the papers for a Petition for Dissolution or Separation filed originally in an Arizona Court, you must respond to the Petition for Dissolution or Legal Separation by filing a Response with the Clerk of the Court. This will give you the chance to challenge child support and custody issues, division of assets and liabilities and other important matters. If you fail to respond to a petition for divorce or legal separation, a default judgment will be entered against you and your spouse will receive everything asked for in the petition.

What does it cost to file for or respond to a Petition for Dissolution or Legal Separation?

The cost to file for a petition for Dissolution of Marriage or a Legal Separation will vary depending on the Court. To respond to, or for initial appearance for, Dissolution of Marriage or a Legal Separation, there will also be a fee and this fee varies depending on the Court. You may be eligible for a payment plan for the cost to file this petition. If you want more information on the payment plan, ask the clerk at the courthouse for the appropriate application and more information.

Once the divorce, legal separation, or custody papers have been filed, how do I get the court to order temporary child custody, child support, spousal maintenance, and the like?

File a “Motion for Pre-Decree or Temporary Orders” at the court. Relief that can be requested in temporary orders includes custody of minor children, child support, spousal maintenance, division of income, exclusive use of the marital residence, attorney’s fees, use of a vehicle or other property, payment of debts, and medical insurance coverage.

Before the temporary orders hearing, who has custody of the children?

Until a temporary order regarding custody is in place, both parents have 100% right to retain custody of minor children. It is important to immediately file for temporary custody.

When filing for an OSC (Order to Show Cause), do I include details about the domestic violence?

Yes. This needs to be set forth in the petition.

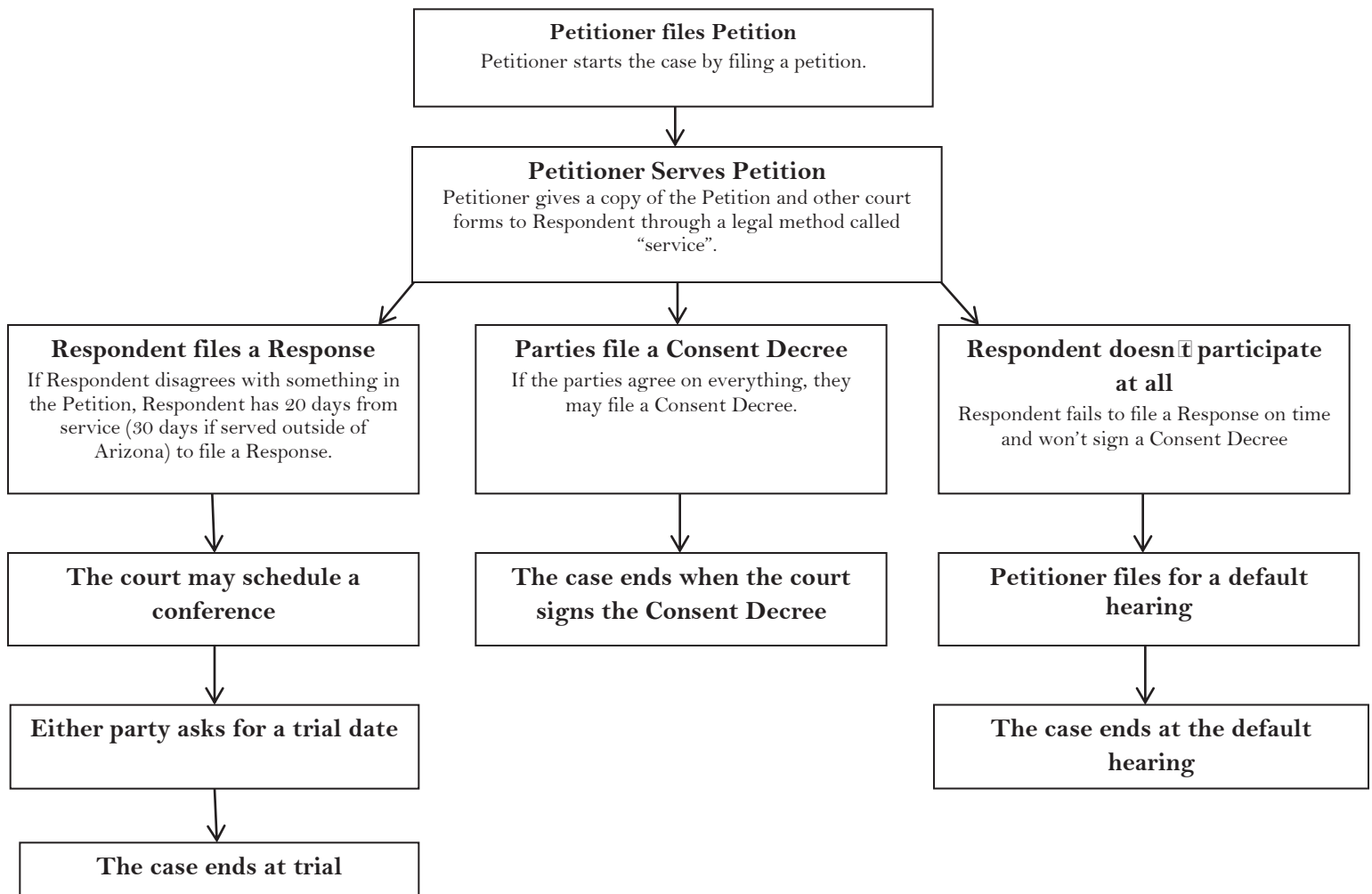
How long does it take to get temporary orders in place for support?

Often a hearing for temporary orders is not granted for several months.

Once I receive temporary orders for support, does that ensure I will be paid?

No, a temporary order for support will not guarantee that you will actually receive that support. If your ex-partner does not pay ordered child support, spousal maintenance, etc. you can file contempt proceedings, automatic wage deduction, charging ex-partner with a crime. However, all of these avenues take time and are not guaranteed to be effective. Put money away or be prepared to borrow funds from family until child support or spousal maintenance payments begin.

Flowchart of the Arizona Court Process



How long does it take? Divorce or Legal Separation: at least 60 days. Unmarried parent: at least 30 days.

Where can I find forms? The Law Library has forms for all of these steps.
(928)679-7540 or (877)806-3187 www.coconino.az.gov/forms

Creditor and Debtor Issues

If I am married, am I responsible for my spouse's debt?

Yes. As long as you are married you and your partner share property and debt. This means that in most instances, assets you and your spouse acquire during the marriage are one-half yours, including bank accounts, personal property and real property. Because you and your spouse share debt incurred during marriage, if one of you makes a purchase or credit card charge without the other's knowledge, you both have responsibility to pay.

If necessary, how do I decide which bills to pay and which not to pay?

If money is tight, it will likely seem difficult to know which bills to pay first before paying others. Though each person's situation is different, these guidelines may be helpful in your financial decisions.

1. Pay family necessities first

- Paying for food and essential medical expenses should be your first priority.

2. Pay housing-related bills

- Keep up on your mortgage or rent payments, if possible. Failure to pay these debts could lead to losing your home.

3. Keep utilities on

- Whatever utility payments are necessary should be made if possible. Working hard to keep your house or apartment makes little sense if it is not livable because you have no utilities.

4. Pay a car loan or lease

- If you need your car to work or for other essential transportation, rank your car payment just below food, medical expenses, utilities and housing costs. Stay current on your insurance payments because it is illegal in Arizona if you do not have at least liability coverage.

5. Pay child support

- Child support debts will not go away and failure to pay may result in prison time.

6. Pay income taxes

- You must pay any income taxes you owe that are not automatically deducted from your wages. You must file your federal income tax return even if you cannot afford to pay any balance due. Remember, though, if you have lost income due to change of circumstances, your tax obligations will also be reduced. Pay only what is necessary.

7. Credit card, attorney, doctor and hospital bills are low priorities

- Though you will still be held accountable for these types of debts, if you haven't pledged any collateral for these loans there is rarely anything these creditors can do to hurt you in the short term. Don't move a debt up in priority if a creditor threatens to sue; many threats are not carried out or take a long time for a creditor to reach your property. BUT, nonpayment of rent, mortgage and car debts may result in immediate loss of your home or car.

When in the separation or divorce process, am I free of debt my spouse made while I was married?

No. Filing for separation or divorce only ends financial ties from the point of the separation or divorce on, but it does NOT exempt you from debt accrued either by you or your spouse during the marriage.

Do bill collectors have any rules they must follow when trying to collect my debt?

Yes. The Fair Debt Collection Practices Act prohibits debt collectors from using abusive, unfair, or deceptive practices to collect from you. A debt collector may not contact you at inconvenient times or places, such as before 8am or after 9pm, and collectors may not contact you at work if they are told orally or in writing that you are not allowed to get calls there.

If bill collectors call or write to me excessively, what should I do?

If a collector contacts you about a debt, you may want to talk to them at least once to see if you can resolve the matter, even if you don't think you owe the debt or can't repay it immediately. If after you have spoken to the collector and decide you do not want them to contact you again, tell the collector – in writing – to stop contacting you.

Make a copy of your letter. Send the original by certified mail and pay for a “return receipt” so you can document what the collector received. Once the collector receives your letter, they may not contact you again, with two exceptions: a collector can contact you to tell you there will be no further contact or to let you know that they intend to take a specific action, like file a lawsuit. **Remember** – asking the collector to stop contacting you does not get rid of the debt and the collector can still sue you to collect the debt.

What should I do if I'm billed unfairly?

Write a letter immediately to the credit reporting agency and follow up to make sure the situation has been figured out.

How can I know what's on my credit report?

Under the federal Fair Credit Reporting Act, you are entitled to receive a free copy of your credit report every year.

Two resources for credit reports are:

1. annualcreditreport.com
2. Annual Credit Report Request Form

Can creditors repossess my belongings?

It depends on the type of creditor.

There are two types of creditors:

1. Unsecured – These creditors would have to sue you and are limited as to the property they can take under Arizona law. Credit card, attorney, hospital and doctor bills are typical examples of unsecured debts.
2. Secured – These creditors have the option of taking back the property which secured the underlying debt. Mortgage, rent, and care payments are typical examples of secured debts.

Is any of my property or income exempt and protected from bill collectors?

Under state law, creditors cannot take certain exempt property from you. Some benefits are exempt from debt collection, such as Public Assistance, Supplemental Security Income, Social Security, Social Security Disability, Veterans benefits, Child Support, Spousal Maintenance, and Workers Compensation. Some property items are also exempt from debt collection, such as household goods, medical equipment, one television, one radio, one computer and one cell phone, and personal items like jewelry and art, not exceeding \$1,000, items that you need for work, not exceeding \$3000.

What happens if I file for bankruptcy?

Filing for bankruptcy is an important decision and should be examined in the context of whether you are filing for a legal separation or divorce. Keep in mind that the order for legal separation or divorce determines when the community will be severed. If you file for bankruptcy before the order is entered, then the time period between the bankruptcy filing and the order finalizing the divorce is extremely important: your spouse can still incur debts during that period, you could be held responsible for those debts, and the bankruptcy will not discharge those debts. You will, in other words, be responsible for those community debts during that window period. You may wish to consider filing for bankruptcy AFTER the dissolution or legal separation is final.

You can only obtain Chapter 7 liquidation relief every six (6) years. You can file Chapter 13 reorganization after a Chapter 7 only if you have regular income. It will be your responsibility to repay new debts you incur after filing for bankruptcy.

In a bankruptcy, certain debts CANNOT be dissolved, including:

- Child support and spousal maintenance payments;
- Certain income taxes;
- Debts for writing bad checks or committing fraud, under Chapter 7;
- Most student loans.

There may be other debts, which cannot be dissolved. You may wish to consult with an attorney who is experienced in bankruptcy law to ask her or him whether bankruptcy is a viable option for you, or whether you need to file for bankruptcy at all. If you have no personal or real property at this time, then bankruptcy may not be necessary.

Legal Resources

DNA People's Legal Services

Flagstaff: (928) 774-0653 Keams Canyon: (928) 738-2251
Chinle: (928) 674-5242 Mexican Hat, UT (435) 739-
Window Rock: (928) 871-4151 4380 (this office serves UT and
Tuba City: (928) 283-5265 AZ residents)

DNA Legal Services provide free civil legal aid to qualifying residents, including Navajo Nation, Coconino County, and tribal members of the Kaibab Paiute, San Juan Southern Paiute, Hopi, Havasupai and Hualapai tribes.

DNA assists victims of domestic violence to understand and participate in the justice system, to stabilize their lives, secure economic support for themselves and their children and to escape further abuse. Their services include: advice or brief service (such as help with petitions for Orders of Protection or other court documents, assistance seeking victim compensation, sending letters, placing phone calls); referrals to other agencies; safety planning; assistance during Protection Order proceedings or hearings for custody of abused children; and/or preparing their court pleadings, preparing victims for court hearings, and attending hearings with victims.

Need Forms or Other Legal Information?

Coconino County Law Library - www.coconino.az.gov/lawlibrary

Victim Witness Services

(928) 679-7770
201 E. Birch Avenue, Suite 4
Flagstaff, AZ

Among other services, Victim Witness Services advocates help guide victims through the criminal justice system by offering services like: court escort for victims and their families, transportation to and from court, referrals for emergency shelter, and employer mediation.

Advocates can assist in keeping victims updated on criminal proceedings, explaining what happens at each step of the process, advocating for what the victim wants, attending court appearances with the victim or on their behalf, and assisting the victim with meeting personal needs through community referrals.

Landlord and Tenant Issues

What if I cannot pay my rent?

If you are in danger of being evicted because you can't pay your rent, take these steps before things get worse.

1. **Review your lease.** Make sure you understand the terms of late or missed rent payments. Find out how many days late you can be on rent or if there are any late fees.
2. **Talk to your landlord.** If you don't think you'll be able to make your rent payment, explain the situation to your landlord. Be straightforward and keep it simple.
3. If you can, **pay a portion of the rent right away.** Your landlord may be willing to work with you if you're able to pay some of the rent. Negotiate a date to pay the rest. Pay with a check or a money order and ask for a receipt.

If you have fallen behind on your rent, your landlord must notify you that you have five calendar days to pay the past due rent or the rental agreement will be terminated and you may be evicted. This notice must be hand delivered to you or sent to you by certified mail.

What if I can only pay some of my rent?

Your landlord does not have to accept a partial payment of your rent. However, you cannot be evicted if he/she accepts partial payment after you are in default unless you agreed otherwise.

Can my landlord charge me late fees if they were not agreed upon in my lease?

No. He/she can only charge you late fees if they were agreed upon in a written lease agreement.

Can my landlord turn off the water or other utilities, or lock me out of my home if I do not pay my rent?

No. If your landlord wants to evict you, he/she must use the court system to do so. If he does without obtaining a court order, he/she is in violation of the law and you are entitled to damages from your landlord in the amount of two month's rent.

How much can my landlord charge for a security deposit?

An amount that will equal more than one and one-half month's rent.

What if I do not have a written lease?

You may have a month-to-month lease. If this is the case and you or your landlord wants to terminate the agreement, that party must give 30 days' notice in writing before the next rent payment would normally fall due.

What obligations does my landlord have to me?

Your landlord must maintain a safe and livable environment. This includes complying with building codes, keeping common areas safe and clean, supplying heat, air conditioning, and hot and cold running water, and keeping appliances, sanitary equipment, and air conditioners in working order.

Can my landlord make me do the repairs and supply the water, heat and air conditioning in order to make my residence livable?

In most cases, the answer is no. Under Arizona law, your landlord has a duty to do these things and cannot delegate that responsibility to you. However, in very limited circumstances, such as you agreeing in writing that you will assume these responsibilities. Your Landlord can require you to pay utilities.

When is my landlord allowed to enter my apartment?

With your permission or by giving you two days' notice to make repairs or in case of an emergency, he/she may enter without your permission.

If my landlord refuses to fix things in my apartment, can I refuse to pay my rent?

No. You must always pay your rent or you can be evicted from your apartment. If repairs are needed due to health or safety hazards, you must give your landlord written notice that you want him/her to fix them. Keep a copy of the written notices from your records. If after 10 days, your landlord still refuses to make repairs for you. You can pay the contractor up to \$300 or one-half of your rent and deduct this amount from your next month's rent.

If I call the building code inspector or the health department on my landlord, can my landlord evict me?

No, not even if you have a month-to-month lease. Arizona law states that if a tenant files a complaint with the housing code authorities, all eviction proceedings filed by the landlord within six months after the tenant's complaint are presumed to be a form of retaliation. If the court determines that your landlord's conduct is retaliatory, you are entitled to damages in the amount of two months' rent. Your landlord can only evict you during those six months if you violate your lease or fail to pay your rent.

Can I be evicted from Flagstaff Public Housing for domestic violence?

It depends. The eviction policy for Flagstaff Public Housing includes provisions that prohibit circumstances that happen commonly in violent relationships or by abusive partners:

- Destruction of property;
- Acts of destruction, defacement, or removal of the property;
- Any violence or drug-related criminal activity on or off the premises, not just on or near the premises. This includes any tenant, member of the tenant's household or guest, or by any other person under the tenant's control;
- Any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of the Authority by the resident, household members, or guests of the resident or threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises is grounds for termination of tenancy;
- Alcohol abuse that the Flagstaff Housing Authority determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- The Flagstaff Housing Authority will take immediate action to evict any household that includes an individual who is subject to a lifetime registration requirement under a State sex offender registration program;
- Determination that a household member is illegally using a drug or when the Flagstaff Housing Authority determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Criminal activity as shown by a criminal record. In such cases the Flagstaff Housing Authority will notify the household of the proposed action to be based on the information and will provide the subject of the record and the tenant with a copy of the criminal record before the Flagstaff Housing Authority grievance hearing or court trial concerning the termination of tenancy or eviction. The tenant will be given an opportunity to dispute the accuracy and relevance of that record in the grievance hearing or court trial.

Are there any exceptions to eviction for victims of domestic violence?

Yes. The Flagstaff Housing Authority does include protections laid out by the Violence Against Women Act (VAWA). Incidents of actual or threatened domestic violence, dating violence, or stalking will not be seen as a violation of the lease or cause for eviction by the victim of that violence.

The Housing Authority can evict a tenant who engages in acts of violence or stalking without evicting the victimized tenants. This is also true if the abusive household member has not signed the lease.

How do I prove to the Housing Authority violence or criminal activity in my home is due to domestic violence?

The Flagstaff Housing Authority requires verification of any claims of domestic violence in order to qualify for protection from eviction.

You can prove incidents of domestic violence in one of three ways:

1. HUD-approved form (HUD-50066)

By providing to the Housing Authority a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking and that the incidents are actual or threatened abuse. The incidents must be described in reasonable detail and must include the name of the person who abused you.

2. Other documentation

By providing to the Housing Authority documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional who assisted you in addressing the domestic violence, dating violence or stalking. The professional providing the documentation as well as you must sign and assert their belief the incident is an incident of domestic violence, dating violence or stalking.

3. Police or court record

By providing to the Housing Authority a Federal, State, tribal, territorial, or local police or court record describing the incident.

How long do I have to prove the incident was due to domestic violence?

Once the Housing Authority asks you to provide documentation that the violence incident was due to domestic violence, you have 14 business days to obtain one of the three forms of documentation detailed above.

What if the person who is abusing me also tries to prove they are a victim of domestic violence?

In cases where the Housing Authority receives conflicting documents from two or more members of a household, each claiming to be a victim and naming one or more of the other household members as the perpetrator, the Housing Authority may determine which is the true victim by requiring third-party documentation.

Definition of Terms

Abuser – ‘Abuser’ is the person who harmed you or your children. This may be your boyfriend, girlfriend, husband, wife, family member or someone else. Though you may not identify the person who harmed you as an “abuser,” the term is used frequently in the court system and social services.

Advocate – ‘Advocate’ is someone who works for a social services organization, like shelters or victim services, who is able to speak on your behalf. They are also there to help you navigate the legal system or explain resources that may be helpful to you.

Client – ‘Client’ is the person using services provided by a legal agency or a social service agency, like shelters and victim services. In this case, you are most likely the client.

Community (in divorce) – ‘Community’ is used in divorce proceedings to mean all of the property, assets, and debt that was created during a marriage.

Defendant – ‘Defendant’ is a legal term to mean the person who is being charged by the state. In the case of orders of protection, ‘defendant’ is used to mean the person who abused you and who you have a protection order against. You are the “plaintiff” or the “petitioner.”

Disposition – ‘Disposition’ in legal terms refers to the final settlement of a case. For example, in a divorce case, a disposition would likely finalize splitting assets and custody regulations.

Party – ‘Party’ in this case is being used as a legal term to mean “person.”

Perpetrator – ‘Perpetrator’ is the person who harmed you or your children. This may be your boyfriend, girlfriend, husband, wife, family member or someone else. Though you may not associate the person who harmed you as a “perpetrator,” the term is used frequently in the court system and social services.

Petition – ‘Petition’ is paperwork filed at the courthouse to ask the judge for something. For example, in order to get an order of protection you must petition the judge to grant you the order.

Petitioner – ‘Petitioner’ is the person who is filing papers in court. In the case of order of protection, you are likely the petitioner because you are the one asking the court to file an order of protection against another person.

Respondent – ‘Respondent’ is a legal term to mean the person who must respond to civil charges or requests, such as divorce or custody cases.

Restitution – ‘Restitution’ is money that is available to victims to repay medical, legal, other bills, and lost wages that occurred because of the crime.

Victim – ‘Victim’ in this case means the person who was abused. Though you may not think of yourself as a victim, the legal system will likely use this term to describe your situation and what happened to you.