



Sexual Assault Response Services of Southern Maine

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SAFETY PLANNING WITH STALKING / HARASSMENT VICTIMS

Some points to explore with a caller:

1. **LEGAL OPTIONS:** (There is no such thing as a Restraining Order!)

a. Protection from Abuse: The initial, temporary (emergency) order needs to be signed by a judge. Perpetrator ("defendant") is not present. Call local courthouse for times judges are available. For people in intimate relationships who do or have lived together. Must be 18 or emancipated or have parent/guardian signature. Must have been violence (or threats of) in the past or fear of imminent injury. Prohibits any direct contact. Indirect contact (phone, mail, sending messages through others) must be requested. Can remove perpetrator from home, establish temporary child custody and monetary support. 6 pages of forms - be specific on details of the violence and why there is fear! Temporary order is good for three weeks then there is a Final Hearing where the perpetrator has the right to contest. Victim ("Plaintiff") may have to testify and should consider legal counsel. Order can be extended up to one year. If victim does not appear, order will be dismissed. Family Crisis Services or Caring Unlimited can explain further and assist. (FCS: 1-800-537-6066. CU:1-800-239-7298)

b. Protection from Harassment: Same process as above, also needs to be signed by a judge. \$15 fee can be waived depending upon income. No specific or prior relationship with perpetrator is necessary (e.g., classmate, friend, co-worker). No custody or property/financial provisions but prohibits any type of contact. 5 pages of forms and a court hearing 3 weeks after initial granting of order where the perpetrator has the right to contest. If victim does not appear, order will be dismissed. Except for extreme situations, court expects victim to have notified perpetrator of a desire to want the harassment to stop. Family Crisis Services, and courthouse Victim/Witness Advocates can explain further and assist.

c. Notice to Cease Harassment: Can be issued immediately by police. No fee, no court appearances, prohibits any kind of contact. No expiration date but rarely enforced/prosecuted after one year. Less "bite" to it than above orders. Police will explain further upon request of advocate or victim. Typically issued with (d.).

d. Criminal Trespass Notice: Can be issued immediately by police, no fee, and no court appearances. Does NOT prohibit contact - only that a person is prohibited from going to a particular residence or business. (Can still contact by phone, mail, etc.) Typically issued in addition to (c.). No expiration date but rarely enforced/prosecuted after one year

3. **EVCS Phones:** (Those yellow boxes on poles throughout Portland.) In an EXTREME emergency only! Links only to 911-police/fire/ambulance service dispatch. Victim tells dispatcher what is happening and police will be sent. Even if victim cannot speak for whatever reason, police can identify location and will be sent immediately.

Help, Hope, and Healing

4. **VARDA Alarm:** Issued by police to people with no phone in extremely dangerous situations. Basically a "panic button" linked to police dispatch.
5. **Notifying Police:** Even if there is nothing they can do right away (no crime has been committed), they should be aware of the situation and can place what is called a "Special Attention" (i.e., officers keep a very close eye) on a victim's residence for a day or two. Be clear with the police about how long it will last.
6. **Documentation:** Keep detailed and accurate accounts of harassment: dates, times, locations, duration, frequency, content, etc. Letters, answering machine tapes, photos of physical / property damage should all be saved in case of future legal action. The more evidence one has, the better.