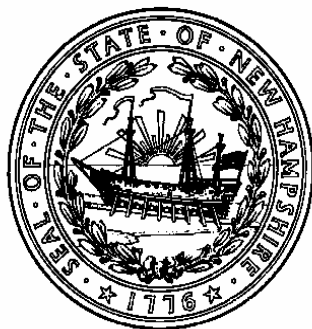


# **THE STATE OF NEW HAMPSHIRE**



## **GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

### **BATTERERS INTERVENTION STANDARDS**

**Prepared by the Batterers Intervention Subcommittee**

*February, 2002*

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## **I. Development of Standards**

### 8. HISTORY AND PROCESS OF DEVELOPMENT

As of the year 2002, nearly forty states in the United States had developed standards of practice for batterers intervention programs. The policies and procedures described in those standards vary from state to state depending on the resources, needs and philosophies of the communities represented in those states. The New Hampshire Governor's Commission on Domestic and Sexual Violence decided to draft batterers intervention standards that met the particular needs of New Hampshire. To complete that task, a multidisciplinary Batterers Intervention Subcommittee ("Subcommittee") was formed.

The Subcommittee was formed to accomplish three main goals: (1) To create minimum standards of practice ("Standards") for the delivery of batterers intervention services; (2) To develop a mechanism for monitoring the level of services delivered by batterers intervention programs; and (3) To encourage the development of, and referral to, high quality batterers intervention services as a component of a coordinated community response to address domestic violence. The members of the Subcommittee are listed in the Appendix.

To develop those Standards, the Subcommittee collected information from other states and asked domestic violence professionals from a multidisciplinary pool to review and comment on that information. Standards from 12 other states were reviewed and summarized to form a questionnaire. Copies of the questionnaire then were distributed at New Hampshire's Fourth Annual State-wide Domestic Violence Conference. Of the 454 conference participants, 149 chose to respond to the questionnaire.

Respondents were asked to rate their level of endorsement of policies addressing the following areas: (1) goals of batterers intervention programs, (2) curricula of such programs, (3) other policies and procedures, and (4) evaluation methods. In addition, respondents were asked to identify obstacles to program effectiveness and to comment on the advisability of certifying or registering programs.

The Subcommittee used the results of that study to form the basis for Standards in New Hampshire. From there, the members of the Subcommittee drafted sections of the Standards utilizing their own expertise, group discussions and consultations with professionals having specialized training.

For additional information about the study involving the use of the questionnaire, please see "Batterers intervention programs in New Hampshire: Issues involved in setting state standards," (Hampton, 1999).



## 9. REVISIONS OF STANDARDS

In drafting these Standards, the Subcommittee was mindful of two major criticisms leveled against previously published standards. Specifically, that (1) most standards are highly both prescriptive and proscriptive despite the dearth of data supporting the effectiveness of one model over another; and (2) that most standards have no evolutionary mechanism – that is to say, no procedure for modifying existing standards to keep pace with the current wisdom in the field. In light of these concerns, the Subcommittee included in the Standards, a procedure for balancing the benefits of innovation with the need for program accountability. This procedure is described in **Section VI, “Proposing modifications to the Standards.”**

## 10. FORMAT OF STANDARDS

Many sections have three components: (1) a brief, usually single sentence, statement of a standard; (2) a “***Discussion***” section intended to describe a rationale and explanation of the standard; and (3) a “***Suggestion***” section that offers one or more helpful hints for batterers intervention providers (“Providers”) to facilitate compliance with that standard. Such formatting was selected to maximize the “user-friendliness” of this document.

There are 59 separate standards of practice listed and described throughout this document. The number in parentheses following the title of each standard corresponds with the number listed on the **Summary of Standards** pages immediately following the **Table of Contents**.

## 11. CONTROVERSIAL ISSUES

Not every issue to be considered by a batterers intervention program has clear-cut answers or solutions (e.g., the advisability of partner contacts, the determination of “progress” or “meaningful participation” or “completion”). The Subcommittee attempted to provide guidance to the extent that consensus was achieved. Members of the Subcommittee are hopeful that stakeholders of batterers intervention services will notify the Subcommittee of concerns or suggestions regarding complicated issues as they arise.

## **II. Mission**

The Governor's Commission on Domestic and Sexual Violence developed these Standards to accomplish five general goals:

12. To facilitate both the development and delivery of high-quality batterers intervention services throughout New Hampshire. The Standards will have enough flexibility to encourage the responsible development of new strategies, interventions and policies for the purpose of implementing effective education while increasing perpetrator accountability;
13. To recognize that the experience and needs of victims are crucial to the implementation of batterers intervention programs;
14. To facilitate the evaluation of program compliance and program effectiveness;
15. To educate both Providers and other key stakeholders (e.g., courts, prosecutors, advocates) regarding "best practices" for such programs; and
16. To encourage referrals to batterers intervention programs as part of a coordinated community response to domestic violence.

### **III. Philosophy**

#### **A. DEFINITION OF DOMESTIC VIOLENCE/INTIMATE PARTNER VIOLENCE**

For the purpose of the Standards, and as a reference for those providing intervention services to perpetrators of domestic violence, the definition of domestic violence will be “an ongoing pattern of abuse used by one person to gain power and control over an intimate partner.” The term “domestic violence,” therefore, will be used interchangeably with “intimate partner violence.” The New Hampshire Governor’s Commission on Domestic and Sexual Violence recognizes that family violence by parent toward child, sibling toward sibling, and involving other combinations of family members are of equal concern. These situations, however, often have varying root causes and therefore will not be included in these Standards which focus on the dynamics of, and intervention with, intimate partner violence only.

Even though intimate partner violence can take three other forms (i.e., male against male, female against female, and female against male), the majority of intimate partner violence is perpetrated by males in heterosexual relationships. Keeping this tendency in mind, and for ease of reading in this document, perpetrators will be referred to with masculine pronouns (e.g., “he” or “him”) while victims will be referred to with feminine pronouns (e.g., “she” or “her”).

Intimate partner violence is a pattern of coercive control that physically harms, arouses fear, forces the victim to do what she does not want to do or prevents her from doing what she wants to do. Intimate partner violence occurs in relationships when one partner (current or former) uses assault and/or coercion; it can be found among married and unmarried heterosexuals and in same-sex relationships.

The intent of this type of abuse is to undermine the will of the victim by substituting the will of the perpetrator for the will of the victim. Perpetrators batter or otherwise abuse to achieve and maintain control over their victims. It is a myth that perpetrators resort to violence when they lose control. In fact, abuse is deliberate. Perpetrators select the targets of their abuse. They often choose the circumstances of their violence including the amount of injury inflicted by their abuse.

Intimate partner violence consists of one or more of the following behavioral elements (types of abuse):

17. Physical (e.g., hitting, kicking, pushing);
18. 2. Psychological (e.g., belittling, criticizing, degradation);
19. Emotional (e.g., intimidation, coercion, threats);
20. Economic (e.g., withholding or denying access to money or other resources, sabotaging employment, housing or educational opportunities);
21. Legal (using criminal justice or social service systems to harass the victim. For example, filing false criminal or abuse/neglect reports, requesting restraining orders against the victim merely for retaliation);
22. Sexual (e.g., aggravated felonious sexual assault [rape], sexual coercion, withholding sex as punishment);
23. Social (e.g., isolation from friends, family and other social support systems; possessiveness; jealousy; prohibiting access to transportation or telephone);
24. Stalking, harassing and other on-going monitoring and pursuing of the victim;
25. Environmental or symbolic (threatening or destroying elements in the victim's environment without harming her directly. For example, destroying family heirlooms, harming pets, punching walls or threatening to abduct the children);
26. Child (i.e., abuse or neglect of the children as a way of controlling her actions. For example, refusing to care for the children while she goes to work, harming the children if she does not do as he wishes, threatening to abduct the children)
27. Alcohol and/or other drug (e.g., blaming alcohol for the violence, making the victim drug-dependent, using the victim's substance use as evidence of unfit motherhood);
28. Spiritual (e.g., citing scripture as justification for abuse, not allowing the victim to attend religious services of her choice); and
29. Cultural (e.g., failure to comply with immigration requirements, making an immigrant spouse unable to work and vulnerable to deportation and loss of child custody; threatening to "out" a same sex partner to family, friends or an employer).

There is no behavior on the part of the victim which either causes or excuses abuse. The perpetrator bears sole responsibility for his actions. Specific measures to help ensure that perpetrators take responsibility for their behavior will be addressed in **Section V.C.8. Perpetrator Accountability.**

Neither substance abuse nor psychopathology cause, nor diminish responsibility for, intimate partner violence.

## **B. PURPOSE**

The philosophy of each batterers intervention program must advance the premise that intimate partner violence is a criminal activity and is learned behavior. Therefore, the purpose of these Standards is to offer guidance to Providers as they assist community efforts to:

1. End a perpetrator's intimidating and violent behaviors;
2. Provide perpetrator accountability;
3. Honor the rights of victims; and
4. Teach perpetrators skills that will promote equality within their intimate relationship(s). The primary focus of that education shall *not* be:
  - \* the preservation of the relationship,
  - \* an analysis of the perpetrator's relationship issues,
  - \* treatment for the perpetrator's personal issues, or
  - \* support for the perpetrator's justification for the use of violence.

## **C. CAUSES AND OTHER ROOTS OF INTIMATE PARTNER VIOLENCE**

The foremost cause of intimate partner violence is the prevalence of a patriarchal society. Men traditionally have been socialized to be dominant in their intimate relationships with women. As a result, historical precedence exists for men using control tactics in intimate relationships. The concept of masculinity in our society is connected to men's use of power over women.

Other causes and roots of intimate partner violence linked to the historical patterns of male dominance include:

1. Tradition of judicial legitimization of male dominance;
2. Cultural denial of the prevalence and severity of violence against female partners;
3. Lack of recognition that abuse in a relationship is a crime; and
4. The misguided belief that violence against women is acceptable and/or a private family matter.

## **D. VICTIMS' RIGHTS**

The rights of victims must be the highest priority in the implementation of the Standards by Providers. It is the responsibility of Providers to offer pertinent information to the communities they serve, and specifically to the perpetrator's current partner and/or victim(s). The potential results of the perpetrator's participation in such programs shall be the primary focus of this information. There is not yet conclusive evidence that intervention programs for perpetrators are an effective tool in ending intimate partner violence, on either an individual or societal level. Efforts at keeping victims informed regarding the goals and limitations of these programs shall be viewed as a necessary step toward empowering victims, thereby enhancing their safety.

Conversely, programs shall be informed by, and accountable to, the experience of victims. Recognizing the experience and needs of victims as crucial elements in the implementation of batterers intervention programs is fundamental.

#### **E. COMMUNITY COORDINATION**

Interaction with local domestic violence crisis centers is essential for victim-sensitive programs. However, all contact with crisis centers should keep victim safety and confidentiality the uppermost considerations. Providers need to participate in community activities, such as local domestic violence coordinating councils (“Coordinating Councils”), which promote consistent monitoring of offenders, improved protection of victims and creation of other local responses to domestic violence. Unfortunately, not all communities have active Coordinating Councils. In those communities, Providers need to seek other opportunities to network with fellow stakeholders.

#### **F. DOMESTIC VIOLENCE EDUCATION**

Domestic violence education is the primary service offered by a batterers intervention program. Domestic violence education is to be distinguished from counseling and psychotherapy. Batterers intervention programs are designed to provide perpetrators with information that will facilitate a commitment to lead a nonabusive lifestyle. While participation in a batterers intervention program can lead to some of the benefits of counseling or psychotherapy, the primary focus of batterers intervention programs is the dissemination of information.

#### **G. TERMINOLOGY**

In the batterers intervention field, “batterer,” “abuser,” “offender” and “perpetrator” are used interchangeably. In this document, the term “perpetrator” will be used throughout.

#### **IV. Limitations/obstacles to effectiveness**

The Subcommittee wanted to understand better the limitations of batterers intervention services prior to drafting these Standards. Consequently, the survey used as the data base for developing these Standards included an open-ended item. That item, "What one obstacle do you think interferes most with the effectiveness of batterers intervention programs?" was addressed by 82 of the 149 respondents. Based on a content analysis carried out by the investigator, the responses fell into five broad categories, namely (1) system accountability; (2) batterers intervention program characteristics; (3) perpetrator characteristics; (4) societal values; and (5) training, qualifications and supervision. These response categories will be discussed below.

5. SYSTEM ACCOUNTABILITY (39 responses). These responses centered on inadequate or inconsistent responses by community agencies holding perpetrators accountable for their criminal behavior. Respondents cited the "courts" (including problems with "data collection"), "probation/parole," "batterers programs" and "society" at large (including "neighbors, family, and clergy") for not insisting that perpetrators attend batterers intervention programs. Three of the responses noted inadequate coordination among agencies. Three other responses criticized the use of programs "in lieu of sanctions." Several responses cited a need to use methods to hold perpetrators accountable "which don't jeopardize victims' safety."
6. BATTERERS INTERVENTION PROGRAM CHARACTERISTICS (27 responses). Eleven respondents criticized programs for being too short in duration (six months has been typical in New Hampshire). Seven respondents believed that the cost of the program was prohibitive, especially for "indigent" families. Other concerns included "not enough batterers programs in the state," and the inconsistency with which programs are operated. "Everyone should be teaching the same program." Additionally, two responses noted "the inability to know that what we are doing with batterers is effective." Suggestions for evaluating the effectiveness of batterers intervention programs included a caution about evaluation methods which may jeopardize the safety of, or "burden the victim."
7. PERPETRATOR CHARACTERISTICS (18 responses). The most frequently cited concern (seven responses) related to "the lack of motivation by participants." "Batterers must want to change (not just complete the program because it's court-ordered or in lieu of jail time)." Other concerns related to "the alcohol and drug use of some batterers," financial constraints on "indigent batterers" (this included the concern that "if they are still with 'spouse' it seems to add to the burden on the family financially"), the batterer's tendency to blame the victim, and the sense of "male entitlement to abuse [their partners]."

8. SOCIETAL VALUES (14 responses). These responses identified society's "acceptance of domestic violence" and "the community/society does not take the problem seriously." "Society promotes violence of all kinds, especially against women. Society needs to be educated about domestic violence just like they needed to be about smoking and drug abuse." Other social values addressed in these responses included the "ongoing devaluing of women," "male privilege" and "male entitlement."
9. TRAINING, QUALIFICATIONS AND SUPERVISION (10 responses). Most (six) of these responses related to the "training of the program's staff," including the concern that the program "facilitator buys into the lies of the batterer." Other concerns related to the inadequate training of "judges" and staff of "domestic violence" (victim service) agencies.

The Subcommittee was mindful of these concerns as it considered the selection, wording and procedures for implementing these Standards. Providers also are encouraged to consider these concerns as they develop and implement their programs.



# **V. Standards**

## **(Policies and Procedures)**

## **V.A. Goals of batterers intervention programs**

Batterers Intervention Programs by themselves will never stop violence against women or other forms of intimate partner violence. They can, however, participate in a coordinated community response designed to eliminate that violence.

This section describes four major goals for a batterers intervention program to accomplish while participating in a community-wide response. Subsequent sections of these Standards will describe specific policies and procedures that will help Providers maximize perpetrator accountability while not compromising victim and child safety.

10. **EDUCATION:** (1) Providers shall provide education to perpetrators on treating significant others with respect:
  1. **Definition of abuse:** Inform the perpetrator that his use of coercion, intimidation or threats is a form of violence.
  - b. **Giving up control:** Insist that the perpetrator make a commitment to relinquish taking a position of dominance in relationships.
  - c. **Attitudes and beliefs:** Prioritize education that promotes a “zero tolerance” for violence by confronting violent and abusive messages.
  - d. **Skills:** Perpetrators already have the skills necessary to be nonviolent. Perpetrators need to choose to be nonviolent. To this end, Providers should teach, and insist that perpetrators practice skills that support that choice to be nonviolent.
  - e. **Nonabusive role models:** “Do as I say AND as I do.” Many perpetrators learn to be abusive by watching one of their parents assault the other parent. Subsequently, perpetrators could learn from group facilitators about whether to treat people abusively or with respect. Therefore, Providers must be respectful with each other and as they confront the attitudes and behavior of perpetrators.
  
11. **ACCOUNTABILITY:** (2) Providers shall hold perpetrators accountable for ending their violence:
  1. **Specific deterrent:** Providers should support legal consequences for abuse so as to discourage the perpetrator from reoffending.
  2. **Risk assessment:** Providers routinely need to conduct risk assessments and make any needed referrals (e.g., for mental health or substance abuse treatment). See the Appendix for a sample risk assessment checklist.
  3. **Non-compliance with referrals:** Perpetrators must be informed of consequences for failing to comply with court-ordered directives for services.

12. SAFETY: (3) Providers shall be committed to the enhancement of victim and child safety:
  1. **Program information:** Providers must share with victims all relevant program information (e.g., duty-to-warn policies, program content, requirements for perpetrator participation, limitations of the program's services and risk factors) to aid them in making decisions about their own lives.
  2. **Victims' services:** No activity of a batterers intervention program should ever undermine or compete with victim services.
  3. **Victim referral:** Providers should do whatever they can to facilitate access to needed services for victims of perpetrators in their program. This includes insuring that victims have contact information for the local crisis center. It does NOT include offering counseling services to those victims.
  4. **Child services:** In many cases the perpetrator has children who directly or indirectly witnessed the violence. In some cases they were also targets of the abuse. Providers should be aware of, and make referrals to, available services in the community such as supervised visitation centers or support/education/therapy groups for children.
  5. **Restitution:** Teach perpetrators that they should make restitution for any and all damage caused by their abuse. Emphasize the perpetrator's responsibility for payment of child support, alimony and other court-related fees.
  
13. COLLABORATION: (4) Providers shall collaborate with other professionals on a community-wide level:
  1. **Professional training and community education:** Providers should develop partnerships with other stakeholders such as battered women's services to help train professionals and the general public on domestic violence-related issues such as perpetrator dynamics.
  2. **General deterrent:** Providers should conduct their affairs at work and live their personal lives in such a way that discourages others from battering.
  3. **Domestic violence legislation:** Providers should be familiar with and support legislation that is consistent with ending intimate partner violence.
  4. **Promote awareness for the potential for collusion:** Providers have unique training/experience in dealing with perpetrator dynamics. Therefore, they have an obligation to observe and respond to perceived collusion. Examples of collusion to which a Provider should respond are a judge ordering couples counseling for a domestic violence perpetrator or a prosecutor failing to file violations for non-compliant perpetrators. Providers can respond to perceived collusion by holding direct conversations with appropriate authorities or broaching the concern at their local Coordinating Council meeting, etc.

## **V.B. Program content**

This section will list topics to be addressed in batterers intervention programs. It also will discuss approaches that would not be appropriate as a (primary) focus of intervention.

### 14. Program Objectives: (5)

Programs shall address minimally seven educational objectives in support of the Goals of these Standards. These areas are: (A) Types of abuse; (B) Equality in relationships; (C) Impact of abuse; (D) Avoidance of responsibility for abuse; (E) Cultural support for abuse; (F) Domestic violence laws; and (G) Skills to support the choice to be nonabusive. Providers do not necessarily need to cover these topics in the following order.

1. **Types of abuse:** Identification, confrontation and elimination of abuse and control of victims, partners and children. Types of abuse to be addressed include:
  1. Physical (e.g., hitting, kicking, pushing);
  2. Psychological (e.g., belittling, criticizing, degradation);
  3. Emotional (e.g., intimidation, coercion, threats);
  4. Economic (e.g., withholding or denying access to money or other resources, sabotaging employment, housing or educational opportunities);
  5. Legal (using criminal justice or social service systems to harass the victim. For example, filing false criminal or abuse/neglect reports, requesting restraining orders against the victim merely for retaliation);
  6. Sexual (e.g., aggravated felonious sexual assault [rape], sexual coercion, withholding sex as punishment);
  7. Social (e.g., isolation from friends, family and other social support systems; possessiveness; jealousy; prohibiting access to transportation or telephone);
  8. Stalking, harassing and other on-going monitoring and pursuing of the victim;
  9. Environmental or symbolic (threatening or destroying elements in the victim's environment without harming her directly. For example, destroying family heirlooms, harming pets or punching walls) threatening to abduct the children);
  10. Child (i.e., abuse or neglect of the children as a way of controlling her actions. For example, refusing to care for the children while she goes to work, harming the children if she does not do as he wishes, threatening to abduct the children);
  11. Alcohol and/or other drug (e.g., blaming alcohol for the violence, making the victim drug-dependent, using the victim's substance use as evidence of unfit motherhood);
  12. Spiritual (e.g., citing scripture as justification for abuse, not allowing the victim to attend religious services of her choice); and
  13. Cultural (e.g., failure to comply with immigration requirements, making

an immigrant spouse unable to work and vulnerable to deportation and loss of child custody; threatening to “out” a same sex partner to family, friends or an employer).

- b. **Equality in relationships:** Replacement of abusive behavior with behavior that establishes and maintains equality in relationships. Topics to be addressed (taken from the Domestic Abuse Intervention Program “Duluth” curriculum) include:

1. Respect;
2. Trust and Support;
3. Honesty and Accountability;
4. Responsible Parenting;

**Discussion:** Perpetrators need to take responsibility for becoming responsible parents. This includes, for example, making timely child support payments and following visitation center rules. Any parent who is willing to attack the child’s other parent is threatening the child’s well-being. Thus, battering is inconsistent with responsible parenting.

5. Shared Responsibility;
6. Economic Partnership;
7. Negotiation and Fairness; and
8. Nonthreatening Behavior.

- c. **Impact of abuse:** Identification, confrontation and elimination of behaviors that deny or minimize the effects of abuse on the victim, partner or children. Topics include:

1. Impact of abuse on victim (whether or not the current partner), partner (whether or not the current victim) or children (both short and long-term effects);
2. Empathy for victim’s perspective and perceptions of violence (this includes children as witnesses to the violence); and
3. The incompatibility of partner abuse and responsible parenting.

- d. **Avoidance of responsibility for abuse:** Identification, confrontation and elimination of behaviors that attempt to justify or deny the abuse or blame the victim. This includes as-needed confrontation of the perpetrator throughout the program.

“There is no excuse for domestic violence” (from the Family Violence Prevention Fund’s national campaign). Therefore, **NONE** of the following are legitimate excuses for abuse (each should be addressed in the program’s curriculum):

4. Anger or perceived loss of control;
5. Substance use/abuse;
6. Stress;
7. The perception of his partner as provocative or otherwise deserving of the abuse (i.e., victim blame);
8. Male entitlement/privilege;
9. Social approval and media reinforcement of sexism; and
10. Violence as a cultural norm.

- e. **Cultural support for abuse:** Identification, understanding and confrontation of the historical, social, and cultural influences on the development of misogyny and sexism within society. This shall include a philosophical position that the issues herein do not excuse a perpetrator's sexist beliefs and attitudes.
8. Traditional gender roles and socialization;
  9. Beliefs that sustain abuse such as entitlement, privilege and ownership;
  10. Rationales for abuse used by both majority and minority ethnic cultures;
  11. The link between intimate partner violence and racist oppression supported by the dominant culture;
  5. The impact of heterosexist and homophobic attitudes; and
  6. Rigid sex-role stereotypes.

- f. **Domestic violence laws:** Awareness and understanding of the current domestic violence laws in New Hampshire. This specifically includes laws referenced in RSA 173-B as constituting domestic violence. In addition, it includes other laws or regulations pertaining to bail orders, custody and visitation, probation and parole conditions and sexual assault.

**Cautionary note:** Providers should be mindful that some perpetrators will attempt to use this information against their victims by engaging in abusive behavior that is difficult for the criminal justice system to detect.

- g. **Skills to support the choice to be nonabusive:** Identification and practice of nonabusive behaviors and equality in intimate partnerships. These skills include:
7. Respectful communication;
  2. Assertiveness training (as opposed to aggressiveness or passivity);
  3. Conflict resolution strategies;
  4. Nonabusive parenting;
  5. Using timeouts **nonabusively**\*\* (see discussion below);
  6. Cooperative decision making;
  7. Ending a relationship respectfully; and
  8. Taking responsibility and being accountable by developing and using a safety plan.

**Discussion:** The inclusion of skills is not intended to suggest that abuse is caused by a lack of skills. Perpetrators have the necessary skills to end the abuse as evidenced by their selection of targets, timing, frequency and severity of abuse (e.g., almost all perpetrators have enough skills to not assault the judge regardless of how angry, upset, stressed or provoked they feel). Batterers intervention programs address skills to promote the perpetrator's required commitment to end all forms of abuse.

**\*\*Timeouts:** There is currently much controversy surrounding the use of timeouts in batterers intervention programs. Proponents say that taking a timeout is preferable to being violent. Opponents point out that timeouts and violence are not the only options available to the perpetrator and that advocating the use of timeouts reinforces the misguided belief that perpetrators are out of control when they have intense feelings.

A more general point is that **ANYTHING** presented or discussed in a batterers intervention program can be used by the perpetrator against his partner if that is how he chooses to use it. Providers need to appreciate this fully. Further, Providers should never use an intervention unless and until they have explored the likely impact of that intervention on battered women and their families. This underscores the importance of Providers developing and maintaining active alliances with other community members such as victim services.

## **2. INAPPROPRIATE METHODS OF INTERVENTION: (6)**

Interventions that either reduce the perpetrator's responsibility/accountability for violence or are not sensitive to the needs of victims are unacceptable. Inappropriate methods include any that view:

8. Mental illness or psychopathology as the cause of abuse (e.g., psychodynamic or other "therapy" models);
- b. Anger, stress or poor communication as the cause of abuse (e.g., anger management counseling, communication skills workshops);
- c. Violence or abuse as a "relationship" (rather than an individual's choice to be violent) issue (e.g., family systems theory when viewing violence as a mutual or circular process or when placing blame on children for adult behavior);
- d. Violence as an addiction or caused by substance use (and that looks at children or victims as co-dependent enablers of the violent drama);
- e. Impulse control (e.g., intermittent explosive disorder) as an explanation for the violence;
- f. Gradual containment or de-escalation (as opposed to an insistence on immediate cessation of abuse) as appropriate goals;
- g. "Fair fighting" as an appropriate approach ("fair fighting" implies that the problem is one of mutual combat and that some forms of "fighting" are fair);
- h. Victim participation in the perpetrator's program as necessary;
- i. Violent ventilation (e.g., hitting a punching bag) as a solution to the violence; and
- j. Individual therapy as a legitimate alternative to group sessions due to a perpetrator's "discomfort talking in groups" (or other methods that reinforce the perpetrator's sense of entitlement to special treatment).



**V.C. Program**  
**administration**

## **V.C.1. Staffing**

This section addresses the requirements for staff hiring, training, supervision, conduct and safety.

9. **HIRING: (7)** Providers shall be fair and cautious in their hiring practices. They must:
  1. Adopt an Equal Opportunity Employer statement;
  2. Be able to provide proof of a background check for all staff for criminal histories;
  3. Require all staff to not have any violence-related convictions (or permanent restraining orders), or any other criminal convictions within the last ten years;
  4. Not hire anyone under active community supervision (e.g., probation and/or parole); and
  5. Keep job descriptions, resumes and qualifications on file for all staff.
  
- b. **TRAINING AND EDUCATION: (8)** Facilitators of batterers intervention groups shall meet the following requirements:
  5. Attend a batterers intervention-specific training institute prior to offering services (e.g., co-leading groups, conducting intake/orientation sessions). Institutes offered by nationally recognized programs such as the following would qualify:

The Domestic Abuse Intervention Project in Duluth, MN;  
EMERGE in Boston, MA;  
Volunteer Counseling Services in New City, New York; and  
Men Stopping Violence in Atlanta, GA.
  6. Observe (i.e., not actively participate in) six (6) sessions facilitated by a qualified Provider. This may or may not be offered as part of one of the training institutes listed above;
  7. Shadow a qualified Provider for at least six (6) sessions. Shadowing includes actively participating in the session, but not assuming responsibility for the group as a qualified Provider;
  8. Complete forty hours of domestic violence-related training prior to offering services (e.g., co-leading groups, conducting intake/orientation sessions);

***Suggestion:*** Many Providers find that the training (usually about 40 hours) offered by domestic violence agencies (i.e., crisis centers) provides a foundation in the dynamics of domestic violence. Some also find that learning about domestic violence from the victim's perspective is an essential component of preparation for working with perpetrators.
  9. Complete twenty hours of continuing education of domestic violence-related training per year to continue offering services; and
  10. Be able to demonstrate adequate oral/written language skills to both teach course curricula, facilitate group meetings and communicate with referral agents.

**Discussion:** Formal education in the social sciences, criminal justice or education may provide a background for batterers intervention work. No consensus, however, has been reached with regard to whether minimum standards should be set. More important, perhaps, is a thorough understanding of the dynamics of domestic violence, which often is not taught in either undergraduate or graduate training. Therefore, there is no specific educational degree requirements.

- c. **SUPERVISION: (9)** All staff shall receive, and provide documentation of, regular supervision.
1. Staff who have been qualified Providers for less than one year shall receive regular (at least bi-weekly) supervision by a qualified and “experienced” Provider of batterers intervention programs. “Experienced” is defined as someone who meets all training requirements for a Provider as set forth in section V.C.1.B. “**TRAINING AND EDUCATION**” and has three years experience as a fully trained Provider. Supervision shall address the performance of relevant skills such as avoiding collusion, identifying boundary violations, confronting abusive behavior and motivating perpetrators to change.
  2. Staff who have been qualified Providers for more than one year shall engage in peer supervision with another qualified Provider at least monthly.

**Suggestion:** Regular local or state-wide batterers intervention network meetings can substitute for one of the supervision sessions required each month.

- d. **ETHICAL CONDUCT: (10)** Providers shall develop a written code of ethical conduct (re: violence, substance abuse, etc.). At a minimum a program’s code of conduct shall:
1. Require mutual respect (i.e., between staff and participants);
  2. Provide clear statements about limits of confidentiality;
  3. Specify a sexual harassment policy;
  4. Describe a procedure for handling alleged abuse by a facilitator; and
  5. Outline ethical interactions with the victim (e.g., appropriate boundaries).

- e. **SAFETY: (11)** Providers shall develop an emergency plan in case of a dangerous or disruptive participant.

**Suggestions:** Many programs find that using two facilitators per group adds to a sense of safety for staff. In addition, some programs have hotline buttons in their group rooms.

- f. **CO-LEADERSHIP: (12)** Co-leadership (i.e., two facilitators sharing leadership of a single group) is not a requirement of these Standards. There are several advantages, however, of using two leaders, especially a female/male team. These advantages include the opportunity for group leaders to:

1. Model respectful male/female interactions;
2. Shift roles frequently between the group leaders (e.g., alternating which leader challenges, supports, teaches, collects fees, sets limits, etc.) thereby challenging group members' rigid male/female stereotypes;
3. Have one group leader interact with the group while the other observes group process;
4. Debrief after group with someone who also was in the room during the session; and
5. Feel safer, especially after hours if other agency staff have left the premises.

A disadvantage of group co-leadership is that if the male is more experienced (e.g., is training a female intern) or assumes a dominant role, this model could reinforce damaging stereotypes. Therefore, those choosing a female/male co-leadership model need to be mindful of their co-leadership decisions.

## **V.C.2. Funding**

This section addresses the financial aspects of batterers intervention programs. Each program is required to have written financial policies that address fee setting, third party reimbursement and fundraising. The standards for those policies are outlined below.

3. **FEE SETTING: (13)** Providers shall have a sliding fee scale including the program's policies regarding indigent clients. A copy of that sliding fee scale shall be included in the policy.

**Discussion:** Some clients, with the ability to pay, seek to avoid taking financial (as well as other forms of) responsibility for their abuse. Those clients need to be held accountable. There are other clients, however, who have a severely diminished capacity to pay for services. It is certainly not the goal of these programs to penalize people for being poor. Therefore, it is important for Providers to develop policies that address this financial reality of their clients, including their legal responsibility to help support both their spouse and children.

**Suggestion:** In some jurisdictions, Providers seek community development block grants to supplement what they can afford to offer through a sliding fee scale. For example, one program used such a grant to offer "loans" to program participants. The man in the program could apply to borrow up to half of the cost of the program from the Coordinating Council, with the expectation that the money would be repaid within six months of his last session in the program. He would not be considered in full compliance with court-ordered services until the loan was repaid in full. One advantage of this program is that the perpetrator takes full financial responsibility while being assisted with cash flow problems. Another advantage is that the financial burden is not placed on the Providers.

4. **THIRD PARTY REIMBURSEMENT: (14)** Providers shall not suggest that battering is caused by psychopathology, alcoholism, or stress reactions when seeking third party reimbursement (i.e., not use psychiatric diagnoses to describe criminal behavior such as battering).

**Discussion:** Intimate partner violence is a crime. It is purposeful behavior. To identify it as, for example, an "impulse control" problem is misleading at best, and collusion with the perpetrator at worst. Communities are struggling still to persuade perpetrators to acknowledge responsibility for their abuse. That task becomes more difficult if a Provider mis-categorizes that perpetrator's criminal behavior as a mental health or substance abuse problem, thereby suggesting that the abuse is out of their control.

**Suggestion:** Use of V61.1. The editors of the Diagnostic and Statistical Manual (DSM-IV) recognized that even though (1) mental health providers work with perpetrators that (2) there was no categorization in previous versions of the DSM that adequately described the work done by those providers to address the intimate partner violence perpetrated by those perpetrators. In response to that concern, a new category was created, V61.1, "when the focus of treatment is on

the physical or sexual abuse of an adult.” This description is accurate. Further, while it describes the focus of treatment, it does so without mis-attributing the problem to mental illness.

Limitation: Very few insurance companies will reimburse for services offered to deal with this “diagnosis” (or any other “V” code). Some professionals think this is appropriate, questioning the advisability of insurance being used to pay off a criminal debt. Others are glad to see insurance helping to make these services more affordable for perpetrators (and the family members who rely on them financially). Their hope is that the increased availability of services to these perpetrators may help to minimize the likelihood of further abuse.

Regardless of whether a particular Provider accepts third party reimbursement, that Provider needs to be very clear with staff, perpetrators, victims and other stakeholders that the perpetrator and only the perpetrator is responsible for the use of violence.

Note: This discussion, while focusing on mental health workers, in no way suggests that all qualified Providers are mental health providers. Many valued Providers are from the “grass-roots” movement or received training in the criminal justice, education or other related fields.

- c. **FUNDRAISING: (15)** Each program shall have and implement a policy stating that it will not compete with battered women’s services for funding.

**Discussion:** Though funding for domestic violence services began to increase throughout the 1990's, the demand for these services continues to outpace the financial and other resources available to provide those services. For batterers intervention programs to secure resources that otherwise could have gone to support victim services is NOT an acceptable solution. Fundraising for batterers intervention programs MUST be collaborative in nature.

**Suggestion:** One approach is for batterers intervention programs to explore all funding opportunities within local Coordinating Councils, with the necessary participation and approval of the local crisis center. Providers also can advocate for additional resources for their programs from government, charitable institutions and corporations.

### **V.C.3. Victim notification and contact**

Efforts at keeping victims informed shall include some form of partner contact. The term “partner contact” includes a variety of approaches, the primary purpose of which is to offer the partner/victim information including:

- notification that her partner is enrolled in and/or attending the program;
- goals, limitations and length of the program;
- possible risks and/or ramifications of her partner participating in the program; and
- available community resources.

9. **NATURE OF CONTACT: (16)** Partner contacts shall be a vehicle to offering information, referrals and resources to victims. It also can be used for data collection, provided that the procedure is sensitive to victim safety and welfare and is completely voluntary on the victims’ part.

**Discussion:** Partner contacts are NOT therapy, are not intended to solicit information or business from the victim, and are not intended to facilitate a reconciliation nor create a conflict of interest with the work that the Provider is conducting with the perpetrator.

10. **EXTENT OF CONTACT: (17)** At a minimum, contact needs to occur (if possible - for example, some victims may be in hiding) both when the perpetrator is referred to the Provider and when the perpetrator is discharged from the program. If the perpetrator does not have contact information, the Provider should not attempt to locate the victim. Alternatively, the Provider can ask the local victim assistance office (if available) to forward information to the victim.

1. **Initial contact:** By telephone or written correspondence. This should offer introductory information about the nature and scope of the program, limitations of the program, and available community resources for victims.
2. **Final contact:** By telephone or written correspondence. This should include the nature of discharge (e.g., “in compliance with all elements of mandated participation in a batterers intervention program” or “discharged for failing to comply with the program’s requirements”) and any concerns regarding the perpetrator that may impact her safety and welfare. The final contact shall include community resource information.
3. **Additional contacts:** The need for other contacts is left to the discretion of the Provider. See Section “C.” below for information on related safety and philosophical concerns.

11. **SAFETY AND PHILOSOPHICAL CONCERNS: (18)** While only minimal victim contacts are

required, more comprehensive contacts may be established IF such contact is intended (and can reasonably be expected) to enhance victim safety. Partner contacts remain highly controversial. For example, while partner contacts can solicit information useful in holding perpetrators accountable, some perpetrators use those contacts as an excuse to retaliate against their victims. In addition, partner contacts may make some victims feel responsible for monitoring the perpetrator's behavior.

These guidelines were drafted to promote the empowerment of victims through information sharing. While victim safety ultimately is compromised exclusively by the perpetrator, Providers need to avoid colluding with that perpetrator.

1. **Duty-to-warn:** Providers shall establish a duty-to-warn policy.

**Discussion:** Providers shall establish policies and procedures as to how victim notification will take place in the event the Provider believes that a warning to the victim is warranted. Further policies and procedures shall be established concerning how to respond to victim inquiries, requests, complaints, or information offered about the perpetrator's behavior. These policies shall be guided by the philosophies provided within these Standards (e.g., Providers need to be mindful of the impact of their actions on victim safety and welfare).

2. **Responding to complaints:** Providers shall establish written policies and procedures to address inquiries, requests and complaints about either the program or the perpetrator's behavior.



#### **V.C.4. Interface with battered women's services**

One of the basic expectations of these Standards is that Providers offer victim-sensitive services. To accomplish this, Providers need to acknowledge and solicit the expertise of crisis center workers in advocating for victim safety. Providers and the families they serve will benefit from crisis center input into the methods and content of their batterers intervention programs.

Therefore, Providers shall work toward forming a networking partnership with their local crisis center. There are 12 domestic violence crisis centers that are members of the New Hampshire Coalition Against Domestic and Sexual Violence ("Coalition"). Providers can contact the Coalition (603) 224-8893 for more information or refer to the Appendix for a list of member programs.

12. **VICTIM COMPLAINTS: (19)** Providers shall establish a process for resolving complaints or grievances by individual partners and on issue-related concerns by the crisis center.
13. **PROTOCOL REVIEW: (20)** Providers shall open their protocols for review by the local crisis center, in particular, their safety procedures and policies for partner contacts.
- c. **JOINT VENTURES: (21)** Providers shall make themselves available, whenever possible, for the following joint ventures. Providers should:
  1. Provide educational presentations for the local crisis center staff & volunteers;
  2. Provide informational groups on batterers intervention for victims of domestic violence through the local crisis center;
  3. Participate actively on the local Coordinating Council;
  4. Offer to do presentations with the crisis center for school groups, community groups, etc.; and
  5. Invite a representative from the local crisis center to provide an educational presentation during a group session.

**Discussion:** The crisis center may not be in a position to accept any or all of these offers at a particular time, or may not be interested in some of these options, but Providers should keep them available if and when situations change.

- d. **VICTIM-ORIENTED EDUCATION: (22)** Providers shall avail themselves of victim-oriented education.

**Discussion:** Every effort should be made to ensure an on-going process, which involves annual education and training on the latest developments on victim issues, as well as innovations in batterers intervention.

**Suggestions:** Most crisis centers offer volunteer training, which may be

available to Providers, or the crisis center may be able to create a specialized training to a Provider's staff. Attending the annual New Hampshire State-wide Violence Against Women Conference in June is another way to access information on victim's issues. Attendance at this conference is highly recommended.

## **V.C.5. Interface with the criminal justice system**

This section addresses the ways in which Providers should coordinate their services with the criminal justice system. Such coordination will maximize perpetrator accountability while prioritizing victim safety.

4. **COMMUNICATION: (23)** Providers shall obtain a release of information during the initial meeting with the perpetrator. Releases shall be obtained for the court, the prosecuting attorney, the Department of Corrections (if involved) and the defense attorney (if available).

**Discussion:** When a client is ordered into services, the courts or probation/parole officer in charge of monitoring compliance with those orders, rely on batterers intervention programs to inform them of attendance and participation. Without a release of information, most Providers are constrained from communicating with any referral source except when safety is an issue (e.g., threats to harm self or others, reports of harm to vulnerable persons such as children, elderly and incapacitated adults).

**Suggestion:** Some Providers will forward a copy of the release of information at the time of intake to the appropriate referral source. Other Providers will attend court at the time of hearing so that once the order is issued, the Provider can obtain a release of information and schedule the initial appointment immediately.

5. **REPORTING COMPLIANCE: (24)** Providers shall send written status reports including level of compliance with court orders.

**Discussion:** Without periodic (e.g., monthly) reports, the courts, or other supervising agencies, often have no way of knowing whether their orders are being followed until a review hearing which may not be scheduled for several months, or until the participant is scheduled to have completed the program.

6. **REPORTING VIOLENCE: (25)** Providers shall report violence or threats of violence to the monitoring agent (e.g., the court, probation/parole, prosecutor).

**Discussion:** Most Providers will be required by law and by their professional ethical standards to notify appropriate authorities of a perpetrator's intent to harm himself or others. These Standards are intended to be consistent with those requirements. In addition, threats or the actual commission of harm of anyone should be considered a violation of the program contract.

7. **REHABILITATION NOT DETERRENT: (26)** Providers shall offer intervention services as a supplement to, rather than as a diversion from, criminal consequences.

**Discussion:** Batterers intervention services provide education. When they are used as a substitute for legal sanctions, perpetrators may be led to believe that there was nothing “wrong” with their behavior, since there were no consequences. Programs should be seen as a supplement to legal sanctions, rather than as a way to avoid those sanctions.

8. **REFERRALS FROM OTHER PROGRAMS: (27)** Providers shall accept participants from another program only if sanctioned by the monitoring agent (e.g., the court, probation/parole, prosecutor).

**Discussion:** In some jurisdictions, many Providers serve the same court. Perpetrators often are given a list of “approved” Providers and a certain amount of time to enroll in a program. Perpetrators should not be allowed to “shop” for Providers as a way of avoiding the scrutiny of the criminal justice system. However, if legitimate conflicts arise, Providers should facilitate the transfer in a way that does not compromise perpetrator accountability.

**Suggestion:** Providers are encouraged to share information (e.g., intake information, risk assessments, session notes, etc.) with the new Provider subsequent to a change in program. All referrals from one Provider to another should include notification and approval of the courts, probation/parole officer, or prosecutor responsible for monitoring that perpetrator, even if the perpetrator attended an initial intake session only.

- f. **TRAINING: (28)** Providers shall offer training to criminal justice personnel.

**Discussion:** Providers can improve their interagency collaboration by educating other stakeholders (e.g., criminal justice agencies) about the nature and role of batterers intervention programs.

**Suggestion:** Providers may do a presentation about their services at a local domestic violence Coordinating Council meeting. In areas without an active council, Providers should network with appropriate community groups and agencies (e.g., victims services, The Department of Corrections, the courts, etc.). In addition, Providers who have formed a partnership with local victim services can offer to assist in providing general domestic violence training.

## **V.C.6. Other community linkages**

Providers shall participate in coordinated community efforts designed to address intimate partner violence. The previous section of these Standards directly addressed the linkages with the criminal justice system. This section focuses on other important community collaboration.

9. **REFERRALS: (29)** Providers shall accept referrals from multiple sources (e.g., the courts, law enforcement, employers, medical personnel, victim services, clergy, child protective services, the Department of Corrections, therapists, substance abuse counselors, etc.).

**Discussion:** While the vast majority of perpetrators are referred to programs by the court system, other community stakeholders such as employers are beginning to recognize the importance of confronting the perpetrator's behavior. Some employers require perpetrators to attend a batterers intervention program as a condition of continued employment. In addition, a few perpetrators, responding to social pressure, seek to attend programs without a formal mandate from courts or other agencies. It is important for programs to be mindful, however, that while most perpetrators are court-referred, many are using the program to manipulate their partners.

10. **MEMORANDA OF UNDERSTANDING: (30)** Providers shall develop written policies for the interface with all collaborating agencies and obtain releases of information with all referring sources.

**Discussion:** Society has yet to condemn unequivocally violence against women. Until that happens, perpetrators will fail to take our "there is no excuse for domestic violence" message seriously unless all agencies are working together. To hold perpetrators accountable, it is important for all parts of the system (e.g., the courts, the Department of Corrections, Providers, etc.) to be consistent in the messages they send to perpetrators and to provide feedback to each other regarding the perpetrator's compliance with court orders and other requirements.

- c. **COUNCIL MEETINGS: (31)** Providers shall attend local Coordinating Council meetings regularly.

**Discussion:** All programs shall be represented at the local council meetings. There, Providers can receive regular feedback from collaborating agencies on ways to define and improve the role of batterers intervention services in helping the community to end interpersonal violence. Providers who work in relative isolation are more likely than those who collaborate, to increase danger to victims and are more likely to undermine other community-based initiatives.

- d. **CROSS TRAINING: (32)** Providers shall participate in cross training activities with other stakeholders.

**Discussion:** Well trained and experienced Providers can offer valuable insights into perpetrator dynamics to victim advocates, substance abuse counselors, mental health clinicians, judicial personnel, etc. Likewise, Providers need to listen to the wisdom of battered women’s advocates and other stakeholders. Without such collaborative cross-training, many professionals end up working at cross purposes with each other, making it easier for perpetrators to escape responsibility for ending their violence. See the Section V.C.1 “Staffing” for more training guidelines.

- e. **NETWORK MEETINGS: (33)** Providers shall attend monthly state-wide batterers intervention network meetings or equivalent local peer supervision. Providers shall keep minutes to document attendance and content of the meetings.

**Discussion:** Batterers intervention still is a relatively new field with far more questions than answers. Those providing services come from a variety of professional and experiential backgrounds. Even though we have reached near consensus regarding some core concepts (e.g., battering is not caused by drunkenness), there is still much to be learned about the most effective ways for batterers intervention services to support efforts to end the violence.

A potentially rich forum for the development of such interventions is peer supervision. Providers who attend such meetings are less likely to both “guess” at what may be effective and engage in “experimentation” with potentially dangerous results. Instead, peer supervision allows the Providers to benefit from the experience of others in the field who may have struggled with similar problems and dilemmas.

- f. **FATALITY REVIEW: (34)** Providers shall cooperate with investigators of domestic violence fatalities.

**Discussion:** The Major Crimes Unit of the Attorney General’s Office (and local police departments in a few of the larger cities) investigate all domestic violence-related homicides. Providers shall cooperate with investigators by making available their records to the maximum extent allowable by law and ethical guidelines.

Such cooperation will assist community and state-wide efforts to understand better both perpetrator dynamics and the factors that increase or decrease risk of harm. Ultimately, this improved understanding may help to generate strategies for reducing or eliminating partner violence.

## **V.C.7. Screening and assessment**

Ideally, though not always, the most important part of screening and assessment has been conducted prior to referral to a batterers intervention program (i.e., cases in which the perpetrator already has been found guilty by the courts of a domestic violence-related offense). Therefore, the screening and assessment are not performed to determine whether a perpetrator “needs counseling” or education. Rather, the goals of the evaluation are to (1) participate in the ongoing risk assessment of the perpetrator; (2) screen for factors that may interfere with an perpetrator’s ability to benefit from a batterers intervention program; and (3) develop interventions used with perpetrators that will maximize the impact of the program. Standards that support the attainment of these goals are discussed below.

11. **ADMISSION/EXCLUSION CRITERIA: (35)** Providers shall develop a written policy outlining admission criteria for the program.

**Discussion:** Not all referrals made to batterers intervention programs are appropriate. For example, Providers have received referrals for people who have been convicted of road rage, stranger violence, or resisting arrest (with no connection to intimate partner violence). None of these referrals would be appropriate even though the defendant may have committed a “violent” offense.

In addition, some potential clients who otherwise would be appropriate for batterers intervention services, may not be able to benefit from that service and should be, at least temporarily, excluded. For example, perpetrators who are actively psychotic; in need of detox; have severe cognitive, language or developmental disabilities; or who are generally assaultive (and thus a potential threat to staff or other group members) should not be included in the traditional group program. Whenever possible, alternate (more appropriate) services should be made available. Once the perpetrator is able to benefit from batterers intervention services (e.g., after a 28-day inpatient alcohol or other drug program, after being stabilized on anti-psychotic medication, etc.) inclusion in the program may be warranted. In other words, substance abuse or mental health services should NOT be considered a substitute for batterers intervention.

**Suggestion:** Providers may wish to distribute a statement of their admission/exclusion criteria to all relevant stakeholders (e.g., the courts, Department of Corrections, prosecutors, etc.). Discussion at a local Coordinating Council meeting regarding the appropriate referrals for perpetrators with, for example, substance abuse or mental health needs, will help to ensure appropriate services.

12. **NONDISCRIMINATION: (36)** Providers shall implement a nondiscrimination policy (re: culture, age, economics, etc.) and provide a barrier-free environment for the handicapped.

**Discussion:** Providers need to make every effort to make services available and culturally sensitive to those who need and qualify for them. Not all Providers will be able to serve every perpetrator (for example, those with language barriers). In such cases, Providers should work with the local Coordinating Council to identify

Providers who can meet those special needs.

- c. **INTAKE PROCEDURES: (37)** Providers shall collect information necessary to select and provide batterers intervention services.

**Discussion:** Domestic violence can occur without concomitant mental illness, stress, alcohol or other drug problems, or personality disorders. Therefore, the intake should not be used to determine which one of these problems “caused” the violence. It is appropriate, however, for Providers to screen for factors that may interfere with the perpetrator’s ability to participate meaningfully in the program. For example, a perpetrator in need of detox, would be unable to comprehend the lessons offered in the program until he was stabilized.

- d. **INTAKE COMPONENTS: (38)** Providers shall collect data that will assist in helping the perpetrator take responsibility for his own violence. Data that merely colludes with the perpetrator in blaming his violence on other people, conditions, or events should be avoided. Components of an intake shall include, if available:

1. Court order;
2. Criminal record and police reports;
3. Terms and conditions of probation and/or parole;
4. Victim contact information; and
5. Interview data:
  1. Abuse history (e.g., most violent incident, most recent violence, other acts of violence and abuse. Ask specifically about current or prior protective orders alleging abuse including bail orders, custody and visitation orders, divorce decrees, civil protective orders, etc.);
  2. Family history (e.g., violence, discipline, alcohol and other drug use, police and court involvement);
  3. Alcohol and other drug history;
  4. Military background (due to misogynistic and patriarchal attitudes prevalent in the military) including nature of discharge from the service;
  5. Weapons (e.g., guns, knives, etc. including those used for hunting);
  6. Other legal involvement (may provide information on respect for authority and willingness to follow rules);
  7. Medical history (especially head injuries and other conditions or impairments that may be “associated with,” rather than “cause,” violent behavior);
  8. Mental health conditions and treatment history (especially those that may be associated with violent behavior – for example, suicidal ideation may increase risk of harm to the victim);
  9. Previous batterers intervention;
  10. Hospitalizations;
  11. The perpetrator’s own victimization to the extent that it may help the perpetrator take responsibility for his own violence (not as an excuse for his being violent); and
  12. School history (academic and conduct).



**Suggestion:** Providers should enlist the assistance of probation/parole officers or other Coordinating Council members in obtaining necessary documentation for the intake (e.g., current or past restraining orders, etc.).

- e. **RISK ASSESSMENT: (39)** Providers shall conduct a risk assessment for all potential program participants.

**Discussion:** Batterers intervention programs like all other agencies involved in addressing domestic violence should be assessing dangerousness. While none of these agencies can predict violence accurately, efforts should be made to assess risk factors so that risk management procedures can be implemented. For example, a duty-to-warn arises when a perpetrator threatens to harm a family member.

**Suggestion:** Providers may use a standard screening form for risk assessment. A copy of such a tool is included in the Appendix.

- f. **PROGRAM AVAILABILITY: (40)** Providers shall conduct weekly intake or orientation sessions.

**Discussion:** Currently there are too few programs to handle all the potential referrals. Providers should, however, offer initial appointments as soon as possible after the referral is made. Many domestic violence experts cite a small window of opportunity, during which the perpetrators are most amenable to engaging in the program. This window of opportunity is created by the impact of arrest, prosecution, sentencing or the fear of losing the family. This window closes quickly for many perpetrators. And the longer the delay, the easier it is for the perpetrator to think that the system isn't serious about holding the perpetrator accountable.

**Suggestion:** In some jurisdictions, Providers attend court on the day that domestic violence cases are being heard. At the conclusion of the hearing or trial, the Provider is available to either schedule the initial intake or to conduct that intake at the court house before the perpetrator leaves.

- g. **FEMALE PERPETRATORS: (41)** Providers shall provide separate services for female perpetrators.

**Discussion:** The frequency, severity, purpose, and impact of male and female heterosexual violence are sufficiently different to warrant separate services. For example, while both men and women can assault their intimate partners, men are more likely to use violence as a way of controlling their partners while women are more likely to use violence as a way of escaping their partners' use of control. In addition, men who are assaulted by their female partners rarely are fearful of their partners, while women commonly are afraid. For this reason alone, women identified as the predominant aggressor may feel unsafe in a group with male perpetrators.

**Suggestion:** Providers who choose to work with women identified as the predominant aggressor should bear in mind that some of these women may have been acting self-defensively and thus may also have an ongoing need for safety planning. Providers shall modify their program curricula to reflect the different issues to be addressed by men and women in their programs.

- h. **PERPETRATORS IN CRISIS: (42)** Providers shall provide a mechanism to assist perpetrators (both former and current clients) calling in crisis.

**Discussion:** The majority of the perpetrator's rehabilitative work should be done in the context of a group where not only the group leader(s) but other group members can confront the abuse and support efforts to change. Some perpetrators will say little during group time and want a private conversation with the group leader(s) outside of the group either to avoid public scrutiny or to receive special treatment. Those perpetrators should be directed to do their work in the group.

There are times, however, when the perpetrator has committed or is at heightened risk of committing a harmful act toward himself or others. Providers should either internally, or in connection with other community stakeholders, have a mechanism for helping perpetrators during those times of crisis.

## **V.C.8. Perpetrator accountability**

Providers shall attempt to ensure public (and more specifically, victim) safety when designing and implementing their programs. One way of enhancing victim safety is to focus on perpetrator accountability.

Perpetrator accountability can take many forms including community service, restitution, child support, alimony, court fines, batterers intervention services, and incarceration, all of which are usually court-ordered. It is also within the Department of Corrections' authority, however, to mandate conditions such as community service and participation in a batterers intervention program (even when those conditions are not specified in a court order).

6. **COMMUNICATION WITH REFERRAL AGENTS: (43)** Providers shall send regular status reports to referral agents. The following six areas shall be addressed in each status report:
  1. Client identifying information;
  2. Attendance;
  3. Fee payment;
  4. Referrals (When the Provider makes referrals for the client, a list of those referrals shall be included in the status report. There also shall be a statement in the status report that clients must supply evidence of compliance with those referrals.)
  5. Contract compliance; and
  6. Recommendations regarding areas in which the perpetrator has made inadequate progress include but are not necessarily limited to:
    1. Acknowledgment of abusive behaviors;
    2. Acceptance of responsibility and accountability for abusive behaviors including the current offense(s);
    3. Motivation to participate in the program;
    4. Interaction with other group members and the group facilitator(s);
    5. Victim empathy; and
    6. Change in attitudes and beliefs.

**Discussion:** When a perpetrator is ordered into batterers intervention by the courts, the Department of Corrections, or another referral source, the Provider shall report on the perpetrator's participation in the program to that referral source. In addition, if the perpetrator is under supervision with the Department of Corrections, the Provider also shall remain in contact with the supervising probation/parole officer.

**Suggestion:** Monthly status reports currently are being generated consistently by many Providers to report on a perpetrator's program participation to the prosecuting attorney, the courts and the probation/parole officer.

7. **CONTRACT BETWEEN PROVIDER AND PERPETRATOR: (44)** Providers shall develop a written contract between the Provider and the perpetrator outlining what the Provider and perpetrator can expect from each other. The contract, should address, at a minimum, the following elements:
  1. Length of program;
  2. Attendance/absences;
  3. Confidentiality;
  4. Program fees;
  5. Compliance with court orders and other mandated conditions (including referrals made by the Provider);
  6. Alcohol and other drug use;
  7. Weapons;
  8. Pornography;
  9. Provider’s “duty to warn;”
  10. Meaningful participation as defined by the Provider;
  11. An expectation that the perpetrator remain violence-free; and
  12. Consequences for violation of contract components.
  
- c. **CONFIDENTIALITY AGREEMENT: (45)** All Providers shall develop a written policy addressing client confidentiality. The Provider shall not disclose any confidential information without the written consent of the perpetrator.
  1. To participate in a court-ordered program, perpetrator must sign a written Confidentiality Agreement (waiver) informing them of the nature and extent of information that will be released to, or received from, appropriate individuals and/or organizations. All potential program participants shall be informed of this confidentiality waiver at the time of the initial interview/intake.
  2. All program participants shall be informed that the courts may order Providers to appear with their records.
  3. The confidentiality waiver shall authorize the release and exchange of information that is both (a) relevant for the delivery of batterers intervention services, and (b) does not jeopardize anyone’s safety. Parties covered by this waiver include:
    1. Victims/survivors and/or current partner(s);
    2. Police departments;
    3. Department of Corrections, probation/parole officers;
    4. State or Federal Prisons;
    5. Division of Children, Youth and Family;
    6. District or Superior Court Prosecutors;
    7. Victim/witness advocates and/or others working on behalf of the victims/survivors;
    8. Other batterers intervention programs (in which the client participated previously);
    9. Psychological, counseling and/or other medical providers (from whom the client has received or continues to receive services); and

10. Any other individuals or organizations that may be helpful to the Provider in attempts to ensure victim safety or enhance victim rights.
4. The waiver covers the following topics:
  - a. Intake information;
  - b. Results of assessments;
  - c. Date of enrollment and duration of the program;
  - d. Terms of the program contract;
  - e. Compliance with the program contract (e.g., attendance, termination/completion, “meaningful” participation);
  - f. Threats (e.g., to harm self, victim/survivor, partner, others);
  - g. Status reports;
  - h. Alcohol or other drug use;
  - i. Behavior that may harm the victim/survivor, partner, others;
  - j. Re-offense; and
  - k. Violation of protective orders.
5. The Confidentiality Agreement shall state that the Provider shall report to appropriate authorities:
  - a. Any imminent physical threat to injure the victim/survivor, partner, self or others;
  - b. Any reports of abuse or neglect of children, elderly or disabled persons by the perpetrator;
  - c. Any violation of a court order; and/or
  - d. Any criminal or abusive behavior relating to intimate partner violence.
6. The Confidentiality Agreement shall state that the Provider will protect the confidentiality of the victim/survivor or partner when disclosing any of the above-mentioned information.
7. All program participants shall sign a group Confidentiality Agreement prior to program enrollment requiring those participants to maintain confidentiality within the group.
8. All participants have the right to revoke their consent to the release of confidential information. Such revocation, however, would disqualify them from receiving court-ordered batterers intervention services from that Provider.
- d. **CONTRACT VIOLATIONS: (46)** If a Provider is aware of a violation of either the perpetrator’s contract or the law, that Provider shall notify immediately the appropriate agency (e.g., law enforcement, Department of Corrections, prosecuting authority, etc.).
  4. If the perpetrator is on supervision with the Department of Corrections, the Department can impose alternative sanctions to incarceration such as substance abuse counseling (inpatient or outpatient), mental health counseling, oral or written warnings, curfews, community service, increased supervision, tours of the

prison or the local House of Corrections, and house arrest. If incarceration is the agreed upon disposition for a perpetrator's violation, the Department of Corrections can offer a recommendation to the prosecutor and the court for sentencing.

2. If the perpetrator is not on supervision with the Department of Corrections, the Provider shall notify the prosecuting authority of any violations so motions can be filed with the court to have the perpetrator returned to court for an appropriate disposition.
3. If the perpetrator poses an immediate threat to public safety, the Provider shall notify law enforcement for intervention. The Provider then shall notify either the prosecuting authority and/or the Department of Corrections for follow-up action.

**Suggestion:** A copy of the perpetrator's signed contract should be forwarded to both the prosecutor and the supervising probation/parole officer, providing the perpetrator was mandated into counseling. This will verify that the perpetrator was made aware of program expectations. Such notification is helpful when a third party such as the Department of Corrections is involved.

## **V.C.9. Program duration**

5. **Programs shall be 36 weeks (approximately eight months) minimum duration: (47)** Programs across the country range from three months to over two years. Therefore, there is no consensus as to the “appropriate” length. Several factors influenced the selection of duration for programs in New Hampshire. Those factors included:
1. Time required to present the educational material in the curriculum;
  2. The benefits of weekly social support/confrontation;
  3. The deterrent effect of a meaningful or significant consequence;
  4. The length suggested in batterers intervention standards from other states;
  5. Program length for related social concerns (e.g., sexual offender treatment often lasts for longer than two years even after receiving treatment in prison); and
  6. Limited resources (e.g., probation/parole officer and Provider case loads).

**Discussion:** All of these factors were considered in determining the minimum length of a batterers intervention program. In addition, the Survey asked about program length. Of the 149 respondents, 138 reported what they believed should be the “minimum duration of a batterers program.” The modal response was 12 months and the range was from three to 36 months. The mean score in months was 13.46 with a standard deviation of 5.76. Therefore, 84 percent of the respondents believed that minimum program length should be no less than 36 weeks. These results were considered by the Committee in the selection of 36 weeks (approximately eight months) as the minimum length of a batterers intervention program.

Minimum program length may not be the same as optimal program length. Providers may extend the length of their program due to one or more participant factors that affect whether meaningful changes in attitudes and behavior occur. These factors include:

7. Educational level;
8. Program compliance;
9. Recidivism; and
10. Comprehension and integration of material.

Due to the fact that a Provider may choose to extend the length of the program for particular participants, that Provider must have informed both referring agent(s) and participants (in the program contract) of the criteria for such extension.

**“It was a one-time event”:** Often a perpetrator, or others speaking on his behalf, will suggest that program participation should be considerably less since the abuse was a “one-time event.” Domestic violence is not a one-time event. It is a pattern of coercive control. Although someone may have been brought before the court only once, it does not preclude a history of coercive control or escalating violence on his part.

Further, domestic violence tends to get worse over time without intervention. In the extremely rare case that a perpetrator is arrested after the first act of abuse, the intervention program appropriately serves as the deterrent to help prevent future

escalation of violence.

Finally, to suggest that someone attend for fewer sessions because his crime was “not that bad” seems to confuse punishment and rehabilitation. Certainly, the amount of a fine someone pays for a particular offense increases as the seriousness of the crime increases. This is a form of punishment. Educational rehabilitation, however, works differently. Teachers at the beginning of a semester in school or college do not give students exams to determine how many of the 14 weeks of classes each student should attend. Students are expected to attend all classes. Likewise, there are different “lessons” taught during each week of a batterers intervention program. Facilitators could not, as a practical matter, determine which classes are most important for which perpetrators to attend.

***Terminology regarding termination:*** Various terms have been used to describe the status of the participant when released from a program. Providers will report that a participant who has complied with all the program requirements has “completed,” “successfully completed,” “made sufficient progress,” “finished,” or “graduated.” These terms can be dangerously misleading due to the implication that the participant is less or no longer abusive, when in fact the Provider has no *direct* or *reliable* way of knowing how much “progress” the perpetrator has made.

In fact, some perpetrators become *more* abusive after “successfully completing” a batterers intervention program. Providers and other stakeholders need to understand this limitation of batterers intervention services so as to not lead victims/survivors into a false sense of security. We need to realize that perpetrators will not make sufficient “progress” until the values, policies and institutions in our culture demand that they stop their abuse. And batterers intervention programs by themselves do not have the power to enforce those demands.



# **V.D. Program** **evaluation**

## **V.D.1. Registration and monitoring of programs**

Ninety-five percent (132 of 139) of the respondents of the Survey believed that Providers should be required to meet State Standards. The other seven respondents did not necessarily believe that Providers should not meet predetermined Standards. Rather, some believed that Providers should be “registered” rather than “certified,” since being registered “does not promise as much” to the victim, the courts or the community. Provider registration would be similar to car registration in that Providers would be open to inspection on a regular basis and would be required to meet minimum Standards of operation.

Why not use the term “Certified?” In many professions (e.g., social work, psychology, psychiatry), providers who are certified have earned that designation through extensive study, examination, peer review and supervision during internships and practica. The batterers intervention field does not yet have such rigorous training and evaluation criteria. Therefore, offering such a designation may mislead stakeholders (e.g., victims and their advocates, judges, probation/parole officers) into believing that our evaluation of Providers is more reliable than it is. There may be both actual risk (to the victim) and liability issues arising from an unreliable certification process.

In time, our pool of knowledge may increase to the point where we are more confident about the quality of services that Providers can and do offer. At that time, we may revisit our designation of “registered” programs and consider reclassifying them as “certified” or even “licensed.”

6. **BENEFITS OF REGISTRATION: (48)** Programs that demonstrate that they operate according to the published Standards will be listed as “registered.” This list will then be updated regularly and distributed to the courts, The Department of Corrections, The New Hampshire Coalition Against Domestic and Sexual Violence, local Coordinating Councils, New Hampshire’s Governor’s Commission on Domestic and Sexual Violence, DCYF (child protective services) and other agencies.
7. **IMPLEMENTATION OF THE STANDARDS: (49)** These Standards shall be implemented in the following manner:
  1. **Approval:** Initially, the Governor’s Commission on Domestic and Sexual Violence will approve the final draft of these Standards.
  2. **Training:** State-wide training shall be provided for all current and prospective Providers will be conducted and will include:
    1. Introduction of the Standards by the Commission’s Subcommittee;
    2. Breakout groups for discussion of selected topics; and
    3. A question and answer period for the entire group.

3. **Compliance:** Providers shall have one year from the time of this initial training to come into compliance with the Standards. Many Providers likely will achieve this status long before the expiration of that one-year period. Once a Provider believes that his/her program is ready for registration, that Provider should contact a representative on the multidisciplinary team (see “Monitoring Agent” in section “C.”) for a program inspection.
- c. **MONITORING AGENT: (50)** A multidisciplinary team (including at a minimum, representatives from: victim services, the Department of Corrections and batterers intervention programs) will have responsibility for monitoring compliance with these Standards.

**Discussion:** Respondents to our survey were asked:

“Who Should Monitor Batterers Intervention Programs to Insure Compliance?”

Agency to monitor compliance	Nominations (#)
The Governor’s Commission on Domestic Violence	73
Collaboration by two or more of the agencies listed below	35
The Department of Corrections	31
Battered women’s services	30
The Department of Health and Human Services	28
Independent not-for-profit agency	20

The Governor’s Commission on Domestic Violence (the only agency on the list that represents a multidisciplinary team of professionals) was nominated more than twice as often as any other agency. This high endorsement (73 nominations) combined with the 35 nominations for multiple agencies (“collaboration by two or more of the agencies listed below”) suggests a preference by the respondents for inter-professional monitoring of Providers.

This also underscores the importance of Providers working effectively with other community agencies. Divergent and possibly inconsistent views of the role and operation of batterers intervention programs among community agencies could interfere with an effective community collaboration.

- d. **DESIGNATED MONITOR: (51)** The multidisciplinary team may designate or hire an agency or individual(s) to conduct the multiple tasks of monitoring of Providers.
- e. **GRIEVANCE PROCEDURE: (52)** The multidisciplinary team (monitoring agent) shall develop a written procedure to be distributed to all Providers outlining a process for disputing unfavorable findings arising from an inspection of their program.

## **V.D.2. Evaluation of batterers intervention programs**

This section addresses the ways in which programs can help to ensure that the work they are doing is contributing to the community-wide efforts to end interpersonal violence. The evaluation data collected by both Providers and other members of local Coordinating Councils shall be used to modify these Standards as needed.

4. **RECIDIVISM: (53)** Those conducting evaluations shall collect recidivism (rearrest) rates from the police.

**Discussion:** Recidivism, as measured by rearrest rates, is an estimate of reoffense. It is less than accurate for several reasons. First, not every assault results in arrest. Second, some perpetrators learn how to avoid arrest rather than how to be nonabusive. Third, some perpetrators know that a single instance of violence may be sufficient to terrorize their family members. Consequently, the mere threat (for which they probably will not be arrested) of violence may be enough for them to control their victims. Therefore, a Provider whose program participants are rearrested at a rate of 5 percent, would probably be overstating its “success” if claiming a 95 percent effectiveness rate.

**Suggestion:** Despite these limitations of re-arrest rates as accurate measures of success, they serve as a good starting point for Providers to measure their contribution to ending intimate partner violence in their community. Local Coordinating Councils may be an appropriate forum for coordinating the collection of this data.

5. **PROGRAM COMPLIANCE: (54)** Providers shall track referral, drop out and compliance rates.

**Discussion:** Arrest, prosecution, conviction and sentencing of perpetrators vary across jurisdictions. So does the extent to which perpetrators are required to follow through on court-ordered participation in batterers intervention services. Some preliminary research suggests that the longer a perpetrator stays in compliance with court-ordered batterers intervention, the less likely that the victim will be re-assaulted.

**Suggestion:** Providers have been criticized for referring to some perpetrators as “graduates,” or “completers” or even as those who have made “significant progress.” This criticism comes from the realization that many perpetrators learn how to “do group” to impress group leaders, but continue to abuse their partners when away from public scrutiny (e.g., in their own homes). When reporting to a third party, Providers should report only what they know, being careful not to overstate their ability to predict the perpetrator’s out-of-session behavior.

c. **APPROPRIATE SERVICES: (55)** The multidisciplinary team shall monitor each Provider's services, records, staff credentials and policies. This shall include:

1. Site visits to determine compliance with the Standards;
2. An examination of files for required documentation; and
3. Observation of group sessions.

**Discussion:** Batterers intervention programs by themselves will not end intimate partner violence. Nor is there consensus as to "the best" batterers intervention model. However, there does seem to be consensus that holding perpetrators accountable for their behavior should be a central component of any program. Providers who are held accountable for their operations are in the best position to hold perpetrators accountable for their behavior.

**Suggestion:** Some groups use victim advocates, probation/parole officers and/or other Providers as group observers to monitor the interventions directly while complying with confidentiality and other ethical guidelines.

d. **ANNUAL REVIEW: (56)** Providers shall conduct annual reviews of their program's operation and specify goals for the coming year.

**Discussion:** Batterers intervention is a developing field. Providers who conduct periodic and formal reviews of their entire operations can avail themselves of the most recent developments in the field, thereby enhancing their effectiveness.

**Suggestion:** Providers can obtain much helpful information by presenting their operations at a well-attended local Coordinating Council meeting. These presentations can occur: (a) initially when a program is being developed; (b) at any time when significant changes in operation are being proposed; and (c) during an annual review.

e. **PERPETRATOR FEEDBACK: (57)** Providers shall obtain and document feedback from participants regarding the quality and process of the intervention program.

**Discussion:** The only people who can determine directly whether the violence will continue are the perpetrators of that violence. Therefore, they may have useful observations or suggestions about the helpfulness of the programs to which they were referred.

**Suggestions:** Some Providers either use an individual exit interview once a perpetrator has complied with all the program requirements or interview that perpetrator during that person's last group session. Another option is to solicit feedback from perpetrators periodically (e.g., monthly) during their participation in the program.

- f. **OTHER EVALUATION METHODS: (58)** Providers shall collaborate with advocates, other local Coordinating Council members and researchers to design outcome studies.

**Discussion:** To date, few state standards have addressed in detail the most promising outcome measures for batterers intervention programs. Some of those same standards, however, have identified the importance of developing valid and reliable measures. Providers can work with other Council members in selecting or developing measures.

**Suggestions:** Possible measures that Providers can use internally to evaluate their programs are listed below. \*

1. Assessments from facilitators on their impressions of change in each participant;
2. Tests of knowledge of relevant topics both pre- and post-program participation;
3. Self reports on violence and abuse pre- and post-program participation; and
4. Reports collected from the victim on abuse pre- and post-program participation (in ways that do not jeopardize the victim's confidentiality and safety).

***\*It should be noted that these measures have not been shown to provide an accurate prediction of violent or otherwise abusive behavior. Therefore, results of these measures should not be reported to referral agents as a measure of a perpetrator's "progress." Reliance upon the results of untested measures could mislead judges, victims or other community members into a false sense of hope. Many victims have returned to a perpetrator because a Provider reported that the perpetrator "had made significant progress."***

***Unfortunately, some of those victims, subsequently suffered further acts of violence. This observation underscores the importance of Providers being clear about the limitations of their knowledge and reporting only what they know.***

## **VI. Proposing modifications to the Standards**

There is currently no consensus as to the optimal components of a batterers intervention program. Few high quality research studies have been conducted that compare outcomes of competing models. In light of this observation, these Standards both allow for and encourage the inclusion of new methods, policies and procedures as warranted by the developing knowledge base in the field.

The goal is to encourage responsible innovation. In other words, Providers are encouraged to propose changes in the way that these services are rendered so as to make them more effective. At the same time, these Standards require that the proposer of any modification be able to demonstrate thoughtful consideration of the impact the changes would have on battered women and their families.

**PROPOSING MODIFICATIONS TO THE STANDARDS: (59)** This section outlines a five-step procedure for proposing modifications to these Standards.

6. The proposal will contain a description of the specific change being suggested (with regard to, for example, interventions, policies, procedures);
7. The proposal will specify the goal of the proposed change - what is hoped to be accomplished;
8. The proposal will describe why the author believes the proposed change will not impact negatively the welfare of battered women or their families;
9. The proposal will describe how the impact of the proposed change will be measured ( i.e., what assessment tools will be used to evaluate the effectiveness of the proposed change and whether unintended negative outcomes occurred).
10. Finally, the proposal will be submitted for review to the Batterers Intervention Subcommittee of the Governor's Commission on Domestic and Sexual Violence. The Batterers Intervention Subcommittee will recommend any changes or modifications for approval by the full Governor's Commission.

# **VII. Appendices**



Batters Intervention Subcommittee members  
Governor's Commission on Domestic and Sexual Violence

Donna Cummings  
Response to Sexual & Domestic Violence

Jennie DiBartolomeo, Ed. D.  
Private Practitioner

Linda Griebisch  
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NHCADSV

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Paul Jacques  
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Strafford County Domestic Violence Unit  
Department of Corrections

Catherine McNaughton  
Director, Victim/Witness Services  
Hillsborough County Attorney's Office

Thomas Van Beaver  
Merrimack County Attorney's Office

Michael Brown

former Committee member and Chair

## RISK ASSESSMENT CHECKLIST:

2. \_\_\_\_\_ Escalation of physical violence
3. \_\_\_\_\_ Escalation of other forms of abuse
4. \_\_\_\_\_ Sexual abuse of the victim
5. \_\_\_\_\_ Recent acquisition or change in use of weapons
6. \_\_\_\_\_ Depression or recent lifting of mood
7. \_\_\_\_\_ Suicidal ideation, threats or attempts
8. \_\_\_\_\_ Homicidal ideation, threats or attempts
9. \_\_\_\_\_ Change in alcohol or other drug use/abuse
10. \_\_\_\_\_ Stalking or other surveillance/monitoring behavior
11. \_\_\_\_\_ Centrality of the victim to the perpetrator (“she’s all I have”)
12. \_\_\_\_\_ Jealousy/obsessiveness about, or preoccupation with, the victim
13. \_\_\_\_\_ Mental health concerns connected with violent behavior
14. \_\_\_\_\_ Other criminal behavior or injunctions (e.g., resisting arrest)
15. \_\_\_\_\_ Increase in personal risk taking (e.g., violation of restraining orders)
16. \_\_\_\_\_ Interference with the victim’s help-seeking attempts (e.g., pulling a phone jack out of the wall)
17. \_\_\_\_\_ Imprisonment of the victim in her home
18. \_\_\_\_\_ Symbolic violence including destruction of the victim’s property or harming her pets
19. \_\_\_\_\_ Victim’s attempt to flee the perpetrator or to terminate the relationship
20. \_\_\_\_\_ Perpetrator’s access to the victim or her family

No one factor alone suggests that severe violence/lethality will happen. Generally speaking, however, the more indicators present, the higher the risk of serious violence. Also, as can be noted by the phrasing of some of the above items, a *change* in factors is more important than the mere *presence* of those factors (e.g., owning a weapon is not as relevant as recently purchasing that weapon). Safety planning with the victim is important in any case with elevated risk. Increased monitoring with the perpetrator may also be indicated.

## **APPENDICES**

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- APPENDIX B:** NEW HAMPSHIRE COUNTY ATTORNEYS OFFICES
- APPENDIX C:** NEW HAMPSHIRE VICTIM/WITNESS PROGRAMS
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(ELDERLY AND ADULT SERVICES)
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- APPENDIX O:** MYTH/FACT SHEET
- APPENDIX P:** 50+ REASONS WHY VICTIMS STAY
- APPENDIX Q:** A FACT SHEET ABOUT DOMESTIC VIOLENCE
- APPENDIX R:** A FACT SHEET ABOUT THE EFFECTS OF DOMESTIC VIOLENCE ON  
CHILDREN
- APPENDIX S:** A FACT SHEET ABOUT SEXUAL ASSAULT
- APPENDIX T:** A FACT SHEET ABOUT SEXUAL ASSAULT: THE MENTAL HEALTH IMPACT
- APPENDIX U:** A FACT SHEET ABOUT DOMESTIC VIOLENCE IN THE WORKPLACE
- APPENDIX V:** A FACT SHEET ABOUT CHILD SEXUAL ABUSE
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- APPENDIX X:** DOMESTIC VIOLENCE LAWS
- I. RSA 173:B
  - II. RSA 173:C
- APPENDIX Y:** TERMS OF PROBATION
- APPENDIX Z:** DEPARTMENT OF CORRECTIONS- DIVISION OF FIELD SERVICES



## APPENDIX A

### DOMESTIC VIOLENCE and SEXUAL ASSAULT SUPPORT SERVICES IN NEW HAMPSHIRE

#### NH Coalition Against Domestic and Sexual Violence

PO Box 353

Concord, NH 03302-0353

(603) 224-8893 (Office)

Web Site: [www.nhcadsv.org](http://www.nhcadsv.org)

Hotline Phone: 1-800-852-3388 (within NH)

603-225-9000 (outside NH)

The NH Coalition is comprised of 14 programs throughout the state that provide services to survivors of sexual assault and domestic violence. The services are free, confidential, and available to everyone regardless of age, race, religion, sexual preference, class, or physical ability. The services include:

- 24-hour crisis line
- Emergency shelter and transportation
- Legal advocacy in obtaining restraining orders against abusers
- Hospital and court accompaniment
- Information about and help in obtaining public assistance

#### **RESPONSE to Sexual & Domestic Violence**

c/o Coos County Family Health Service

54 Willow Street

Berlin, NH 03570

1-800-852-3388 (crisis line)

752-5679 (Berlin office)

237-8746 (Colebrook office)

788-2562 (Lancaster office)

#### **Women's Supportive Services**

11 School Street

Claremont, NH 03743

1-800-639-3130 (crisis line)

543-0155 (Claremont office)

863-4053 (Newport office)

#### **Rape & Domestic Violence Crisis Center**

PO Box 1344

Concord, NH 03302-1344

1-800-852-3388 (crisis line)

225-7376 (office)

#### **Starting Point: Services for Victims of Domestic & Sexual Violence**

PO Box 1972

Conway, NH 03818

1-800-336-3795 (crisis line)

356-7993 (Conway office)

539-5506 (Ossipee office)

#### **Sexual Harassment and Rape Prevention Program (SHARPP)**

University of NH

Huddleston Hall, Room 202

Durham, NH 03824

862-3494 (crisis line & office)

#### **Women's Crisis Service of the Monadnock Region**

12 Court Street

Keene, NH 03431-3402

352-3782 (crisis line)

352-3844 (Keene office)

532-6800 (Jaffrey office)

#### **New Beginnings**

##### **A Women's Crisis Center**

PO Box 622

Laconia, NH 03246

1-800-852-3388 (crisis line)

528-6511 (office)

#### **Women's Information Serv. (WISE)**

79 Hanover Street, Suite 1

Lebanon, NH 03766

448-5525 (crisis line)

448-5922 (office)

#### **The Support Center Against Domestic Violence and Sexual Assault**

PO Box 965

Littleton, NH 03561

1-800-774-0544 (crisis line)

444-0624 (Littleton office)

747-2441 (Woodsville office)

#### **YWCA Crisis Center**

72 Concord Street

Manchester, NH 03101

668-2299 (crisis line)

625-5785 (Manchester office)

432-2687 (Derry office)

#### **Rape and Assault Support Services**

PO Box 217

Nashua, NH 03061-0217

883-3044 (crisis line)

889-0858 (Nashua office)

672-9833 (Milford office)

#### **Voices Against Violence**

*(Formerly: Task Force Against Domestic and Sexual Violence)*

PO Box 53

Plymouth, NH 03264

536-1659 (crisis line)

536-3423 (office)

#### **A Safe Place**

PO Box 674

Portsmouth, NH 03802

1-800-852-3388 (crisis line)

436-7924 (Portsmouth office)

330-0214 (Rochester office)

890-6392 (Salem office)

#### **Sexual Assault Support Services**

7 Junkins Ave.

Portsmouth, NH 03801

1-888-747-7070 (crisis line)

436-4107 (Portsmouth office)

332-0775 (Rochester office)



## APPENDIX B

### NEW HAMPSHIRE COUNTY ATTORNEY OFFICES

Belknap County Attorney  
64 Court Street  
Laconia, New Hampshire 03246  
(603) 527-5440

Carroll County Attorney  
PO Box 218  
Ossipee, New Hampshire 03864  
(603) 539-7769

Cheshire County Attorney  
PO Box 612E  
Keene, New Hampshire 03431  
(603) 352-0056

Coos County Attorney  
55 School Street, Suite 102  
Lancaster, New Hampshire 03584  
(603) 788-3812

Grafton County Attorney  
3785 Dartmouth College Highway  
North Haverhill, New Hampshire 03774  
(603) 787-6968

Hillsborough County Attorney-Northern  
District  
300 Chestnut Street  
Manchester, New Hampshire 03101  
(603) 627-5605

Hillsborough County Attorney-Southern  
District  
19 Temple Street  
Nashua, New Hampshire 03060  
(603) 594-3250

Merrimack County Attorney  
4 Court Street  
Concord, New Hampshire 03301  
(603) 228-0529

Rockingham County Attorney  
PO Box 1209  
Kingston, New Hampshire 03848-1209  
(603) 642-4249

Strafford County Attorney  
PO Box 799  
Dover, New Hampshire 03821-0799  
(603) 749-2808

Sullivan County Attorney  
14 Main Street  
Newport, New Hampshire 03773  
(603) 863-7950





## APPENDIX C

### NEW HAMPSHIRE VICTIM/WITNESS ASSISTANCE PROGRAMS

Office of Victim/Witness Assistance  
Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-3671

Belknap County Victim/Witness Program  
64 Court Street  
Laconia, New Hampshire 03246  
(603) 527-5440

Carroll County Victim/Witness Program  
PO Box 218  
Ossipee, New Hampshire 03864  
(603) 539-7769

Cheshire County Victim/Witness Program  
PO Box 612E  
Keene, New Hampshire 03431  
(603) 352-0056

Coos County Victim/Witness Program  
55 School Street, Suite 102  
Lancaster, New Hampshire 03584  
(603) 788-3812

Grafton County Victim/Witness Program  
3801 Dartmouth College Highway  
North Haverhill, New Hampshire 03774  
(603) 787-2193

Hillsborough County Victim/Witness Program-  
Northern District  
300 Chestnut Street  
Manchester, New Hampshire 03101  
(603) 627-5605

Hillsborough County Victim/Witness Program-  
Southern District  
19 Temple Street  
Nashua, New Hampshire 03060  
(603) 594-3256

Merrimack County Victim/Witness Program  
4 Court Street  
Concord, New Hampshire 03301  
(603) 228-0529

Rockingham County Victim/Witness Program  
PO Box 1209  
Kingston, New Hampshire 03848-1209  
(603) 642-4249

Strafford County Victim/Witness Program  
PO Box 799  
Dover, New Hampshire 03821-0799  
(603) 749-4215

Sullivan County Victim/Witness Program  
14 Main Street  
Newport, New Hampshire 03773  
(603) 863-8345

Victim's Compensation Commission  
NH Attorney General's Office  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-1284  
1-800-300-4500

Victim Services  
Department of Corrections  
PO Box 1806  
Concord, New Hampshire 03302-1806  
(603) 271-1937

United States Attorney's Office  
District of New Hampshire  
55 Pleasant Street, Suite 312  
Concord, New Hampshire 03301  
(603) 225-1552



## APPENDIX D

### NEW HAMPSHIRE SUPERIOR COURTS

Belknap County Superior Court  
64 Court Street  
Laconia, New Hampshire 03246  
(603) 524-3570

Carroll County Superior Court  
Carroll County Courthouse  
PO Box 157  
Ossipee, New Hampshire 03864  
(603) 539-2201

Cheshire County Superior Court  
PO Box 444  
Keene, New Hampshire 03431  
(603) 352-6902

Coos County Superior Court  
55 School Street, Suite 301  
Lancaster, New Hampshire 03584  
(603) 788-4900

Grafton County Superior Court  
3785 Dartmouth College Highway  
North Haverhill, New Hampshire 03774  
(603) 787-6961

Hillsborough County Superior Court  
Northern District  
300 Chestnut Street  
Manchester, New Hampshire 03101  
(603) 669-7410

Hillsborough County Superior Court  
Southern District  
30 Spring Street  
PO Box 2072  
Nashua, New Hampshire 03061  
(603) 883-6461

Merrimack County Superior Court  
PO Box 2880  
Concord, New Hampshire 03302-2880  
(603) 225-5501

Rockingham County Superior Court  
PO Box 1258  
Kingston, New Hampshire 03848-1258  
(603) 642-5256

Strafford County Superior Court  
PO Box 799  
Dover, New Hampshire 03821-0799  
(603) 742-3065

Sullivan County Superior Court  
22 Main Street  
Newport, New Hampshire 03773  
(603) 863-3450



## APPENDIX E

### NEW HAMPSHIRE DISTRICT COURTS

Auburn District Court  
5 Priscilla Lane  
Auburn, New Hampshire 03032  
(603) 624-2084/2265

Berlin District Court  
220 Main Street  
Berlin, New Hampshire 03570  
(603) 752-3160

Claremont District Court  
Tremont Square  
PO Box 313  
Claremont, New Hampshire 03743  
(603) 542-6064

Colebrook District Court  
32 Clinton Street  
PO Box 3420  
Concord, New Hampshire 03302  
(603) 271-6400

Derry District Court  
10 Manning Street  
Derry, New Hampshire 03038  
(603) 4334-4676/4677

Dover District Court  
25 Saint Thomas Street  
Dover, New Hampshire 03820  
(603) 742-7202/749-4612

Durham District Court  
Main Street  
Durham, New Hampshire 03824  
(603) 868-2323

Exeter District Court  
120 Water Street  
PO Box 394  
Exeter, New Hampshire 03833  
(603) 772-2931

Franklin District Court  
7 Hancock Terrace  
PO Box 172  
Franklin, New Hampshire 03235  
(603) 934-3290

Goffstown District Court  
16 Main Street  
PO Box 129  
Goffstown, New Hampshire 03045  
(603) 497-2597

Gorham District Court  
Town Building  
PO Box 176  
Gorham, New Hampshire 03581  
(603) 466-2454

Hampton District Court  
132 Winnacunnet Road  
PO Box 10  
Hampton, New Hampshire 03843  
(603) 926-8117

Haverhill District Court  
Court Street  
Woodsville, New Hampshire 03785  
(603) 747-3063

Henniker District Court  
2 Depot Street  
Henniker, New Hampshire 03242  
(603) 428-3214

Hillsboro District Court  
27 School Street  
PO Box 763  
Hillsboro, New Hampshire 03244  
(603) 464-5811

Hooksett District Court  
101 Merrimack Street  
Hooksett, New Hampshire 03106  
(603) 485-9901/9220

Jaffrey/Peterborough District Court  
7 Knight Street  
PO Box 39  
Jaffrey, New Hampshire 03452  
(603) 532-8698/7276

Keene District Court  
3 Washington Street  
PO Box 364  
Keene, New Hampshire 03431  
(603) 352-2559/2047

Laconia District Court  
Academy Square  
PO Box 1010  
Laconia, New Hampshire 03247-1010  
(603) 524-4128/4051

Lancaster District Court  
55 School Street, Suite 201  
Lancaster, New Hampshire 03584  
(603) 788-4485

Lebanon District Court  
38 Centerra Parkway  
Lebanon, New Hampshire 03766  
(603) 643-3555

Littleton District Court  
134 Main Street  
Littleton, New Hampshire 03561  
(603) 444-7750

Manchester District Court  
PO Box 456  
35 Amherst Street  
Manchester, New Hampshire 03105  
(603) 624-6510

Merrimack District Court  
Baboosic Lake Road  
PO Box 324  
Merrimack, New Hampshire 03054  
(603) 424-9916/9917/7005

Milford District Court  
Meeting Place Mall  
PO Box 148  
Amherst, New Hampshire 03031  
(603) 673-2900

Nashua District Court  
25 Walnut Street  
Nashua, New Hampshire 03060  
(603) 880-3333/3336

New London District Court  
Main Street  
PO Box 1966  
New London, New Hampshire 03257  
(603) 526-6519

Newport District Court  
Main Street  
PO Box 581  
Newport, New Hampshire 03773  
(603) 863-1832

Northern Carroll County  
E. Conway Road, Route 302  
PO Box 940  
Conway, New Hampshire 03818  
(603) 356-7710

Plaistow District Court  
145 Main Street  
PO Box 129  
Plaistow, New Hampshire 03865  
(603) 382-4651

Plymouth District Court  
26 Green Street  
Plymouth, New Hampshire 03264  
(603) 536-3326

Portsmouth District Court  
111 Parrott Avenue  
Portsmouth, New Hampshire 03801  
(603) 431-2192

Rochester District Court  
76 North Main Street  
Rochester, New Hampshire 03867  
(603) 332-3516/3150

Salem District Court  
35 Geremonty Drive  
Salem, New Hampshire 03079  
(603) 893-4483

Somersworth District Court  
2 Pleasant Street  
Somersworth, New Hampshire 03878  
(603) 692-5967

Southern Carroll County District Court  
Route 171, Courthouse Square  
PO Box 421  
Ossipee, New Hampshire 03864  
(603) 539-4561

## APPENDIX F

### DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF ELDERLY AND ADULT SERVICES DISTRICT OFFICES

<b>DISTRICT OFFICE</b>	<b>STREET/MAILING ADDRESS</b>	<b>TELEPHONE</b>
Berlin District Office	219 Main Street Berlin, New Hampshire 03570	1-800-972-6111 (or) 603-752-7800
Claremont District Office	17 Water Street Claremont, New Hampshire 03743	1-800-982-1001 (or) 603-542-9544
Concord District Office	40 Terrill Park Drive Concord, New Hampshire 03301	1-800-322-9191 (or) 603-271-3610
Conway District Office	73 Hobbs Street Conway, New Hampshire 03818	1-800-522-4628 (or) 603-447-3841
Keene District Office	809 Court Street Keene, New Hampshire 03431	1-800-624-9700 (or) 603-357-3510
Laconia District Office	65 Beacon Street West Laconia, New Hampshire 03246	1-800-322-2121 (or) 603-524-4485
Littleton District Court	80 North Littleton Road Littleton, New Hampshire 03561	1-800-552-8959 (or) 603-444-6786
Manchester District Court	361 Lincoln Street Manchester, New Hampshire 03103	1-800-852-7493 (or) 603-668-2330
Nashua District Court	19 Chestnut Street Nashua, New Hampshire 03060	1-800-852-0632 (or) 603-883-7726
Portsmouth District Court	30 Maplewood Avenue Portsmouth, New Hampshire 03801	1-800-821-0326 (or) 603-433-8318
Rochester District Court	150 Wakefield Street, Suite #22 Rochester, New Hampshire 03867	1-800-862-5300 (or) 603-332-9120
Salem District Office	154 Main Street Salem, New Hampshire 03079	1-800-852-7492 (or) 603-893-9763

#### STATE OFFICE

Administrator  
Office of Community Services  
Division of Elderly and Adult Services  
115 Pleasant Street, Annex #1  
Concord, New Hampshire 03301-3843  
1-800-852-3345 Ext. 4386

An intake social worker or supervisor will be available during business hours to receive reports. DEAS business hours are Monday-Friday from 8:00 a.m. to 4:30 p.m.

After business hours, on weekends, or on holidays, reports alleging imminent danger should be referred to local law enforcement agencies and/or to **HELPLINE** at 1-800-852-3388. **HELPLINE** does not go out to assess the report, but will ensure that the information is reported to DEAS and/or law enforcement.





## APPENDIX G

### REPORTING TO THE DIVISION OF ELDERLY AND ADULT SERVICES

#### A. WHO REPORTS

In accordance with RSA 161-F: 46, information which is known by any person regarding the suspected abuse, neglect, self-neglect or exploitation of an incapacitated adult is not confidential, and must be reported to the Division of Elderly and Adult Services.

The Law states:

*"Any person, including but not limited to, physicians, other health care professionals, social workers, clergy, and law enforcement officials, having reason to believe that any incapacitated adult under the provisions of this subdivision has been subjected to physical abuse, neglect, or exploitation, or is living in hazardous conditions, shall report or cause a report to be made..."*

Failure to comply with this law is a misdemeanor offense under RSA 161-F:50.

#### B. IMMUNITY FROM LIABILITY

In accordance with RSA 161-F:47, *"Any person or agency, other than an alleged perpetrator, participating in good faith in the making of a report of an alleged incident of adult abuse, neglect or exploitation shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any investigation by the commissioner or his authorized representative or in any judicial proceeding resulting from such report."*

#### C. WHAT TO REPORT

The New Hampshire Adult Protection Statute requires the reporting of suspected abuse, neglect, self-neglect and/or exploitation. Proof is not required before reporting. A report should be made if there is *"...reason to believe that an incapacitated adult has been subjected to abuse, neglect or exploitation, or is living in hazardous conditions..."*

#### D. HOW TO REPORT

Any suspecting that an incapacitated adult has been abused, neglected, is self-neglecting, or has been exploited, must contact a DEAS District Office or the DEAS State Office as listed in Appendix F.



## APPENDIX H

### REPORTING CHILD ABUSE AND/OR NEGLECT TO THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES

#### A. WHAT TO REPORT

New Hampshire law requires the reporting of all suspected child abuse or neglect. Absolute proof of abuse and/or neglect is not required before reporting. A report should be made if the reporter "has reason to suspect that a child has been abused or neglected." New Hampshire law provides protection against civil and criminal liability if a citizen makes the report in good faith.

#### B. HOW TO REPORT

Anyone suspecting that a child has been abused and/or neglected must contact the Centralized Intake Unit of DCYF at:

**1-800-894-5533**  
**OUT-OF-STATE: 1-603-271-6556**

A child protective service worker or supervisor will be available during business hours to receive reports, DCYF business hours are Monday-Friday from 8:00 a.m. - 4:30 p.m.

**After business hours, on weekends, or on holidays, reports alleging imminent danger should be referred to local law enforcement agencies.** HELPLINE (1-800-852-3388 or 225-9000) is an information and referral crisis intervention service contracted by DCYF to assist in locating emergency crisis homes in cases in which law enforcement believes it necessary to place a child.

#### C. WHO REPORTS

In accordance with RSA 159-C:29, information by any citizen regarding the suspected abuse or neglect of a child is not confidential and must be reported to the child protective agency. The law states:

"Any physician, surgeon, county medical examiner, psychiatrist, resident, intern, dentist, osteopath, optometrists, chiropractor, psychologist, therapist, registered nurse, hospital personnel (engaged in admission, examination, care and treatment of persons), Christian Science Practitioner, teacher, school official, school or foster care worker, law enforcement official, priest, minister, or rabbi or any other person having reason to suspect that a child has been abused or neglected shall report the same in accordance with this chapter."

Failure to comply with this law is a misdemeanor offense under RSA 169-C:39.

#### D. IMMUNITY FROM LIABILITY FOR REPORTING

In accordance with NH law, RSA 169-C:31: "Anyone participating in good faith in the making of a report pursuant to this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant has the same immunity with respect to participation in any investigation by the bureau or judicial proceeding resulting from such report."



## **APPENDIX I**

### **NEW HAMPSHIRE DOMESTIC VIOLENCE DISTRICT COURT COORDINATING COUNCILS**

The New Hampshire District Court, through the guidance of Judge Edwin Kelly, Administrative Justice, and in conjunction with the 1994 Statewide Conference on Family Violence, initiated the formation of community based domestic violence councils in each district court judicial district. The focus of the councils is to address, at the local level, the complex issues that arise in domestic violence cases.

The goals of the councils are threefold:

1. The education of the community about the phenomenon of domestic violence;
2. the development of services for all victims of domestic violence; and
3. continual critical review of how each of the "contact points" of the system are performing their function.

Thirty-two (32) domestic violence coordinating councils were formed in conjunction with the 1994 Statewide Conference on Family Violence. Nineteen of the original councils have continued to meet on a regular basis. Many of the councils have focused on the need for community education, systems coordination and education for children. A number of councils are working to form visitation centers for the supervised transfer of children involved in domestic violence cases.

In 1997, The National Council of Juvenile and Family Court Judges recognized the project as a model for programs around the country. Additional information on the Domestic Violence Coordinating Council Project can be obtained through the Coordinator of the District Court Domestic Violence Coordinating Council Project and through the Administrative Office of the District and Municipal Courts.



## APPENDIX J

### PERSONALIZED SAFETY PLAN

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Review Dates: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The following steps represent my plan for increasing my safety and preparing in advance for the possibility for further violence. Although I do not have control over my partner's violence, I do have a choice about how to respond to him/her and how to best get myself and my children to safety.

**Step 1: Safety during a violent incident.** Women cannot always avoid violent incidents. In order to increase safety, battered women may use a variety of strategies.

I can use some or all of the following strategies:

- A. If I decide to leave, I will \_\_\_\_\_. (Practice how to get out safely. What doors, windows, elevators, stairwells or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them (place) \_\_\_\_\_ in order to leave quickly.
- C. I can tell \_\_\_\_\_ about the violence and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department.
- E. I will use \_\_\_\_\_ as my code word with my children or my friends so they can call for help.
- F. If i have to leave my home, I will go to \_\_\_\_\_.  
(Decide this even if you don't think there will be a next time.)  
If I cannot go to the location above, then I can go \_\_\_\_\_ or to \_\_\_\_\_.
- G. I can also teach some of these strategies to some/all of my children.
- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as \_\_\_\_\_.  
(Try to avoid arguments in the bathroom, garage, kitchens, near weapons or in rooms without access to an outside door).
- I. I will use my judgment and intuition. If the situation is very serious, I can give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.



**Step 2: Safety when preparing to leave.** Battered women frequently leave the residence they share with the battering partner. Leaving must be done with a careful plan in order to increase safety. Batters often strike back when they believe that a battered woman is leaving a relationship.

I can use some or all of the following safety strategies:

- A. I will leave money and an extra set of keys with \_\_\_\_\_ so I can leave quickly.
- B. I will keep copies of important documents or keys at \_\_\_\_\_.
- C. I will open a savings account by \_\_\_\_\_, to increase my independence.
- D. Other things I can do to increase my independence include: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- E. The domestic violence program's hotline number is \_\_\_\_\_. I can seek shelter by calling this hotline.
- F. I can keep change for phone calls on me at all times. I understand that if I use my telephone credit card, the following month the telephone bill will tell my partner those numbers that I called after I left. To keep my telephone communications confidential, I must either use coins or I might get a friend to permit me to use their telephone credit card for a limited time when I first leave.
- G. I will check with \_\_\_\_\_ and \_\_\_\_\_ to see who would be able to let me stay with them or lend me some money.
- H. I can leave extra clothes with \_\_\_\_\_.
- I. I will sit down and review my safety plan every \_\_\_\_\_ in order to plan the safest way to leave the residence. \_\_\_\_\_ (Domestic violence advocate or friend) has agreed to help me review this plan.
- J. I will rehearse my escape plan, and as appropriate, practice it with my children.

**Step 3: Safety in my own residence.** There are many things that a woman can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.

- G. I will teach my children how to use the telephone to make a collect call to me and to \_\_\_\_\_ (friend/minister/other) in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick-up permission include:
- \_\_\_\_\_ (school),  
 \_\_\_\_\_ (day care staff),  
 \_\_\_\_\_ (babysitter),  
 \_\_\_\_\_ (Sunday school teacher),  
 \_\_\_\_\_ (teacher),  
 \_\_\_\_\_ (and),  
 \_\_\_\_\_ (others),
- I. I can inform \_\_\_\_\_ (neighbor),  
 \_\_\_\_\_ (pastor), and  
 \_\_\_\_\_ (friend) that my partner no longer resides with me and they should call the police if he is observed near by residence.

**Step 4: Safety with a protection order.** Many people who batter obey protection orders, but one can never be sure which violent partner will obey and which will violate protection orders. I recognize that I may need to ask the police and the courts to enforce my protection order.

The following are some steps that I can take to help the enforcement of my protection order:

- A. I will keep my protection order \_\_\_\_\_ (location). (Always keep it on or near your person. If you change purses, that's the first thing that should go in.)
- B. I will give my protection order to police departments in the community where I work, in those communities where I usually visit family or friends, and in the community where I live.
- C. There is a state registry of prosecution orders that all police departments can call to confirm a protection order. I can check with the police department to make sure my order is in the registry.
- D. For further safety, if I often visit other cities/towns/counties in New Hampshire, I might file my protection order with the court in those areas. I will register my protection order in the following localities: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.
- E. I can call the local domestic violence program if I am not sure about B., C., or D., above or if I have some problem with my protection order.
- F. I will inform my employer, my minister, my closest friend \_\_\_\_\_ and \_\_\_\_\_ that I have a protection order in effect.
- G. If my partner destroys my protection order, I can get another copy from the courthouse, where I received the original order.
- H. If my partner violates the protection order, I can call the police and report a violation, contact my attorney, call my advocate, and/or advise the court of the violation.

- I. If the police do not help, I can contact my advocate or attorney and will file a complaint with the chief of the police department.
- J. I can also file a private criminal complaint with the district justice in the jurisdiction where the violation occurred or with the district attorney. I can charge my battering partner with a violation of the protection order and all the crimes that he commits in violating the order. I can call the domestic violence advocate to help me with this.

**Step 5: Safety on the job and in public.** Each battered woman must decide if and when she will tell others that her partner has battered her and that she may be at continued risk. Friends, family and co-workers can help to protect women. Each woman should consider carefully which people to invite to help secure her safety.

I might do any of the following:

- A. I can inform my boss, the security supervisor and \_\_\_\_\_ at work of my situation.
- B. I can ask \_\_\_\_\_ to help screen my telephone calls at work.
- C. When leaving work, I can \_\_\_\_\_  
\_\_\_\_\_
- D. When driving home if problems occur, I can \_\_\_\_\_  
\_\_\_\_\_
- E. If I use public transit, I can \_\_\_\_\_  
\_\_\_\_\_
- F. I can use different grocery stores and shopping malls to conduct my business and shop at hours that are different than those when residing with my battering partner.
- G. I can use a different bank and take care of my banking at hours different from those I used when residing with my battering partner.
- H. I can also \_\_\_\_\_.

**Step 6: Safety and alcohol or other drug use.** Most people in this culture use alcohol. Many use other mood-altering drugs. Much of this use is legal and some is not. The legal outcomes of using illegal drugs can be very hard on a battered woman, may hurt her relationship with her children and put her at a disadvantage in other legal actions with her battering partner. Therefore, women should carefully consider the potential cost of the use of illegal drugs. But beyond this, the use of any alcohol or other drugs can reduce a woman's awareness and ability to act quickly to protect herself from her battering partner. Furthermore, the use of alcohol or other drugs by the batterer may give him/her an excuse to use violence. Therefore, in the context of alcohol or other drug use, a woman needs to make specific safety plans.

If alcohol or other drug use has occurred in my relationship with the battering partner, I can enhance my safety by some or all of the following:

- A. If I am going to use, I can do so in a safe place and with people who understand the risk of violence and who are committed to my safety.
- B. I can also \_\_\_\_\_.
- C. If my partner is using, I can \_\_\_\_\_.
- D. I might also \_\_\_\_\_.

E. To safeguard my children, I might \_\_\_\_\_.

**Step 7: Safety and my emotional health:** The experience of being battered and verbally degraded by partners is usually exhausting and emotionally draining. The process of building a new life for myself takes much courage and incredible energy.

To conserve my emotional energy and resources and to avoid hard emotional times, I can do some of the following:

A. If I feel down and ready to return to a potentially abusive situation, I can \_\_\_\_\_.

B. When I have to communicate with my partner in person or by telephone, I can \_\_\_\_\_.

C. I can try to use "I can..." statements with myself and to be assertive with others.

D. I can tell myself " \_\_\_\_\_ " whenever I feel others are trying to control or abuse me.

E. I can read \_\_\_\_\_ to help me feel stronger.

F. I can call \_\_\_\_\_, and other resources to be of support to me.

G. Other things I can do to help me feel stronger are \_\_\_\_\_, \_\_\_\_\_ or \_\_\_\_\_ to gain support and strengthen my relationships with other people.

**Step 8: Items to take when leaving.** When women leave partners, it is important to take certain items with them. Beyond this, women sometimes give an extra copy of papers and an extra set of clothing to a friend just in case they have to leave quickly.

Items with asterisks on the following list are the most important to take. If there is time, the other items might be taken, or stored outside the home.

These items might best be placed in one location, so that if we have to leave in a hurry, I can grab them quickly.

When I leave, I should take:

- Identification for myself
- Children's birth certificates
- My birth certificate
- Social Security Cards
- School and vaccination records
- Money
- Checkbook, ATM (Automatic Teller Machine) Card
- Credit Cards
- Keys - house/car/office
- Driver's license and registration
- Medications
- Welfare identification
- Green Cards

- Passport(s)
- Divorce papers
- Medical records - for all family members
- Lease/rental agreement, house deed, mortgage payment book
- Bank books
- Insurance papers
- Small saleable objects
- Address book
- Pictures
- Jewelry
- Children's favorite toys and/or blankets
- Items of special sentimental value

**Telephone numbers I need to know:**

Police department - home \_\_\_\_\_

Police department - school \_\_\_\_\_

Police department - work \_\_\_\_\_

Battered women's program \_\_\_\_\_

County registry of protection orders \_\_\_\_\_

Work number \_\_\_\_\_

Supervisor's home number \_\_\_\_\_

Minister \_\_\_\_\_

Other \_\_\_\_\_

Adapted from Barbara Hart and Jane Stuehling, PCADV, McKnight Street, Reading, PA, 19601, PCADV, 1992, which was adopted from "Personalized Safety Plan," Office of the City Attorney, City of San Diego, California, April, 1990.

## APPENDIX K

### RISK ASSESSMENT CHECKLIST

1. \_\_\_\_\_ Escalation of physical violence
2. \_\_\_\_\_ Escalation of other forms of abuse
3. \_\_\_\_\_ Sexual abuse of the victim
4. \_\_\_\_\_ Recent acquisition or change in use of weapons
5. \_\_\_\_\_ Depression or recent lifting of mood
6. \_\_\_\_\_ Suicidal ideation, threats or attempts
7. \_\_\_\_\_ Homicidal ideation, threats or attempts
8. \_\_\_\_\_ Change in Alcohol or other drug use/abuse
9. \_\_\_\_\_ Stalking or other surveillance/monitoring behavior
10. \_\_\_\_\_ Centrality of the victim to the perpetrator ("she's all I have")
11. \_\_\_\_\_ Jealousy/obsessiveness about, or preoccupation with, the victim
12. \_\_\_\_\_ Mental health concerns connected with violent behavior
13. \_\_\_\_\_ Other criminal behavior or injunctions (e.g., resisting arrest)
14. \_\_\_\_\_ Increase in personal risk taking (e.g., violation of restraining orders)
15. \_\_\_\_\_ Interference with the victim's help-seeking attempts (e.g., pulling a phone jack out of the wall)
16. \_\_\_\_\_ Imprisonment of the victim in her home
17. \_\_\_\_\_ Symbolic violence including destruction of the victim's property or harming her pets.
18. \_\_\_\_\_ Victim's attempt to flee the perpetrator or to terminate the relationship
19. \_\_\_\_\_ Perpetrator's access to the victim or her family

No one factor alone suggests that severe violence/lethality will happen. Generally speaking, however, the more indicators present, the higher the risk of serious violence. Also, as can be noted by the phrasing of some of the above items, a *change* in factors is more important than the mere *presence* of those factors (e.g., owning a weapon is not as relevant as recently purchasing that weapon). Safety planning with the victim is important in any case with elevated risk. Increased monitoring with the perpetrator may also be indicated.



## APPENDIX L





## APPENDIX M



## APPENDIX N



## APPENDIX O

### MYTHS AND FACTS ABOUT DOMESTIC VIOLENCE

**Myth #1: Domestic violence affects only a small percentage of the population and is rare.**

**Fact:** National studies estimate that 3 to 4 million women are beaten each year in our country; 44,000 are beaten each year in New Hampshire. A study conducted in 1995 found that 31% of women surveyed admitted to having been physically assaulted by a husband or boyfriend. Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in our country and the FBI estimates that a woman is beaten every 15 seconds. Thirty percent of female homicide victims are killed by partners or ex-partners and 1,500 women are murdered as a result of domestic violence each year in the United States. In New Hampshire, over 5,700 victims of domestic violence call crisis centers for help each year.

**Myth #2: Domestic violence occurs only in poor, poorly educated and minority families.**

**Fact:** Studies of domestic violence have consistently found that battering occurs among all types of families, regardless of income, profession, religion, ethnicity, educational level or race. However, lower income victims and abusers are over represented in calls to police, battered women's shelters and social services because of the lack of other resources.

**Myth #3: The real problem is couples who assault each other. Women are just as violent as men.**

**Fact:** While a well publicized study by Dr. Murray Strauss at the University of New Hampshire found that women use violent means to resolve conflict in relationships as often as men, the study also concludes that when you measure the context and consequences of the assaults, the majority of victims are women. The U.S. Department of Justice has found that 95% of the victims of spouse abuse are female. Men can be victims, but it is rare; fewer than 3% of the victims who contact crisis centers each year in NH are men.

**Myth #4: Alcohol causes battering.**

**Fact:** Although there is a high correlation between alcohol, or other substance abuse, and battering, it is not a causal relationship. Batterers use drinking as one of many excuses for their violence, and as a way to place the responsibility for their violence elsewhere. Stopping the abusers' drinking will not stop the violence. Both battering and substance abuse need to be addressed separately, as overlapping but independent problems.

**Myth #5: Domestic violence is usually a one time, isolated instance.**

**Fact:** Battering is a pattern of coercion and control which one person exerts over another. Battering is not just one physical attack. It includes the repeated use of a number of tactics, including intimidation, threats, economic deprivation, isolation and psychological and sexual abuse, used repeatedly. Physical violence is just one of those tactics. The various forms of abuse used by batterers all help to maintain power and control in their relationships.

**Myth #6: Men who batter are often good fathers and should have joint custody of their children if the couple separates.**

**Fact:** Studies have found that men who batter their wives also abuse their children in 70% of cases. Even when the children are not directly abused, they suffer from witnessing their father assault their mother. Batterers often display an increased interest in their children at the time of separation, as a means of maintaining contact with, and thus control over, their partners.

**Myth #7: When there is violence in the family, all members of the family are participating in the dynamic, and therefore all must change for the violence to stop.**

**Fact:** Only the batterer has the ability to stop the violence. Battering is a behavioral choice, for which the batterer must be held accountable. Many battered women make numerous attempts to change their behavior in the hope that this will stop the abuse. This does not work. Changes in family members' behaviors will not cause the batterer to be non-violence.

**Myth #8: Battered women are masochistic and provoke the abuse. They must like it or they would leave.**

**Fact:** Victim provocation is no more common in domestic violence than in any other crime. Battered women often make repeated attempts to leave violence relationships, but are prevented from doing so by increased violence and control tactics on the part of the abuser. Other factors which inhibit a victim's ability to leave include economic dependence, few viable options for housing and support, unhelpful responses from the criminal justice system or other agencies, social isolation, cultural or religious constraints, a commitment to the abuser and the relationship and fear of further violence. It has been estimated that the danger to a victim increased by 70% when she attempts to leave, as the abuser escalates his use of violence as he begins to lose control.

**Myth #9: Men have a right to discipline their partners; battering is not a crime.**

**Fact:** While our society derives from a patriarchal legal system that afforded men the right to physically chastise their wives and children, we do not live under such a system now. Women and children are no longer considered the property of men, as they were just a couple of centuries ago, and domestic violence is a crime in every state in the country.

## APPENDIX P

### 50+ REASONS A WOMAN DOESN'T LEAVE HER ABUSIVE PARTNER

1. She's tried to leave before
2. Her partner found her before
3. The children
4. Money
5. Fear
6. Relatives blame her
7. Therapists blame her
8. Police blame her
9. Clergy blame her
10. Her batterer blames her
11. She blames herself
12. No one believes she is being abused
13. She doesn't think she is being abused
14. Her partner was abused as a child
15. Her partner says, "I Love You."
16. Her partner says, "I'm Sorry."
17. Her partner says, "I'm the best thing that's ever happened to you."
18. Her partner says, "I'll never do it again."
19. Her partner says, "I'll kill you if you leave."
20. Her partner says, "I'll take the children."
21. Her partner says, "I'll kill myself if you leave."
22. She'll be homeless
23. The shelters are full
24. She believes the welfare system will abuse her worse
25. She loves her partner, not the abuse
26. Her partner loves her
27. The children love them both
28. Her father abused her
29. Her mother abused her
30. Her partner is an alcoholic
31. Her partner is a drug addict
32. She's an alcoholic
33. She's a drug addict
34. She can't speak English
35. She doesn't have papers to be in the country
36. She's in a wheelchair
37. She's deaf
38. She's developmentally disabled
39. She's blind
40. Her partner is her personal care attendant
41. Her partner is a public figure
42. She's a public figure
43. She can't read
44. She's afraid of the unknown
45. She's isolated
46. She's depressed
47. Her partner threatens to expose her as a lesbian
48. She's never told anyone
49. It's not the right time yet
50. She may be deported
51. Her childhood
52. Dissociation
53. Embarrassment
54. Religious beliefs
55. Leaving doesn't guarantee safety
56. She feels she has to "go along" with it, try to put it behind her and forget about it.





## APPENDIX Q



## APPENDIX R



## APPENDIX S



## APPENDIX T





## APPENDIX U



## APPENDIX V



## APPENDIX W



## APPENDIX X

### **173-B:1. Definitions.** As used in this chapter:

- I. 'Abuse' means the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety:
  - (a) Assault or reckless conduct as defined in RSA 631:1 through RSA 631:3.
  - (b) Criminal threatening as defined in RSA 631:4.
  - (c) Sexual assault as defined in RSA 632-A:2 through RSA 632-A:5.
  - (d) Interference with freedom as defined in RSA 633:1 through RSA 633:3-a.
  - (e) Destruction of property as defined in RSA 634:1 and RSA 634:2.
  - (f) Unauthorized entry as defined in RSA 635:1 and RSA 635:2.
  - (g) Harassment as defined in RSA 644:4.
- II. 'Applicant' means any private, town, city, or regional agency or organization applying for funds under RSA 173-B:16.
- III. 'Commissioner' means the commissioner of the department of health and human services.
- IV. 'Contact' means any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication, leaving items, or causing another to communicate in such fashion.
- V. 'Coordinator' means the agency or organization appointed by the commissioner to administer the domestic violence grant program.
- VI. 'Cross orders for relief' means separate orders granted to parties in a domestic violence situation where each of the parties has filed a petition pursuant to this chapter on allegations arising from the same incident or incidents of domestic violence.
- VII. 'Deadly weapon' means 'deadly weapon' as defined in RSA 625:11, V.
- VIII. 'Department' means the department of health and human services.
- IX. 'Domestic violence' means abuse as defined in RSA 173-B:1, I.
- X. 'Family or household member' means:
  - (a) Spouses, ex-spouses, persons cohabiting with each other, and persons who cohabited with each other but who no longer share the same residence.
  - (b) Parents and other persons related by consanguinity or affinity, other than minor children who reside with the defendant.



- XI. 'Firearm' means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by force of gunpowder.
- XII. 'Foreign protective order' means an order enforceable under RSA 173-B:13.
- XIII. 'Fund' means the special fund for domestic violence programs established by RSA 173-B:15.
- XIV. 'Grantee' means any private, town, city, or regional agency or organization receiving funds under RSA 173-B:16.
- XV. 'Intimate partners' means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.
- XVI. 'Mutual order for relief' means an order restraining both parties from abusing the other originating from a petition filed by one of the parties and arising from the same incident or incidents of domestic violence.
- XVII. 'Program' means services or facilities provided to domestic violence victims.

**173-B:2. Jurisdiction and Venue.**

- I. All district courts shall have concurrent jurisdiction with the superior court over all proceedings under this chapter.
- II. If the plaintiff has left the household or premises to avoid further abuse, the plaintiff shall have the option to commence proceedings pursuant to RSA 173-B:3 in the county or district where the plaintiff temporarily resides.
- III. Proceedings under this chapter may be transferred to another court upon the motion of any party or of the court as the interests of justice or the convenience of the parties may require.
- IV. In any county where the family division is located, the family division shall have jurisdiction over domestic violence cases consistent with 1995, 152.

**173-B:3. Commencement of Proceedings; Hearing.**

- I. Any person may seek relief pursuant to RSA 173-B:5 by filing a petition, in the county or district where the plaintiff or defendant resides, alleging abuse by the defendant. Any person filing a petition containing false allegations of abuse shall be subject to criminal penalties. Notice of the pendency of the action and of the facts alleged against the defendant shall be given to the defendant, either personally or as provided in paragraph III. The plaintiff shall be permitted to supplement or amend the petition only if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions filed under this section shall include the home and work telephone numbers of the defendant, if known. Notice of the whereabouts of the plaintiff shall not be revealed except by order of the

court for good cause shown. Any answer by the defendant shall be filed with the court and a copy shall be provided to the plaintiff by the court.

- II. (a) The minority of the plaintiff shall not preclude the court from issuing protective orders against a present or former intimate partner, spouse, or ex-spouse under this chapter.  
(b) A minor plaintiff need not be accompanied by a parent or guardian to receive relief or services under this chapter.
- III. No filing fee or fee for service of process shall be charged for a petition or response under this section, and the plaintiff or defendant may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section. Any proceeding under this chapter shall not preclude any other available civil or criminal remedy.
- IV. The clerks of the district and superior courts shall supply forms for petitions and for relief under this chapter designed to facilitate pro se proceedings. All such petitions shall contain the following words: I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.
- V. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause of action involving the same parties arising out of the same situation on which the district court action is based, the case shall be transferred to the superior court to be heard as if originally entered in the superior court, unless the district court determines that the interests of justice or expediency require the district court to exercise jurisdiction. Any transfer to the superior court under this paragraph shall be made as soon as practicable following entry of the action.
- VI. The findings of facts shall be final, but questions of law may be transferred from the district court to the Supreme Court in the same manner as from the superior court.
- VII. The court shall hold a hearing within 30 days of the filing of a petition under this section or within 10 days of service of process upon the defendant, whichever occurs later.
- VIII. In any proceeding under this chapter, the court shall not be bound by the technical rules of evidence and may admit evidence, which it considers relevant and material.

#### **173-B:4. Temporary Relief.**

- I. Upon a showing of an immediate and present danger of abuse, the court may enter temporary orders to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile. Such telephonically issued orders shall be made by a district or superior court judge to a law enforcement officer, shall be valid in any jurisdiction in the state, and shall be effective until the close of the next regular court business day. Such orders shall be

returnable to the district court where the plaintiff resides or to which the plaintiff has fled, unless otherwise ordered by the issuing justice. If non-telephonic temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such orders. Such hearing shall be held no less than 3 business days and no more than 5 business days after the request is received by the clerk. Such hearings may constitute the final hearing described in RSA 173-B:3, VII. Such temporary relief may direct the defendant to relinquish to a peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other temporary relief may include:

(a) Protective orders:

- (1) Restraining the defendant from abusing the plaintiff.
- (2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court.
- (3) Restraining the defendant from withholding items of the plaintiff's personal property, which are specified in the order. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.
- (4) Awarding custody of minor children to either party or, upon actual notice, to the department when it is in the best interest of a child.
- (5) Denying the defendant visitation, ordering that visitation shall be supervised, or ordering a specific visitation schedule. Visitation shall only be ordered on an ex parte basis where such order can be entered consistent with the following requirements. In determining whether visitation can be safely ordered, the court shall consider the following factors:
  - (A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.
  - (B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.
  - (C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.
- (6) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place

frequented regularly by the plaintiff or by any family or household member.

- (7) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.
- (8) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.
- (9) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:4, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant, for the duration of the protective order.

(b) Other relief, including but not limited to:

- (1) Awarding to the plaintiff the exclusive use and possession of an automobile, home, and household furniture, if the defendant has the legal duty to support the plaintiff or the plaintiff's minor children, or the plaintiff has contributed to the household expenses. The court shall consider the type and amount of contribution to be a factor.
- (2) Restraining the defendant from taking any action which would lead to the disconnection of any and all utilities and services to the parties' household, or the discontinuance of existing business or service contracts, including, but not limited to, mortgage or rental agreements.

- II. The defendant may be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing the peace officer to seize any deadly weapons specified in the protective order and any and all firearms and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant and if the court has reason to believe that all such firearms and ammunition and specified deadly weapons have not been relinquished by the defendant.

### **173-B:5. Relief.**

- I. A finding of abuse shall mean the defendant represents a credible threat to the safety of the plaintiff. Upon a showing of abuse of the plaintiff by a preponderance of the evidence, the court shall grant such relief as is necessary to bring about a cessation of abuse. Such relief shall direct the defendant to relinquish to the peace officer any and all firearms and ammunition in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant for the duration of the protective order. Other relief may include:

(a) Protective orders:

- (1) Restraining the defendant from abusing the plaintiff.
- (2) Restraining the defendant from entering the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and is allowed entry by the plaintiff for the sole purpose of retrieving personal property specified by the court.
- (3) Restraining the defendant from contacting the plaintiff or entering the plaintiff's place of employment, school, or any specified place frequented regularly by the plaintiff or by any family or household member.
- (4) Restraining the defendant from abusing the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.
- (5) Restraining the defendant from taking, converting, or damaging property in which the plaintiff may have a legal or equitable interest.
- (6) Directing the defendant to relinquish to the peace officer, in addition to the relief specified in RSA 173-B:5, I, any and all deadly weapons specified in the protective order that are in the control, ownership, or possession of the defendant, or any other person on behalf of the defendant.

(b) Other relief including, but not limited to:

- (1) Granting the plaintiff the exclusive use and possession of the premises and curtilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.
- (2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.
- (3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children.
- (4) Ordering the defendant to make automobile, insurance, health care, utilities, rent, or mortgage payments.
- (5) Awarding temporary custody of the parties' minor children to either party or, where appropriate, to the department, provided that:
  - (A) Where custody of the parties' minor children with the department may be appropriate, the department shall receive actual notice of the hearing 10 days prior to such hearing

provided that, if necessary, such hearing may be continued 10 days to provide the department adequate notice.

- (B) The department may move at any time to rescind its custody of the parties' minor children.
  - (6) Establishing visitation rights with regard to the parties' minor children. The court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children. This may include orders denying visitation or requiring supervised visitation, where such order can be entered consistent with the following requirements. In determining whether visitation shall be granted, the court shall consider whether visitation can be exercised by the non-custodial parent without risk to the plaintiff's or children's safety. In making such determination, the court shall consider, in addition to any other relevant factors, the following:
    - (A) The degree to which visitation exposes the plaintiff or the children to physical or psychological harm.
    - (B) Whether the risk of physical or psychological harm can be removed by ordering supervised visitation.
    - (C) Whether visitation can be ordered without requiring the plaintiff and defendant to have contact regarding the exchange of children.
  - (7) Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children.
  - (8) Directing the abuser to engage in a batterer's intervention program or personal counseling. If available, such intervention and counseling program shall focus on alternatives to aggression. The court shall not direct the plaintiff to engage in joint counseling services with the defendant. Court-ordered and court-referred mediation of cases involving domestic violence shall be prohibited.
  - (9) Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.
  - (10) Ordering the defendant to pay reasonable attorney's fees.
- II. The defendant shall be prohibited from purchasing, receiving, or possessing any deadly weapons and any and all firearms and ammunition for the duration of the order. The court may subsequently issue a search warrant authorizing a peace officer to seize any deadly weapons specified in the protective order and any and all firearms

- and ammunition, if there is probable cause to believe such firearms and ammunition and specified deadly weapons are kept on the premises or curtilage of the defendant.
- III. Reconciliation after a previous order, prior to filing the current action, shall not be grounds for denying or terminating a new or existing protective order. Furthermore, the court shall not deny the plaintiff protective orders based solely on a lapse of time between an act of domestic violence and the filing of a petition, provided that the underlying act presents a credible threat to the plaintiff's current safety.
- IV. No order made under this section shall supersede or affect any court order pertaining to the possession of a residence; household furniture; custody of children pursuant to RSA 169-B, 169-C, or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a superior court, probate court, or family division court, or title to real or personal property.
- V. (a) Mutual orders for relief shall not be granted. A foreign mutual order for relief shall only be granted full faith and credit in New Hampshire if it meets the requirements set out in RSA 173-B:13, VII.
- (b) Cross orders for relief may be granted only if:
- (1) The court has made specific findings that each party has committed abuse against the other; and
- (2) The court cannot determine who is the primary physical aggressor.
- VI. Any order under this section shall be for a fixed period of time not to exceed one year, but may be extended by order of the court upon a motion by the plaintiff, showing good cause, with notice to the defendant. A defendant shall have the right to a hearing on the extension of any order under this paragraph to be held within 30 days of the extension. The court shall retain jurisdiction to enforce and collect the financial support obligation, which accrued prior to the expiration of the protective order.
- VII. Both parties shall be issued written copies of any orders issued by the court, and all orders shall bear the following language: 'A willful violation of this order is a crime, as well as contempt of court. Violations of the protective provisions shall result in arrest and may result in imprisonment.' Orders shall clearly state how any party can request a further hearing and how the plaintiff may bring a criminal complaint if there is a violation of any court order.
- VIII. (a) No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.
- (b) If either party wishes the defendant to be excused from any provisions of an order of protection, the remedy is to petition the court for modification of such order.
- (c) A defendant who is restrained from contacting the plaintiff or entering the premises of the plaintiff is prohibited from doing so even if invited by the plaintiff unless the restraining order has been modified by the court.

- (d) This paragraph shall give unequivocal direction to peace officers that orders for protection are to be enforced as written and that no action by a party relieves them of the duty to enforce the order.

VIII-a. Upon issuing an order against a defendant, in which a defendant is restrained from having any contact with the plaintiff, the court shall advise the plaintiff that it would be unwise and possibly unsafe for the plaintiff to contact the defendant. If the plaintiff wishes to contact the defendant for any reason, the court shall advise the plaintiff that such contact be made only after petitioning the court for a modification of the order. In an emergency situation, the plaintiff or plaintiff's family may request that the local police department notify the defendant and the local police may accompany the defendant to a designated location, such as a hospital, if appropriate.

- IX. (a) A copy of each protective order issued under this chapter shall be transmitted to the administrative office of the courts by facsimile or computer. An emergency protective order issued telephonically shall be transmitted by telephone or facsimile to the department of safety.
- (b) The administrative office of the courts shall enter information regarding the protective orders into the state database which shall be made available to police and sheriff departments statewide. The department of safety shall make available information regarding emergency protective orders issued telephonically to police and sheriff departments statewide.
- (c) The administrative office of the courts shall update the database upon expiration or termination of a protective order.
- (d) Notwithstanding any other provision of law, the administrative office of the courts or the department of safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable for action taken under this chapter or RSA 458:16, provided they are acting in good faith and without gross negligence, and within the scope of their duties and authority.

IX-a. If a criminal records check conducted by the department of safety indicates that a potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to a protective order issued under this chapter, the department of safety shall notify the administrative office of the courts of the denial. The administrative office of the courts shall immediately notify the plaintiff that the defendant has attempted to purchase or obtain a firearm in violation of the protective order.

- X. (a) Within 15 days prior to the expiration of the protective orders, the defendant may request, by motion to the court, the return of any and all firearms and ammunition and specified deadly weapons held by the law enforcement agency while the protective order was in effect. Upon receipt of such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the order. The court shall provide written notice to the plaintiff who shall have the right to appear and be heard, and to the law enforcement agency which has



control of the firearms, ammunition, and specified deadly weapons. The scope of the hearing shall be limited to:

- (1) Establishing whether the defendant is subject to any state or federal law or court order that precludes the defendant from owning or possessing a firearm; and
  - (2) Under circumstances where the plaintiff has requested an extension of the protective order, whether the plaintiff has established by a preponderance of the evidence that the defendant continues to represent a credible threat to the safety of the plaintiff.
- (b) If the court finds that the defendant is not subject to any state or federal law or court order precluding the ownership or possession of firearms, or if the court denies the plaintiff's request to extend the protective order, the court shall issue a written order directing the law enforcement agency to return the requested firearms, ammunition, or deadly weapon to the defendant.
- (c) Law enforcement agencies shall not release firearms and ammunition and specified deadly weapons without a court order granting such release. The law enforcement agency may charge the defendant a reasonable fee for the storage of any firearms and ammunition and specified deadly weapons taken pursuant to a protective order. The fee shall not exceed the actual cost incurred by the law enforcement agency for the storage of the firearms and ammunition and specified deadly weapons. The defendant may make alternative arrangements with a federally licensed firearms dealer for the storage of firearms, at the defendant's own expense, upon approval of the court. Such firearms shall be turned over to the appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms shall be through the law enforcement agency responsible for their transfer to the storage facility pursuant to a court order as prescribed in this paragraph.
- (d) No law enforcement agency shall be held liable for alleged damage or deterioration due to storage or transportation to any firearms and ammunition and specified deadly weapons held by a law enforcement agency, so long as due care is used.

#### **173-B:6. Guardian Ad Litem.**

In all proceedings under this chapter, the court may appoint a guardian ad litem to represent the interests of the children of either or both parties. The guardian ad litem may continue to serve after the final disposition of the case.

#### **173-B:7. Minority not a Preclusion for Services.**

The minority of any individual seeking assistance from any domestic violence program, as defined by RSA 173-B:1, shall not preclude provision of such requested services.

### **173-B:8. Notification.**

- I. A copy of any order made under this chapter which prohibits any person from abusing another shall be promptly transmitted to the local law enforcement agency having jurisdiction to enforce such order.
- II. Temporary orders shall be promptly served on the defendant by a peace officer. Subsequent orders shall be sent to the defendant's last address of record. The defendant shall be responsible for informing the court of any changes of address. Law enforcement agencies shall establish procedures whereby a peace officer at the scene of an alleged violation of such an order may be informed of the existence and terms of such order.
- III. Any court-ordered changes or modifications of the order shall be effective upon issuance of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency and transmitted to the department of safety within 24 hours of the entry of such changes or modifications.

### **173-B:9. Violation of Protective Order; Penalty.**

- I.
  - (a) When the defendant violates either a temporary or permanent protective order issued or enforced under this chapter, peace officers shall arrest the defendant and ensure that the defendant is detained until arraignment. Such arrests may be made within 6 hours without a warrant upon probable cause, whether or not the violation is committed in the presence of a peace officer.
  - (b) Subsequent to an arrest, the peace officer shall seize any firearms and ammunition in the control, ownership, or possession of the defendant and any deadly weapons which may have been used, or were threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the firearms, ammunition, or deadly weapons until the court issues an order directing that the firearms, ammunition, or deadly weapons be relinquished and specifying the person to whom the firearms and ammunition or deadly weapons will be relinquished.
- II. The prosecution and sentencing for criminal contempt for a violation of a protective order shall not preclude the prosecution of or sentencing for other criminal charges underlying the contempt.
- III. A person shall be guilty of a class A misdemeanor if such person knowingly violates a protective order issued under this chapter, or RSA 458:16, III, or any foreign protective order enforceable under the laws of this state. Charges made under this chapter shall not be reduced to a lesser charge, as permitted in other instances under RSA 625:9.
- IV. Any person convicted under RSA 173-B:9, III, or who has been convicted in another jurisdiction of violating a protective order enforceable under the laws of this state, who, within 6 years of such conviction or the completion of the sentence imposed for such conviction, whichever is later, subsequently commits and is convicted of one or

more offenses involving abuse may be charged with an enhanced penalty for each subsequent offense as follows:

- (a) There shall be no enhanced charge under this section if the subsequent offense is a class A felony or an unclassified felony;
  - (b) If the subsequent offense would otherwise constitute a class B felony, it may be charged as a class A felony;
  - (c) If the subsequent offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony;
  - (d) If the subsequent offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor;
  - (e) If the subsequent offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.
- V. A victim of domestic violence shall be entitled to all rights granted to victims of crime under RSA 21-M:8-k.

**173-B:10. Protection by Peace Officers.**

- I. Whenever any peace officer has probable cause to believe that a person has been abused, as defined in RSA 173-B:1, that officer shall use all means within reason to prevent further abuse including, but not limited to:
- (a) Confiscating any deadly weapons involved in the alleged domestic abuse and any firearms and ammunition in the defendant's control, ownership, or possession.
  - (b) Transporting or obtaining transportation for the victim and any child, to a designated place to meet with a domestic violence counselor, local family member, or friend.
  - (c) Assisting the victim in removing toiletries, medication, clothing, business equipment, and any other items determined by the court.
  - (d) Giving the victim immediate and written notice of the rights of victims and of the remedies and services available to victims of domestic violence. The written notice shall include a statement substantially as follows:  
  
'If you are the victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency telephonic order for protection. You may also request that the officer assist you in obtaining from your premises and curtilage, toiletries, medication, clothing, business equipment, and any other items as determined by the court, and in locating and taking you to a local safe place including, but not limited to, a designated meeting place to be used as a crisis center, a family member's or friend's residence, or a similar place of safety. If you are in need

of medical treatment, you have the right to request that the officer assist you in obtaining an ambulance. You may request a copy of the report filed by the peace officer, at no cost, from the law enforcement department.'

- II. Pursuant to RSA 594:10, an arrest for abuse may be made without a warrant upon probable cause, whether or not the abuse is committed in the presence of the peace officer. When the peace officer has probable cause to believe that the persons are committing or have committed abuse against each other, the officer need not arrest both persons, but should arrest the person the officer believes to be the primary physical aggressor. In determining who is the primary physical aggressor, an officer shall consider the intent of this chapter to protect the victims of domestic violence, the relative degree of injury or fear inflicted on the persons involved, and any history of domestic abuse between these persons if that history can reasonably be obtained by the officer.

**173-B:11. Notice to the Victim.**

- I. Notwithstanding the peace officer's obligations in RSA 173-B:9 and RSA 173-B:10, all peace officers shall give victims of abuse immediate and adequate notice of their right to go to the district or superior court of their county to file a petition asking for protective orders against the abusive person and to seek a private criminal complaint.
- II. The clerk of the court shall be responsible for advising victims of their right to request that the judge issue an order which may include removing any and all firearms and ammunition in the control, ownership, or possession of the defendant and may include:
  - (a) Restraining the defendant from abusing the victim.
  - (b) Directing the defendant to leave and stay away from the victim's premises and curtilage.
  - (c) Giving the victim custody of any minor children, denying the defendant visitation, or requiring that visitation be supervised to ensure safety for the victim and minor children.
  - (d) Directing the defendant to support the victim and any minor children if the defendant has the legal responsibility to support either or both.
  - (e) Restraining the defendant from contacting the victim, or entering the victim's place of employment, school, or any specified place frequented regularly by the victim or by any family or household member.
  - (f) Restraining the defendant from abusing, in any way, the victim, household members, or victim's relatives, regardless of their place of residence.
  - (g) Restraining the defendant from taking, converting, or damaging property in which the victim may have a legal or equitable interest.

- (h) Directing the defendant to temporarily relinquish to the peace officer specific deadly weapons in the control, ownership, or possession of the defendant which may have been used, or were threatened to be used, in an incident of abuse against the victim or any member of the victim's household.
- (i) Ordering the defendant to pay the victim monetary compensation for losses suffered as a direct result of the abuse which may include, but not be limited to, loss of earnings or support, medical and dental expenses, damage to property, out-of-pocket losses for injuries sustained, and moving and shelter expenses.
- (j) Ordering the defendant to pay reasonable attorney's fees.

**173-B:12. Emergency Care; Limitation and Liability.**

Any act or omission of any peace officer rendering emergency care or assistance to a victim of domestic violence including, but not limited to transportation, shall not impose civil liability upon the peace officer or the peace officer's supervisors or employer if the care or assistance is rendered in good faith, unless the act or omission is a result of gross negligence or willful misconduct.

**173-B:13. Orders Enforceable.**

- I. Any protective order issued under this chapter shall be effective throughout the state.
- II. Any protective order issued by any other state, tribal, or territorial court related to domestic or family violence, including an ex parte order, shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the person against whom the order was made was given reasonable notice and opportunity to be heard. There shall be a presumption of validity where an order appears facially valid.
- III. Any valid protective order, as defined in paragraph II, shall be accorded full faith and credit throughout the state.
- IV. A person entitled to protection under a foreign protective order, as defined in paragraph II, may file such order in any district or superior court by filing with the court a certified copy of the order. Such person shall swear under oath in an affidavit to the best of such person's knowledge that the order is presently in effect as written. Such filing shall be without fee or cost. The clerk of the district or superior court shall forward such order to the administrative office of the courts which shall enter such order in the state database. Such filing shall not be a precondition to arrest or enforcement of a foreign order.
- V. A peace officer may rely upon a copy of any protective order issued under this chapter, or under RSA 458, or upon a copy of a foreign protective order, as defined in this section, which has been provided to the peace officer by any source.

- VI. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect as written.
- VII. A mutual protective order issued by any other state, tribal, or territorial court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection relating to domestic or family violence shall be accorded full faith and credit only if:
  - (a) A cross or counter petition, complaint, or other written pleading was filed seeking such protection order; and
  - (b) The court made specific findings of domestic or family violence by both parties and that each party was entitled to such order.

**173-B:14. Orders of Support.**

- I. The superior court, in any action determining the obligation of the obligor to support the obligee or the parties' minor children including, but not limited to, actions for divorce or custody pursuant to RSA 458; paternity pursuant to RSA 168-A; child support pursuant to RSA 161-B, RSA 161-C, and RSA 458; reimbursement of public assistance pursuant to RSA 161-C; and the uniform interstate family support act pursuant to RSA 546-B; shall take judicial notice of any support obligation established pursuant to this chapter upon the filing of a certified copy of the district court order in the superior court by:
  - (a) Either party to the domestic violence proceeding.
  - (b) The department.
  - (c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.
- II. Any superior court order for financial support shall include enforcement of any duly filed district court order from the date of filing forward, and shall include enforcement of any arrears which have been:
  - (a) Reduced to judgment by the district court;
  - (b) Documented by the department pursuant to an order to make payable through the department; or
  - (c) Documented by the obligee in a notarized statement, provided that the obligor shall have 30 days to object and request a hearing on the issue of arrears.

**173-B:15. Fund for Domestic Violence Grant Program.**

A special fund for domestic violence programs is established. The sole purpose of the fund shall be to provide revenues for the domestic violence program established in RSA 173-B:16, and shall not be available for any other purpose. The state treasurer shall deposit all fees received by the department under RSA 457:29 in the fund. All moneys deposited in the fund

shall be continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

**173-B:16. Grant Program Established.**

A grant program is established within the department for the allocation of grant money to New Hampshire programs which provide aid and assistance to victims of domestic violence. The grant program shall be funded by the fund established under RSA 173-B:15.

**173-B:17. Duties of the Commissioner.**

The commissioner shall:

- I. Administer the grant program established in RSA 173-B:16 through a coordinator. The costs of administration shall be covered by the fund, and shall not exceed 2 percent.
- II. Adopt rules, under RSA 541-A, relative to procedures under which interested New Hampshire programs may apply for funding.
- III. Appoint the coordinator.
- IV. Enter into a contract with the coordinator, subject to the approval of the governor and council.

**173-B:18. Selection of Coordinator.**

The commissioner shall be satisfied that the organization or agency chosen as the coordinator shall be qualified to provide at least those services listed in RSA 173-B:20.

**173-B:19. Compensation for Coordinating Domestic Violence Grant Program.**

Compensation for the functions and duties of coordinating the program shall not exceed 30 percent of the total revenues of the fund.

**173-B:20. Duties of Coordinator.**

The coordinator shall be a statewide organization or agency which has demonstrated its ability, at a minimum, to:

- I. Serve as a clearinghouse for information relating to domestic violence.
- II. Conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.
- III. Provide technical assistance to local domestic violence programs in the areas of budget, management, and other such skills.

- IV. Enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.
- V. Provide coordination and supervision of programs.
- VI. Assist the commissioner in the administration of the fund.
- VII. Publicize the availability of the fund and the date by which applications must be received, and act on all applications within 45 days of the application deadline.
- VIII. Notify each appropriate agency or organization in writing whether or not it is eligible for funds, and specify the amount available.
- IX. Publicize the availability of domestic violence programs to the public.
- X. Provide training for court advocates and social services agency advocates to accompany domestic violence victims.
- XI. Apply for and receive any federal funds for which this program may be eligible.
- XII. Ensure, as far as possible, that grants are awarded on a reasonable geographical basis throughout the state.
- XIII. Obtain and evaluate reports from each grantee, at least annually, on its operations under this chapter.

**173-B:21. Criteria for Selection of Direct Service Grantees.**

The coordinator shall use all of the following criteria for selecting grantees:

- I. A grantee's ability to provide direct services to victims of domestic violence as follows:
  - (a) Shelter or safe homes on a 24-hours-a-day, 7-days-a-week basis.
  - (b) A 24-hours-a-day, 7-days-a-week switchboard for crisis calls.
  - (c) Temporary housing and food facilities.
  - (d) Psychological support and peer counseling.
  - (e) Referrals to existing services in the community and follow-up on the outcome of the referrals.
  - (f) A drop-in center to assist victims of domestic violence who have not yet made the decision to leave their homes, or who have found other shelter but who have a need for support services.
  - (g) Arrangements for school-aged children to continue their education during their stay at the center.
  - (h) Emergency transportation to a shelter and, when appropriate, arrangements with local law enforcement for assistance in providing such transportation.



- (i) Trained court advocates and social service agency advocates to accompany domestic violence victims.
- II. A grantee shall be a private or private nonprofit organization, or a public agency.
- III. A grantee shall demonstrate the need for the services proposed by the program.
- IV. A grantee shall establish its ability to secure community support and its efficiency of administration.
- V. A grantee shall receive at least 50 percent of its funding from sources other than the fund, including town, city, county, federal, or private sources. Contributions in kind, whether material, commodities, transportation, office space, or personal services, may be evaluated and counted as part of the required non-state funding.

**173-B:22. Confidentiality.**

All persons who are employed, appointed, or who volunteer under this chapter shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees, except for reasons of safety for other shelter residents or staff.

**173-B:23. Referral.**

Where centers are available, any law enforcement officer who investigates an alleged incident of domestic violence shall advise the person subject to such violence of the availability of programs from which that person may receive services.

**173-B:24. Rights Reserved.**

A person shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household with or without the children to avoid further domestic violence.

**173-B:25. Severability.**

If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

**APPENDIX Y**  
**NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS**  
**DIVISION OF FIELD SERVICES**  
**TERMS AND CONDITIONS OF ADULT PROBATION**

TO: \_\_\_\_\_

By order of the \_\_\_\_\_ Court Dated \_\_\_\_\_

you have been placed on probation for a period of \_\_\_\_\_  
under the supervision of the New Hampshire Department of Corrections. The terms and conditions of  
probation, unless otherwise prescribed, shall be as follows:

1. I will report to the Probation/Parole Officer at such times and places as directed. I will comply with the Probation/Parole Officer's instructions and respond truthfully to all inquiries from the Probation/Parole Officer.
2. I will comply with all orders of the Court, Board of Parole or Probation/Parole Officer, including any order for the payment of money.
3. I will obtain the probation/Parole officer's permission before changing residence or employment or traveling out of state.
4. I will notify the Probation/Parole Officer immediately of any arrest, summons or questioning by a law enforcement officer.
5. I will diligently seek and maintain lawful employment, notify my employer of my legal status, and support dependents to the best of my ability.
6. I will not receive, possess, control or transport any weapons, explosives or firearm, or simulated weapon, explosive, or firearm.
7. I will be of good conduct, obey all laws, and be arrest-free.
8. I will submit to reasonable searches of my person, property and possessions as requested by the Probation/Parole Officer and permit the Probation/Parole Officer to visit my residence at reasonable times for the purpose of examination and inspection in the enforcement of the conditions of probation and parole.
9. I will not associate with persons having a criminal record or other individuals as directed by the Probation/Parole Officer and permit the Probation/Parole Officer to visit my residence at reasonable times for the purpose of examination and inspection in the enforcement of the conditions of probation and parole.
10. I will not indulge in the illegal use, sale, possession, distribution, transportation or be in the presence of controlled drugs, or use alcoholic beverages to excess.
11. I waive extradition to the State of New Hampshire from any state in the United States or any other place and I agree to return to New Hampshire if directed by the Probation/Parole Officer.
12. The following special conditions are imposed by the Court, the Parole Board or Probation/Parole Officer.
  - A. I will participate regularly in Alcoholics Anonymous to the satisfaction of the Probation/Parole Officer.
  - B. I will secure written permission from the Probation/Parole Officer prior to purchasing and/or operating a motor vehicle.
  - C. I will participate and satisfactorily complete the following program:

**APPENDIX Y**



**NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS  
DIVISION OF FIELD SERVICES  
TERMS AND CONDITIONS OF ADULT PROBATION**

TO: \_\_\_\_\_

By order of \_\_\_\_\_ Court  
the \_\_\_\_\_ dated \_\_\_\_\_

you have been placed on probation for a  
period of \_\_\_\_\_  
under the supervision of the New Hampshire Department of Corrections. The terms and conditions of  
probation, unless otherwise prescribed, shall be as follows:

1. I will report to the Probation/Parole Officer at such times and places as directed. I will comply with the Probation/Parole Officer's instructions and respond truthfully to all inquiries from the Probation/Parole Officer.
2. I will comply with all orders of the Court, Board of Parole or Probation/Parole Officer, including any order for the payment of money.
3. I will obtain the probation/Parole officer's permission before changing residence or employment or traveling out of state.
4. I will notify the Probation/Parole Officer immediately of any arrest, summons or questioning by a law enforcement officer.
5. I will diligently seek and maintain lawful employment, notify my employer of my legal status, and support dependents to the best of my ability.
6. I will not receive, possess, control or transport any weapon, explosive or firearm, or simulated weapon, explosive, or firearm.
7. I will be of good conduct, obey all laws, and be arrest-free.
8. I will submit to reasonable searches of my person, property and possessions as requested by the Probation/Parole Officer and permit the Probation/Parole Officer to visit my residence at reasonable times for the purpose of examination and inspection in the enforcement of the conditions of probation and parole.
9. I will not associate with persons having a criminal record or other individuals as directed by the Probation/Parole Officer unless specifically authorized to do so by the Probation/Parole Officer.
10. I will not indulge in the illegal use, sale, possession, distribution, transportation or be in the presence of controlled drugs, or use alcoholic beverages to excess.
11. I waive extradition to the State of New Hampshire from any state in the United States or any other place and I agree to return to New Hampshire if directed by the Probation/Parole officer.
12. The following special conditions are imposed by the Court, the Parole Board or Probation/Parole Officer.
  - A.  I will participate regularly in Alcoholics Anonymous to the satisfaction of the Probation/Parole Officer.
  - B.  I will secure written permission from the Probation/Parole Officer prior to purchasing and/or operating a motor vehicle.
  - C.  I will participate and satisfactorily complete the following program:

- D.  I will enroll and participate in mental health counseling on a regular basis to the satisfaction of the Probation/Parole Officer.
- E.  I will not be in the unsupervised company of (female/male) minors at any time.
- F.  I will not leave the county without permission of the Probation/Parole Officer.
- G.  I will refrain totally from the use of alcoholic beverages.
- H.  I will submit to breath, blood or urinalysis testing for abuse substances at the direction of the Probation/Parole officer.
- I.  I will comply with the house arrest provisions hereto attached.
- J.  Other  
: \_\_\_\_\_

I understand that if I violate any of the conditions of my probation/parole I will be subject to arrest with the court revoking my probation and imposing a sentence of confinement, within the legal limits for the underlying offense no matter what sentence was originally imposed by the Court.

I hereby certify that I have this date received a copy of the rules and regulations of probation/parole. I have read and had read to me the rules and I fully understand and agree to comply with them.

Signed: \_\_\_\_\_  
Probationer/Parolee

Witnessed \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_  
this \_\_\_\_\_

Witness and  
Title: \_\_\_\_\_  
Probation/Parole Officer

**RSA 159:3 CONVICTED FELONS/NOTIFICATION**

NO PERSON WHO HAS BEEN CONVICTED IN THIS OR ANY OTHER STATE OF A FELONY AGAINST THE PERSON OR PROPERTY OF ANOTHER, OR WHO HAS BEEN CONVICTED OF A FELONY UNDER 318:B, SHALL OWN OR HAVE IN HIS/HER POSSESSION OR UNDER HIS/HER CONTROL A PISTOL, REVOLVER, OR ANY OTHER FIREARM, OR SLINGSHOT, METALLIC KNUCKLES, BILLIES, STILETTO, SWITCHBLADE KNIFE, SWORD CANE, PISTOL CANE, BLACKJACK, DAGGER, DIRK-KNIFE, OR ANY OTHER DANGEROUS WEAPON. WHOEVER VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A CLASS B FELONY; AND UPON HIS/HER CONVICTION, HIS/HER WEAPON SHALL BE CONFISCATED TO THE USE OF THE STATE.

As of 09/30/96 Title 18, US Code, Sec. 922 (g) (9) makes it illegal for anyone who has **EVER** been convicted of a “misdemeanor crime of domestic violence” to possess any firearm or possess any firearm or ammunition. A misdemeanor crime of domestic violence is defined as any offense – whether or not explicitly described in a statute as a crime of domestic violence – which has, as its factual basis, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by the victim’s current or former domestic partner, parent, or guardian. This includes convictions in any state or at the federal level. The term “convicted” excludes anyone whose conviction has been annulled or expunged, or who has received a pardon.

This law applies to persons *convicted at any time prior to or after the passage of the act*. If you have been convicted of a misdemeanor crime of domestic violence within the meaning of this statute, continued retention of any firearm or ammunition may subject you to federal criminal penalties up to 10 years in prison and a \$250,000 fine.

If you are affected by this statute, you may not possess any firearm or ammunition. Any previously issued authorization for you to possess a firearm or ammunition, including a pistol permit, is revoked.

**SUPERVISION FEE INSTRUCTIONS**

RSA 504-A:13 provides for the collection of supervision fees from parolees and probationers under the supervision of the New Hampshire Department of Corrections.

Failure to abide by these conditions may result in a violation being filed that could result in your incarceration or imposition of additional penalties.

1. Payments of \$ 40.00 Per month are due and payable on the first of each month, commencing  
\_\_\_\_\_ And I realize payment is a condition of my probation/parole.
2. Payments are to be made payable to **N.H.D.O.C. Division of Field Services**  
and mailed to: **Central Office – PO Box 1806**  
**Concord, NH 03302-1806**

**GRIEVANCE PROCEDURE**

Probationers and Parolees wishing to file a complaint may do so by obtaining from the District Office, a **GRIEVANCE FORM**. All complaints must be in writing on this form to be considered.

Upon completion of the form, it shall be submitted to the Chief Probation/Parole Officer at the District Office.

I have had the above read to me and fully understand:

Signed:

Date:



## APPENDIX Z

### DEPARTMENT OF CORRECTIONS – DIVISION OF FIELD SERVICES CONTACT INFORMATION

CENTRAL OFFICE #06  
Department of Corrections  
Division of Field Services  
P.O. Box 1806  
Concord, NH 03302-1806  
TEL: 271-5652, 271-0408  
FAX: 271-0414

BERLIN DISTRICT OFFICE #04 (Coos)  
Department of Corrections  
Attention: Probation and Parole  
138 E. Milan Road  
Berlin, NH 03570  
TEL: 752d-0429  
FAX: 752-0320

BRENTWOOD DISTRICT OFFICE #01  
(Rockingham)  
Department of Corrections  
Division of Field Services  
113 B North Road  
Brentwood, NH 03833  
TEL: 679-5528  
FAX: 679-8016

NORTH HAVERHILL DISTRICT OFFICE #05  
(Grafton)  
Department of Corrections  
Division of Field Services  
3785 Dartmouth College Highway, Box 1  
North Haverhill, NH 03774-9700  
TEL: 787-6900, 787-2501, 787-9806  
FAX: 787-6510

INTERSTATE  
Department of Corrections  
Division of Field Services  
P.O. Box 1806  
Concord, NH 03302-1806  
TEL: 271-5646  
FAX: 271-0409

DOVER DISTRICT OFFICE #07 (Strafford)  
Department of Corrections  
Division of Field Services  
Strafford County Courthouse  
259 County Farm Road, Unit 4  
Dover, NH 03820-6015  
TEL: 742-6621  
FAX: 749-5907

MANCHESTER DISTRICT OFFICE #02  
(Hillsborough – N)  
Department of Corrections  
Division of Field Services  
60 Rogers Street  
Manchester, NH 03103  
TEL: 668-0432  
FAX: 668-1409

LACONIA DISTRICT OFFICE #08 (Belknap)  
Department of Corrections  
Division of Field Services  
P.O. Box 116  
Laconia, NH 03247  
TEL: 528-9252  
FAX: 528-9243

CONCORD DISTRICT OFFICE #03  
(Merrimack)  
Department of Corrections  
Division of Field Services  
314 North State Street  
Concord, NH 03301  
TEL: 271-2268  
FAX: 271-5672

KEENE DISTRICT OFFICE #09 (Cheshire)  
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(Hillsborough - S)

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