

**THE STATE OF NEW HAMPSHIRE**



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

**EMERGENCY MEDICAL SERVICES:  
DOMESTIC VIOLENCE PROTOCOL**

*June 1999*

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# PREFACE

Nationwide, domestic violence is an enormous public safety problem, as it is in New Hampshire. Each year in our state, over 5,700 victims of domestic violence seek assistance from crisis centers, and it is currently the leading cause of homicide in the state. Recognizing the need to proactively address this critical social problem, the State of New Hampshire has made a strong commitment to work to reduce the incidence of domestic violence in our society and to meet the needs of those most affected.

Domestic violence includes physical, sexual, verbal or emotional abuse used by one partner in a relationship to maintain power and control over the other partner. It occurs in families from all economic, educational, racial, ethnic and religious backgrounds. Ninety-five percent of the victims of spousal abuse are women, and it is estimated that three to four million women are beaten each year in our country. Violence in one generation encourages violence in the next generation, creating a cycle of abuse. Almost two-thirds of the men who abuse their partners witnessed abuse or were abused as children, and witnessing domestic violence is the single best predictor of juvenile delinquency and adult criminality for males.

In September 1993, then New Hampshire Governor Stephen Merrill created the Governor's Commission on Domestic Violence, representing all branches of government and those agencies and individuals who work with victims of domestic violence. The mission of the Governor's Commission was to develop and implement a program to bring about a reduction in the level and seriousness of domestic violence incidents and to increase awareness among the public, governmental and private agencies and the Legislative, Executive and Judicial branches of government, of the causes, effects and magnitude of domestic violence.

The Commission created four committees, each focusing on separate goals; Public Education, Protocol, Victim Services and Batterer Intervention. The Public Education Committee conducted statewide public hearings and recognized that there were significant inconsistencies in the handling of cases and in the treatment of victims of domestic violence throughout the state. In response, the Protocol Committee was charged with developing and implementing multidisciplinary protocols to standardize the handling of cases among all of the disciplines that work with domestic violence cases. In 1996, thirteen protocols were introduced at six regional trainings, where over 1500 professionals were trained.

In 1997, the Committee began working on a second set of protocols addressing other disciplines. This protocol is a part of that project. Each protocol outlines the responses within various professions that would best help break the cycle of violence, by offering safety and support for victims and accountability for abusers. Within each of the professional disciplines addressed in these protocols, however, it is important to remember that there could be acknowledged victims and batterers. Therefore it is essential, when reviewing these protocols, that organizations also realize they have a responsibility to not only screen for victims and abusers among their clients, and those with whom they work, but also among themselves. Domestic violence knows no boundaries, and occurs among all racial, ethnic, socio-economic, religious and occupational groups. Assumptions about who could possibly be a victim or an abuser can be dangerous, and could put victims seeking services from your organization in danger. When developing your own guidelines or procedures for the handling of domestic violence, based on these protocols, it is important to include guidelines for handling domestic violence among your own staff.

Throughout these protocols, there are many references to agencies in New Hampshire that deal directly with domestic violence. These include domestic violence service programs (crisis centers), domestic violence coordinating councils, and batterer intervention programs. A complete listing of these types of programs is included in each individual protocol.

If you have any questions regarding the protocols, please contact:

Sandra Matheson, Director  
Office of Victim/Witness Assistance  
Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301-6397  
(603) 271-3671

The Commission encourages duplication and distribution of these protocols among all professions. In 1998, Governor Jeanne Shaheen expanded the scope of the Commission to include sexual assault and it officially became the Governor's Commission on Domestic and Sexual Violence. The Commission members view this project as only a beginning and will continue their efforts to reduce the trauma experienced by victims of domestic and sexual violence by improving available services and by encouraging enhanced collaboration and support.

# GOVERNOR'S COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

The Honorable Jeanne Shaheen  
Governor, State of New Hampshire

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Senator James Squires, MD

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U.S. Attorney's Office

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Bureau of Health Promotion



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

## **DOMESTIC VIOLENCE PROTOCOL COMMITTEE**

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Grace Mattern, Co-Chair  
Director, NH Coalition Against Domestic and Sexual Violence

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# EMS PROTOCOL COMMITTEE

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# **INTRODUCTION**

This protocol is designed to provide information about domestic violence for prehospital care providers at all levels. It will explain how to recognize and assist victims of domestic violence. Domestic violence, also known as battering, partner abuse, and spousal abuse, is the single major cause of injury to women, more so than auto accidents, muggings, and rapes combined. Emergency Medical Services (EMS) providers should keep this in mind for every call as they may be the first to encounter the patient in the prehospital setting.

Violence in the home is as illegal as violence on the street. Safety for victims of domestic violence must be a priority for prehospital providers. Care of the victim's children or other loved ones must also be considered.

Domestic violence has been defined as the actual or threatened physical, sexual, psychological, or economic abuse of an individual by someone with whom they have or have had an intimate relationship. Abuse may also include the act of controlling through fear and intimidation. Domestic abuse is the coercive control and violence perpetrated toward another person in a relationship as a cohabitant, spouse, family member or significant other. Without appropriate intervention, battering usually continues and escalates in frequency and severity. By the time the victim's injuries need emergency medical attention, the violence may be a long established pattern. The EMS provider's early detection and intervention can play a role in ending the abuse and breaking the cycle of violence.

Domestic violence occurs in every socioeconomic group, education level, racial and ethnic group, religion, lifestyle and age group. It is often passed down from one generation to another. Domestic violence can occur in homosexual as well as heterosexual relationships.

It will be the responsibility of each EMS provider to be knowledgeable about this protocol. Department Heads or Ambulance Service Chiefs will hold each member accountable for this procedure.

## **PURPOSE**

The purpose of this protocol is to provide complete and detailed information regarding the treatment and documentation of patients involved in suspected or known domestic violence.

## **PROCEDURE**

When abuse is suspected, provide the patient with a quiet, private room where confidentiality is assured. When possible, two EMS providers should be present during the interview. EMS services must require their members to report domestic violence in cases that involve a minor, elder abuse, life threatening injuries or injuries sustained from a gunshot. (Refer to New Hampshire RSAs 161-F, 169-C, and 631-6.)

# INDICATORS OF DOMESTIC VIOLENCE

1. The patient who admits to past or present abuse (all types).
2. The patient denies physical abuse but presents with unexplained bruises, whiplash injuries consistent with shaking, areas of erythema consistent with slap injuries, grab marks on arms or neck, lacerations, burns, scars, fractures or multiple injuries in various stages of healing, or fractured mandible.
3. Common sites of injury in battering are areas hidden by clothing or hair (i.e. face, head, chest, breasts, abdomen, and genitals). Accidental injuries usually involve the extremities, whereas domestic violence often involves both trunk and extremity injuries.
4. Extent or type of injury is inconsistent with the explanation offered by the patient.
5. The patient is pregnant. Violence often begins with the first pregnancy. Injuries are usually to the breasts or abdomen.
6. The patient presents evidence of sexual assault or forced sexual actions.
7. The suspected abuser is with the patient, insists on staying close to the patient and may try to answer all questions directed to the patient.
8. The patient expresses fear of being home or returning home, or fear for safety of children.
9. The patient describes the alleged "accident" in a hesitant, embarrassed or evasive manner and/or avoids eye contact. Some delay may exist between the time of the injury and time of call for help suggesting that the patient may have been prevented from seeking help or may have had to wait for the abuser to leave.
10. Complaints of chronic pain (back or pelvic) with no substantiating physical evidence may signify fear of impending or actual physical abuse. Patient may also have complaints such as panic attacks, anxiety, choking sensation or depression.
11. Patient or partner has a history of psychiatric, alcohol, or drug abuse history, (e.g., eating disorder, self-mutilation).
12. The patient has a history of suicide attempts or suicidal ideation. Battering is a factor in one in every four suicide attempts by all women and half of all suicide attempts by black women.
13. The patient has a history of self-induced abortions or multiple therapeutic abortions or miscarriages.
14. A history of animal abuse is confirmed. Studies show that partner or child abuse is often correlated to abuse of family pets.
15. There is repeated use of EMS system, or requests to be transported to numerous hospitals.

It should be noted that the above list includes indicators, and does not imply that someone with one or more indicators is a victim of domestic violence, but that EMS providers should be aware that domestic violence might be occurring in such circumstances.

# INTERVIEWING/ASCERTAINING INFORMATION

1. It is important and helpful to ask questions when you suspect abuse. Victims may not respond immediately but you have begun the process of establishing trust. (For example, “How did this happen? “Did someone hurt you?” “Are you afraid of someone?” “Are you afraid for your children?”)
2. Ask questions in different ways. Not everyone will respond to the same kinds or same way of questioning.
3. Abuse is a difficult situation, and you may have to give these patients more time than others. Do not rush these patients.
4. It is important to maintain eye contact.
5. Most abuse victims are filled with fear and shame. Be empathetic. (For example, “What he did was not OK.” “No one deserves to be beaten”) Most patients will be inhibited by a show of horror, anger, or disbelief. The emotional nature of these situations may cause the prehospital provider to lose perspective. It is important to remain objective, non-judgmental and professional.
6. Realize that every patient might be a victim of abuse regardless of age, and that batterers can come from any family or economic background.

# DOCUMENTATION

Accurate and concise documentation is essential for future medical and legal assessments. When documenting suspected abuse, document clearly and quote the patient as much as possible. Record the patient’s description of the incident as well as your own. Note the patient’s emotional state, e.g., crying, anxious, fearful, angry.

1. Include such data in your report as: name, address, phone number of patient, name and date of birth of person(s) with patient, name(s) of police officers present, date, time and place of assault.
2. Avoid long descriptions and quotes by patients which deviate from the medical problems.
3. If the patient states abuse as the cause of the injury, preface the patient’s explanation by writing: “patient states...” This protects the patient and yourself since you cannot be held liable for recording a patient’s statement, the medical facts, or your expert, medical opinion.
4. Record size, pattern, estimated age, description, and location of all injuries. **BE SPECIFIC!** “Multiple contusions and lacerations” is not specific enough. Detailed descriptions in documentation will back up allegations of abuse.
5. Record non-bodily evidence of abuse, such as torn clothing, room or house in disarray, etc.
6. Record any referrals made to the patient such as victims’ shelters, counseling centers, etc.

# REPORTING

Emergency medical service providers share a common goal with state protective agencies: family safety, security, and well being. The complexity of domestic violence requires cooperative efforts by all those involved in the family. Interagency collaboration, communication and coordination by the service providers who come into contact with the family, must exist if there is to be an effective response to domestic violence. Domestic

violence and other forms of family violence are broad and serious community problems which need community solutions. (Appendix N). The new New Hampshire Bureau of EMS Patient Care Record form will provide a check box to indicate that the patient has been questioned regarding domestic violence.

New Hampshire's legislature has developed statutes which provide protection for certain citizens through mandatory reporting of suspected abuse. Children (anyone under age 18), incapacitated adults, and the elderly are covered by reporting statutes. An adult abusive relationship does not have to be reported unless there is a serious bodily injury or gunshot wound. These cases can be reported to the appropriate law enforcement agency with the patient's permission. A patient has the right to refuse to speak to a police officer. Patient safety must be considered at all times.

## **SUSPECTED CHILD ABUSE**

By New Hampshire law (RSA 169:c) **any person** who **suspects** a child is being abused or neglected **must** make a report to the Division of Children, Youth and Families (DCYF). {See Appendix H}. DCYF's Central Intake Unit receives, on average, five hundred referrals each month. The Intake staff must assess whether the caller is making a credible report. As part of making a report of suspected child abuse, the provider should be prepared to give as much of the following information as possible:

- Names, ages, address, phone number of the family;
- Description and dates of possible neglectful or abusive incidents and victims;
- Whereabouts of children during incidences;
- Presence or use of weapons; and
- Presence or use of alcohol and other drugs.

## **INCAPACITATED ADULTS AND ELDERLY**

By New Hampshire law (RSA 161:F) **any person** having reason to believe that any incapacitated adults is being abused **must** make a report to the Division of Elderly and Adult Services (DEAS). An incapacitated adult is a person over the age of 18 who is chronically dependent on others to manage personal, home, or financial affairs. The report is made to case workers at one of twelve District Offices. (See Appendices F and G). The case worker must investigate reports of abuse, neglect, self-neglect or exploitation.

The provider should be prepared to give as much of the following information as possible:

- Names, ages, address, phone number of the family;
- Description and dates of possible abusive incidents and victims;
- Name, address of perpetrator, if known;
- Presence or use of weapons; and
- Presence or use of alcohol and other drugs.

Adults who are considered to be mentally competent have the right to refuse assistance from the State and have the right to decline to press charges against the abuser.



## **REFERRALS**

The New Hampshire Coalition Against Domestic and Sexual Violence (NHCADSV) consists of 14 crisis center programs that provide services to victims of domestic and sexual violence throughout the State. (See Appendix A). Their services are free and confidential and include a 24 hour crisis line, shelter, court advocacy, medical and legal options and referrals, peer counseling and support groups and emotional support. A referral to the local center is appropriate to any case where the provider suspects domestic violence. There are batterer intervention programs in many parts of the State. The local crisis center can provide a referral.

Other resources can be made available in child, incapacitated adult or elderly cases. Reporting to the state agency responsible for investigating these cases can help the family connect with and receive needed services.

## **CONCLUSION**

A team approach utilizing all available resources such as law enforcement, emergency department personnel, and victim support services should be used.

Domestic violence is an emotional time for all involved. The patient should regain as much control of the situation as possible. Prehospital care providers should remember that they are there to help, not to pass judgment; to give advice and not opinions.

This protocol is not meant to be a substitute for training EMS providers about domestic violence. For additional background information, contact your local domestic violence agency for assistance in setting up a training meeting. In addition, the New Hampshire Bureau of EMS is developing a curriculum and training instructor trainers for enhancement modules dedicated to domestic violence recognition and response.



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# APPENDIX A

## DOMESTIC VIOLENCE SUPPORT SERVICES IN N.H.

### NH COALITION AGAINST DOMESTIC AND SEXUAL VIOLENCE

P.O. Box 353, Concord, NH 03302-0353  
(603) 224-8893 (Office)

The N.H. Coalition is comprised of 14 programs throughout the state that provide services to victims of sexual assault and domestic violence. The services are free, confidential, and available to all victims 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 for rape survivors
- 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 and Domestic Violence Crisis Center**

P. O. Box 1344  
**Concord, NH 03302-1344**  
1-800-852-3388 (crisis line)  
225-7376 (office)

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

P.O. 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 New Hampshire  
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**

P.O. Box 622  
**Laconia, NH 03246**  
1-800-852-3388 (crisis line)  
528-6511 (office)

#### **Women's Information Service (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**

P. O. Box 965  
**Littleton, NH 03561**  
1-800-774-0544 (crisis line)  
444-0624 (Littleton office)  
747-2441 (Woodsville office)

#### **YWCA Crisis Service**

72 Concord Street  
**Manchester, NH 03101**  
668-2299 (crisis line)  
625-5785 (Manchester office)  
432-2687 (Derry Office)

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

P.O. Box 217  
**Nashua, NH 03061-0217**  
883-3044 (crisis line)  
889-0858 (Nashua office)  
672-9833 (Milford office)

#### **Task Force Against Domestic and Sexual Violence**

P.O. Box 53  
**Plymouth, NH 03264**  
536-1659 (crisis line)  
536-3423 (office)

#### **A Safe Place**

P. O. 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 Avenue  
**Portsmouth, NH 03801**  
1-888-747-7070 (crisis toll free)  
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  
P.O. Box 218  
Ossipee, New Hampshire 03864  
(603) 539-7769

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

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

Grafton County Attorney  
Grafton County Courthouse  
R.R. 1, Box 65E  
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

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

Strafford County Attorney  
County Farm Road  
P.O. Box 799  
Dover, New Hampshire 03821-0799  
(603) 749-2808





## APPENDIX C

### NEW HAMPSHIRE VICTIM/WITNESS ASSISTANCE PROGRAMS

Office of Victim/Witness Assistance  
Attorney General's Office  
33 Capitol Street  
Concord, NH 03301  
271-3671

Belknap County Victim/Witness Program  
Belknap County Superior Courthouse  
64 Court Street  
Laconia, NH 03246  
527-5440

Carroll County Victim/Witness Program  
P.O. Box 218  
Ossipee, NH 03864  
539-7769

Cheshire County Victim/Witness Program  
P.O. Box 612E  
Keene, NH 03431  
352-0056

Coos County Victim/Witness Program  
55 School St., Suite 102  
Lancaster, NH 03584  
788-3812

Grafton County Victim/Witness Program  
RR 1, Box 65E  
Grafton County Courthouse  
No. Haverhill, NH 03774  
787-6968

Hillsborough County Victim/Witness Program  
300 Chestnut Street  
Manchester, NH 03101  
627-5605

Hillsborough County Attorney's Office  
Southern District  
Victim Witness Program  
19 Temple Street  
Nashua, NH 03060  
594-3256

Merrimack County Victim/  
Witness Program  
4 Court Street  
Concord, NH 03301  
228-0529

Rockingham County Victim/  
Witness Program  
P.O. Box 1209  
Kingston, NH 03848  
642-4249

Strafford County Victim/  
Witness Program  
P.O. Box 799  
Dover, NH 03821-0799  
749-4215

Sullivan County Victim/Witness Program  
Sullivan County Attorney's Office  
14 Main Street  
Newport, NH 03773  
863-8345

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

NH State Police-Family Services Unit  
Department of Safety  
10 Hazen Drive  
Concord, NH 03305  
271-2663

United States Attorney's Office  
District of New Hampshire  
James C. Cleveland Federal Bldg.  
55 Pleasant St., Suite 312  
Concord, NH 03301  
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  
P.O. Box 157  
Ossipee, New Hampshire 03864  
(603) 539-2201

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

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

Grafton County Superior Court  
RR 1, Box 65  
No. 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 St.  
P.O. Box 2072  
Nashua, New Hampshire 03061  
(603) 883-6461

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

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

Strafford County Superior Court  
P.O. 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  
P.O. Box 313  
Claremont, New Hampshire 03743  
(603) 542-6064

Colebrook District Court  
10 Bridge Street  
P.O. Box 5  
Colebrook, New Hampshire 03576  
(603) 237-4229

Concord District Court  
32 Clinton Street  
P.O. Box 3420  
Concord, New Hampshire 03302  
(603) 271-6400

Derry District Court  
10 Manning Street  
Derry, New Hampshire 03038  
(603) 434-4676/4677

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  
P.O. Box 394  
Exeter, New Hampshire 03833  
(603) 772-2931

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

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

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

Hampton District Court  
132 Winnacunnet Road  
P.O. 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, P.O. 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  
P.O. Box 39  
Jaffrey, New Hampshire 03452  
(603) 532-8698/7276

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

## APPENDIX E (continued)

Laconia District Court  
Academy Square  
P.O. Box 1010  
Laconia, New Hampshire 03247  
(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  
P.O. Box 456  
35 Amherst Street  
Manchester, New Hampshire 03105  
(603) 624-6510

Merrimack District Court  
Town Hall Building  
Baboosic Lake Road  
P.O. Box 324  
Merrimack, New Hampshire 03054  
(603) 424-9916/9917/7005

Milford District Court  
Meeting Place Mall  
P.O. 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  
P.O. Box 1966  
New London, New Hampshire 03257  
(603) 526-6519

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

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

Plaistow District Court  
Town Hall  
145 Main Street  
P.O. 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  
P.O. 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	1-800-552-4628 (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 Office	361 Lincoln Street Manchester, New Hampshire 03103	1-800-852-7493 (or) 603-668-2330
Nashua District Office	19 Chestnut Street Nashua, New Hampshire 03060	1-800-852-0632 (or) 603-883-7726
Portsmouth District Office	30 Maplewood Avenue Portsmouth, New Hampshire 03801	1-800-821-0326 (or) 603-433-8318
Rochester District Office	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, NH 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

Anyone 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 has believes it necessary to place a child.

### C. WHO REPORTS

In accordance with RSA 169-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, optometrist, 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 at Waterville Valley. In the past four years, over 500 people have participated in the council project at a local level. Twenty-six 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.

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 \_\_\_\_\_ to  
or \_\_\_\_\_.

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. Batterers 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 my 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 protection orders that all police departments can call to confirm a protection order. I can check with the police department to make sure that 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 \_\_\_\_\_ 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 or all 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 and \_\_\_\_\_.

**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 as other resources to be of support to me.
- G. Other things I can do to help me feel stronger are \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.
- H. I can attend workshops and support groups at the domestic violence program or \_\_\_\_\_, \_\_\_\_\_ 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**

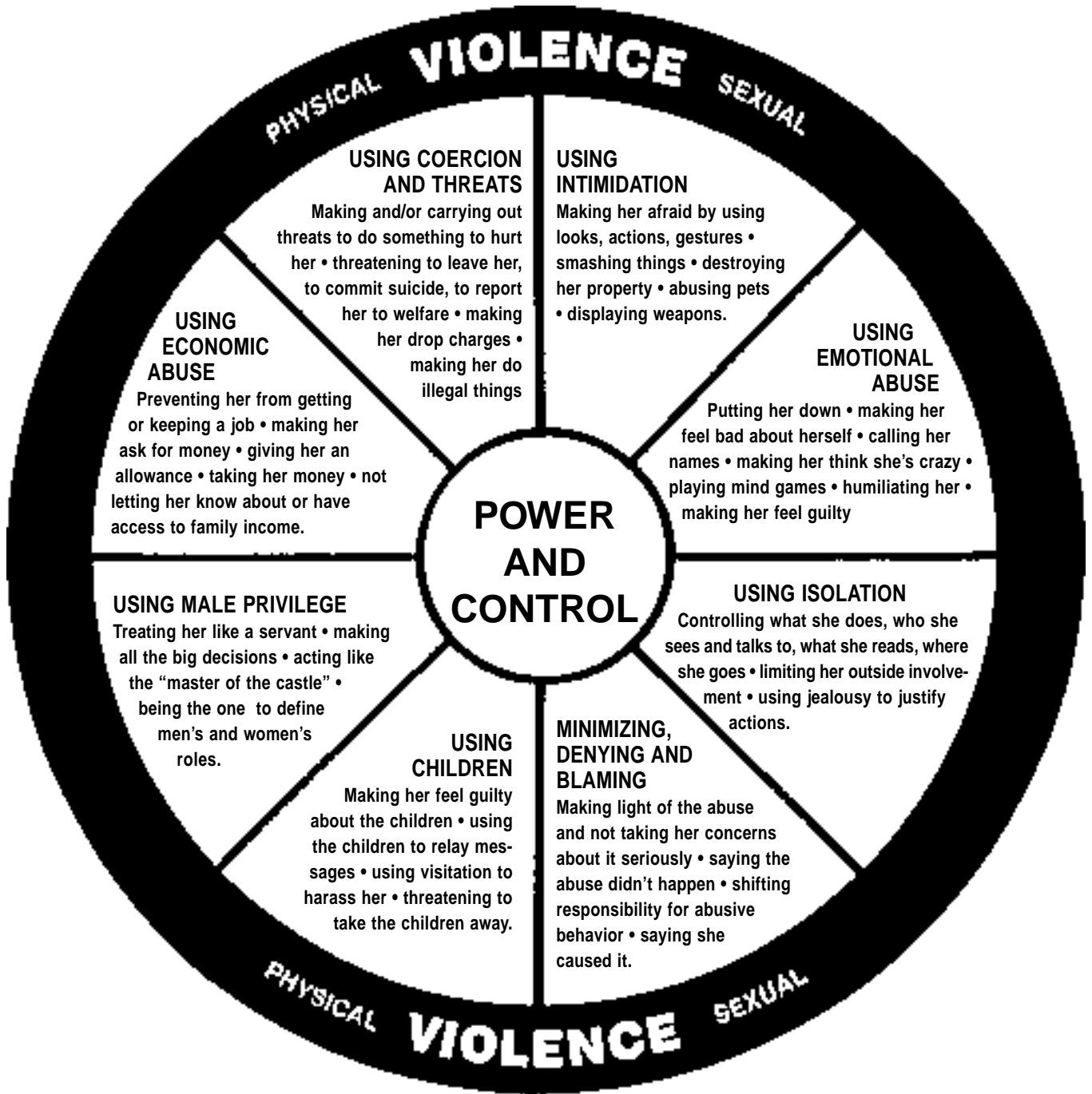
## **LETHALITY ASSESSMENT**

(Or indicators that a “batterer” might kill)

- Threats of homicide or suicide
- Fantasies of homicide or suicide
- Depression
- Weapons
- Obsessiveness about partner or family
- Centrality of battered victim
- Rage
- Drug or alcohol consumption
- Pet or property abuse
- Access to battered victim or family
- Escalation of risk taking
- History of violence
- She is the best judge



# APPENDIX L

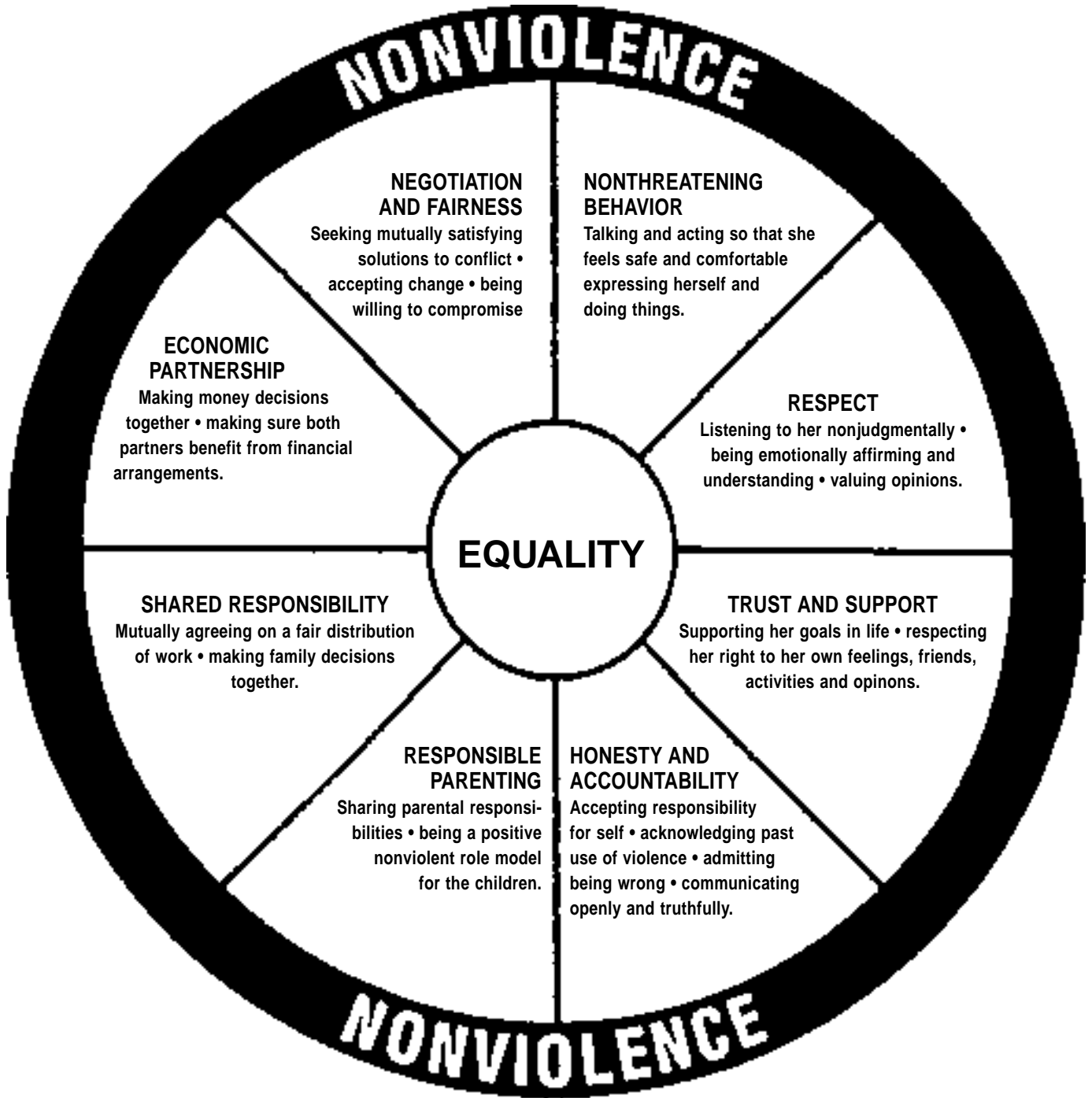


DOMESTIC ABUSE INTERVENTION PROJECT  
206 West Fourth Street  
Duluth Minnesota 55806  
218-722-4134





# APPENDIX M



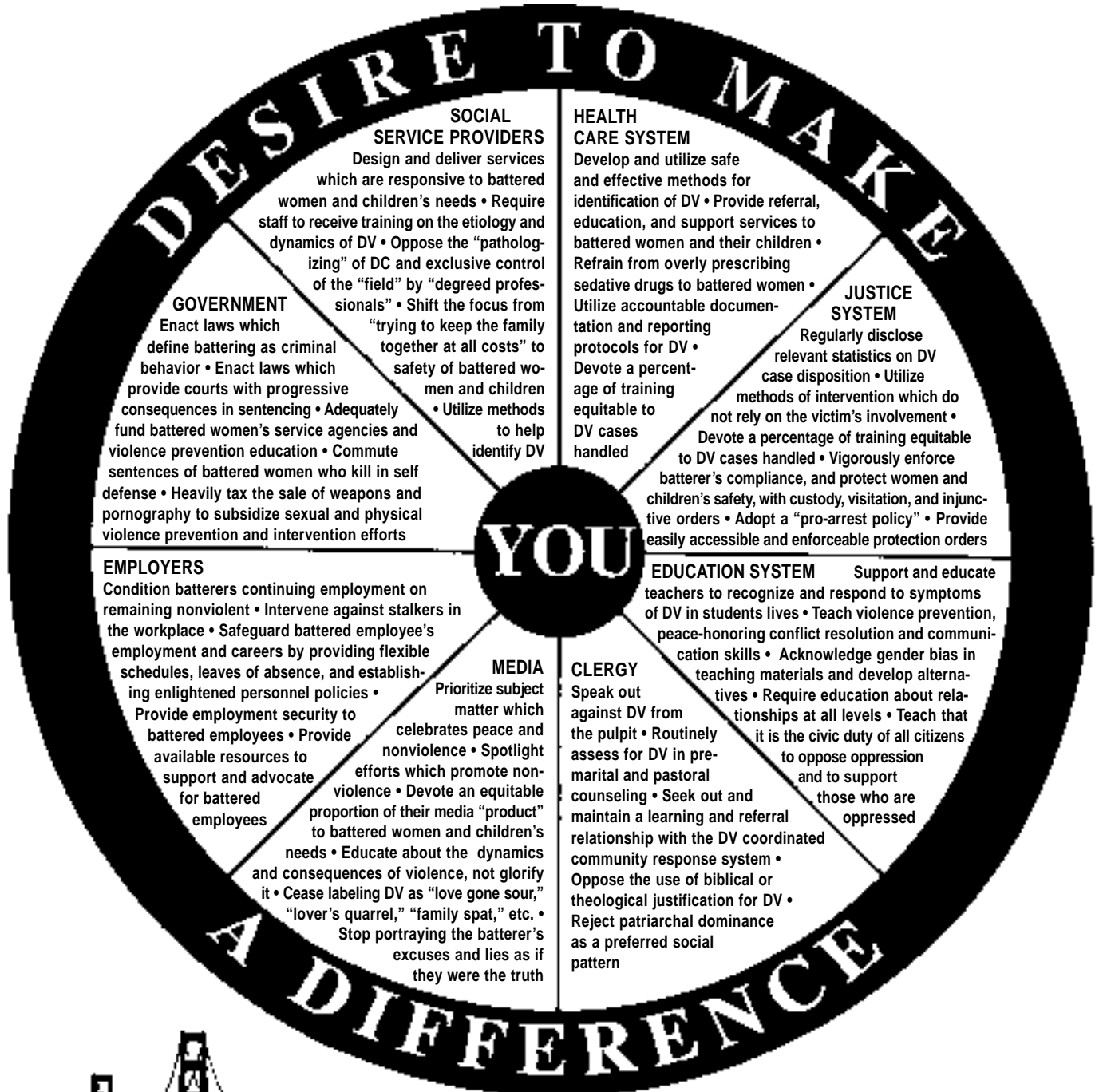
Equality Wheel



# APPENDIX N

## COORDINATED COMMUNITY ACTION MODEL

*This Model demonstrates, in abbreviated form, ways communities can accountably act to support battered women and children, and hold batterers accountable for their behavior. It is not a definitive representation. This Model primarily identifies heterosexual males as perpetrators of domestic violence (DV), as they comprise 95% of the batterers in this country. This Model was developed by Mike Jackson and David Garvin with the feedback of over 118 reviewers. We are grateful for their input, and acknowledge the Domestic Abuse Intervention Project for the wheel format. Permission to reproduce is given if there are no changes and credit is given. Please make copies and distribute them for your public education efforts (to obtain an 18 x 24 poster of this Model contact DVIM at 313 769-6334). We welcome your feedback for future editions. See pages 2-8 for more information.*



DOMESTIC VIOLENCE INSTITUTE OF MICHIGAN  
P.O. Box 130107, Ann Arbor, MI 48113-0107 (313) 769-6334



# 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 overrepresented 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.

## APPENDIX O (continued)

**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-violent.

**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 violent 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 increases 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 this country
36. She uses 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

## A FACT SHEET ON DOMESTIC VIOLENCE

- **Domestic Violence:** A pattern of coercive behavior that is used by one person to gain power and control over another, which may include physical violence, sexual, emotional and psychological intimidation, verbal abuse, stalking, and economic control.  
*(Family Violence Prevention Fund. "Model Policy on Domestic Violence in the Workplace".).*
- Nearly 1 in 3 adult women experience at least one physical assault by a partner during adulthood.  
*(Bureau of Justice Statistics Special Report: Violence Against Women: Estimates from the Redesigned Survey (NCJ-154348), August 1995, p. 3).*
- Ninety to ninety-five percent (90-95%) of domestic violence victims are women.  
*(Bureau of Justice Statistics Selected Findings: Violence Between Intimates, November 1994).*
- As many as 95% of domestic violence perpetrators are male.  
*(A Report of the Violence against Women Research Strategic Planning Workshop sponsored by the National Institute of Justice in Cooperation with the US Department of Health and Human Services, 1995).*
- Approximately 17% of the 1.4 million people treated in hospital emergency rooms for violence related injuries were injured by an intimate partner.  
*(U.S. Department of Justice, August 1997. "Violence-related Injuries Treated in Hospital Emergency Departments". Michael R. Rand. Bureau of Justice Statistics).*
- Fourteen percent (14%) of married women said their husbands had used physical force or threat to try to have sex with them. Sexual assaults can and do occur within marital relationships. Most often, these assaults occur within a context of on-going domestic violence.  
*(American Medical Association: "Sexual Assault in America", " Guidelines on Sexual Assault", 1995).*
- In 1996, approximately 1,800 murders were attributed to intimates; nearly three out of four of these had a female victim.  
*(Supplementary Homicide Reports, 1976-1996).*
- Much of female violence is committed in self-defense, and inflicts less injury than male violence.  
*(Chalk & King, eds., Violence in Families: Assessing Prevention & Treatment Programs, National Resource Council and Institute of Medicine, p.42 1998).*
- Ninety-two percent (92%) of women who were physically abused by their partners did not discuss these incidents with their physicians; 57% did not discuss the incidents with anyone.  
*(The Commonwealth Fund, "First Comprehensive National Health Survey of American Women Finds Them at Significant Risk", (News Release). New York: July 14, 1993).*
- Each year, at least 6% of all pregnant women, about 240,000 pregnant women, in this country are battered by the men in their lives.  
*(Centers for Disease Control and Prevention, The Atlanta Journal and Constitution, 1994).*
- One out of every four American women report that they have been physically abused by a husband or boyfriend at some point in their lives. Thirty percent (30%) of Americans say they know a woman who has been physically abused by her husband or boyfriend in the past year.  
*(Lieberman Research Inc., "Tracking Survey Conducted for the Advertising Council and the Family Violence Prevention Fund," July-October, 1996).*

## APPENDIX Q (continued)

- The U.S. Department of Justice reported that 37% of all women who sought care in hospital emergency rooms for violence-related injuries were injured by a current or former spouse, boyfriend or girlfriend.  
*(U.S. Department of Justice, August 1997. Violence-related Injuries Treated in Hospital Emergency Departments. Michael R. Rand. Bureau of Justice Statistics).*
- While women are less likely than men to be victims of violent crimes overall, women are five to eight times more likely than men to be victimized by an intimate partner.  
*(U.S. Department of Justice, March 1997, Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends).*
- Domestic violence is the leading cause of injury to women between ages 15 and 44 in the United States, more than car accidents, muggings, and rapes combined.  
*(Federal Bureau of Investigation, 1991, Uniform Crime Reports).*
- By the most conservative estimate, each year 1 million women suffer nonfatal violence by an intimate.  
*(Bureau of Justice Statistics. Special Report: Violence Against Women: Estimates from the Redesigned Survey (NCJ-154348), August 1995, p. 3).*
- Substance abuse increases the risk that men will batter their partners, although the substance, per se, is not the key factor. *(Pernanen, K. (1991) Alcohol in human violence. quoted by Bennett, Larry W. (1997). Substance Abuse and Women Abuse by Male Partners, VAWnet, a project of the National Resource Center on Domestic Violence).*
- A study conducted at Rush Medical Center in Chicago found that the average charge for medical services provided to abused women, children, and older people was \$1,633 per person per year. This would amount to a national annual cost of \$857.3 million.  
*(Meyer, H. "The Billion Dollar Epidemic". American Medical News, January 6, 1992).*
- Eighty-eight percent (88%) of victims of domestic violence fatalities had a documented history of physical abuse.  
*(Florida Governor's Task Force on Domestic and Sexual Violence, Florida Mortality Review Project, 1997, pp.46-48, tables 14-21).*
- The 14 member groups of the NH Coalition Against Domestic and Sexual Violence assist survivors of sexual assault, and domestic violence, and members of their families, with 24-hour crisis lines, emergency shelter, counseling, support groups and help dealing with police, medical and court personnel. In 1997 Coalition member groups assisted 7,742 battered women, 322 men, and provided shelter to 902 women and children. They helped hundreds of women obtain restraining orders against their abusers.
- Printing financed with funds provided in part or in whole by the State of NH and/or United States, Department of Health & Human Services.

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**outside NH call (603) 225-9000**

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# APPENDIX R

## A FACT SHEET ON THE EFFECTS OF DOMESTIC VIOLENCE ON CHILDREN

- Each year, an estimated 3.3 million children are exposed to violence against their mothers or female caretakers by family members.  
*(American Psychological Association, Violence and the Family: Report of the APA Presidential Task Force on Violence and the Family (1996), p. 11).*
- In homes where domestic violence occurs, fear, instability, and confusion replace the love, comfort, and nurturing that children need. These children live in constant fear of physical harm from the person who is supposed to care for and protect them. They may feel guilt at loving the abuser or blame themselves for causing the violence.  
*(Domestic Violence, Understanding a Community Problem, National Woman Abuse Prevention Fund).*
- Studies find child witnesses to exhibit more aggressive and antisocial, as well as, fearful and inhibited behaviors, and to have lower social competence.  
*Christopheropoulos et al., (1987) Children of abused women, Journal of Marriage and the Family, 49, 611-619.*
- Children who witness violence were also found to show more anxiety, aggression, depression and temperamental problems, less empathy and self-esteem, and lower verbal, cognitive, and motor abilities than children who did not witness violence at home. There is also some support for the hypothesis that children from violent families of origin carry violent and violence-tolerant roles to their adult intimate relationships.  
*Susan Schecter and Jeffrey Edleson, "In the Best Interest of Women and Children: A Call for Collaboration Between Child Welfare and Domestic Violence Constituencies". Protecting Children, The American Humane Association, 1996.*
- Forty to sixty percent (40-60%) of men who abuse women also abuse children.  
*(American Psychological Association, Violence and the Family: Report of the APA Presidential Task Force on Violence and the Family (1996), p. 40).*
- Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1,500% higher than the national average in the general population.  
*(National Woman Abuse Prevention Project, Washington, D.C.)*
- Sixty-two percent (62%) of young men between the ages of 11 and 20 serving time for homicide, killed their mother's batterer.  
*(New Jersey Coalition for Battered Women, Spring Issue, May 1998).*
- Boys who witness family violence are more likely to batter their female partners as adults than are boys raised in non-violent homes.  
*Georgia Department of Human Resources, Family Violence Teleconference Resource Manual, (Battered Families . . . Shattered Lives, January, 1992).*
- Girls who witness their mother's abuse have a higher rate of being battered as adults.  
*Georgia Department of Human Resources, Family Violence Teleconference Resource Manual (Battered Families . . . Shattered Lives, January 1992).*

## **APPENDIX R (continued)**

- In one study, 27% of domestic homicide victims were children.

*(Florida Governor's Task Force on Domestic and Sexual Violence, Florida Mortality Review Project, 1997, p. 45, table 11).*

- When children are killed during a domestic dispute, 90% are under age 10, 56% are under age 2.

*(Florida Governor's Task Force on Domestic and Sexual Violence, Florida Mortality Review Project, 1997, p. 51, table 28).*

The 14 member groups of the NH Coalition Against Domestic and Sexual Violence assist survivors of sexual assault, and domestic violence, and members of their families, with 24-hour crisis lines, emergency shelter, counseling, support groups and help dealing with police, medical and court personnel. The member programs provide speakers and educational programs to community groups. In 1997 Coalition member groups assisted 7,742 battered women, 322 men, and provided shelter to 902 women and children. They helped hundreds of women obtain restraining orders against their abusers.

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# APPENDIX S

## A FACT SHEET ON SEXUAL ASSAULT

- Many statutes, including New Hampshire's, now define sexual assault as nonconsensual sexual penetration by physical force, by threat of bodily harm, or when the victim is incapable of giving consent by virtue of mental illness, mental retardation, or intoxication. Legally, acquaintance rape carries the same penalties as sexual assault committed by a stranger.

(National Coalition Against Sexual Assault).

- An estimated 683,000 adult American women are forcibly raped each year. Every minute in the United States there are 1.3 forcible rapes of adult women; 78 women are forcibly raped each hour. Every day, 1,871 women are forcibly raped, equal to 56,916 forcible rapes each month.

(National Victim Center and Crime Victims Research and Treatment Center, *Rape in America: A Report to the Nation*, 1992).

- Eighty-four percent (84%) of all sexual assaults are committed by an acquaintance of the victim.

(National Victim Center and Crime Victims Research and Treatment Center, *Rape in America: A Report to the Nation*, 1992).

- Many victims of sexual assault develop a post-traumatic stress syndrome that has been referred to as Rape Trauma Syndrome. Symptoms can include fear, helplessness, shock and disbelief, guilt, humiliation and embarrassment, anger, self-blame, flashbacks of the rape, avoidance of previously pleasurable activities, avoidance of the place or circumstance in which the rape occurred, depression, sexual dysfunction, insomnia, and impaired memory.

(American Medical Association. *Sexual Assault in America*. November 6, 1995).

- The National Victim Center reports that over 700,000 women are raped or sexually assaulted annually. Of these, 61% are under the age of 18.

(American Academy of Pediatrics, Committee on Adolescence. *Sexual Assault and the Adolescent*. *Pediatrics*. 1994; 94(5): 761-765).

- Common myths surrounding rape include: only women can be sexually assaulted; victims who truly resist cannot be raped; "no" really doesn't mean "no"; nice girls don't get raped; and "she asked for it."

(AMA. *Sexual Assault in America*. November 6, 1995).

- Sexual assaults can and do occur within marital relationships. Most often, these assaults occur within a context of on-going domestic violence. While reports and prosecutions of spousal rape are fairly infrequent, some convictions have occurred.

(AMA. *Sexual Assault in America*. November 6, 1995).

- Sexual violence remains the most dramatically under-reported crime, with an estimated two-thirds of attacks unreported.

(American Medical Association. 1996).

- A study of sexual assaults among college students found that 73% of the assailants and 55% of the victims had used drugs, alcohol, or both immediately before the assault.

(AMA. *Sexual Assault in America*. November 6, 1995).

- Forty-three percent (43%) of college-aged men admitted using coercive behavior to have sex, including ignoring a woman's protest and/or using physical aggression.

(Bureau of Justice Statistics, *Criminal Victimization in the United States*, U.S. Department of Justice, 1991 and 1993).

## APPENDIX S (continued)

- Male victims of sexual assault experience the same reactions as women, as well as an increased sense of vulnerability, damaged self-image, and emotional distancing. These reactions are often a result of the cultural belief that a male should be capable of defending himself. Consequently, males often blame themselves for the attack.

(National Victim Center, Male Rape, NVC, 1992).

- Only 16% of rapes are ever reported to police; 50% of surveyed rape victims said that they would be a lot more likely and 16% would be somewhat more likely to report rapes to police if there was a law prohibiting the news media from disclosing their names and addresses.

(National Victim Center and Crime Victims Research and Treatment Center, Rape in America: A Report to the Nation 1992.)

- Only 22% of rape victims were assaulted by someone they had never seen before or did not know well; 9% of victims were raped by husbands or ex-husbands; 11% by their fathers or stepfathers; 10% by boyfriends or exboyfriends; 16% by other relatives; and 29% by other non-relatives, such as friends and neighbors.

(National Victim Center and Crime Victims Research and Treatment Center, Rape in America: A Report to the Nation. 1992).

- Sexual assault affects women of all ages; however, most rape, and specifically acquaintance rape, happens to women between the ages of 15 and 25.

(Rapaport, Karen R. and C. Dale Psoey, "Sexually Coercive College Males," Acquaintance Rape: The Hidden Crime, edited by Andrea Parrot, John Wiley and Sons, 1991).

- Sixty-two percent (62%) of a national sample of women with physical disabilities reported having experienced emotional, physical, or sexual abuse. The same percentage of a comparison group of women without disabilities reported abuse, but the women with disabilities had experienced abuse for longer periods of time.

(Young, Nosek, Howland, Chanpong, & Rintala, 1997. "Prevalence of abuse of women with physical disabilities. Archives of Physical Medicine and Rehabilitation Special Issue. 78 S34-S38. quoted by Margaret Nosek and Carol Howland. In Brief: Abuse and Women with Disabilities. VAWNet: a project of the National Resource Center on Domestic Violence

- The 14 member groups of the NH Coalition Against Domestic and Sexual Violence assist survivors of sexual assault, and domestic violence, and members of their families, with 24-hour crisis lines, emergency shelter, counseling, support groups and help dealing with police, medical and court personnel. The programs provide speakers and educational programs to community groups. In 1997, Coalition groups assisted 1,073 sexual assault survivors.

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# APPENDIX T

## A FACT SHEET ON CHILD SEXUAL ASSAULT

- Sexual abuse can be physical, verbal or emotional and includes: sexual touching and fondling, exposing children to adult sexual activity or pornographic movies and photographs, having children pose, undress, or perform in a sexual fashion on film or in person, “peeping” into bathrooms or bedroom to spy on a child, rape or attempted rape.

*(Sexual Assault Crisis Center of Knoxville, TN).*

- Child sexual abuse is the sexual exploitation of a child by an adult, adolescent, or older child. The sexual activity does not necessarily involve force; children are often bribed or verbally coerced into sexual acts. The difference in age and sexual knowledge between a child and an older person makes informed consent to sexual activity impossible.

*(Sexual Assault Facts and Statistics; Illinois Coalition Against Sexual Assault).*

- Child sexual assault will affect a child in many ways. Within two years of the assault a child may experience fear, hostility, guilt, shame, depression, low self-esteem, poor self-image, physical and sleep complaints, sexual behavior disturbances, and poor social functioning.

*(Downs, William R, Developmental Considerations for the Effects of Childhood Sexual Abuse, Journal of Interpersonal Violence, September, 1993).*

- Twenty-nine percent (29%) of all forcible rapes in America occurred when the victim was less than 11 years old.

*(National Victim Center and Crime Victims Research and Treatment Center, Rape in America: A Report to the Nation, 1992).*

- Children are most commonly sexually abused by someone they know and trust. When these acts occur within a family, the sexual abuse is called incest. Since most children seek approval from adults, they are very vulnerable to abuse. They often do what is asked without questioning.

*(National Coalition Against Sexual Assault)*

- More than two-thirds of boys, who are sexually abused, are abused by men. Eighty-three percent (83%) of victims are under the age of 12; more than one quarter are under the age of six; 8% are abused by fathers or stepfathers.

*(Hunter, Mic, ed., The Sexually Abused Male, Lexington Books, 1990).*

- Girls who have been sexually abused become pregnant in adolescence at a significantly higher rate than those who have not. More than one-tenth report that their pregnancy is the result of sexual abuse.

*(Ounce of Prevention Fund. Child Sexual Abuse: A Hidden Factor in Adolescent Sexual Behavior. Springfield, IL, 1987).*

- In 68% of the cases in a study conducted at Tufts University New England Medical Center, the offender coerced the child to comply either through threats or actual physical aggression. Parents were as likely as any other group of offenders to use violence.

*(Gomes-Swartz, Beverly; Horowitz, Jonathan M. and Cardarelli, Albert P, Child Sexual Abuse: The Effects. Sage Publications, Inc., 1990).*

- Approximately one third of all juvenile victims of sexual abuse cases are children younger than six years of age.

*(Violence and the Family, Report of the American Psychological Association Presidential Task Force on Violence and the Family, 1996).*

## **APPENDIX T (continued)**

- Children are often groomed for sexual assault. The grooming process includes building trust, bestowing favors, alienating others, demanding service and violating boundaries.

*(Hotrod, Anne L; Johnson, Barry L; Roundly, Lynn M; and Williams, Doreen. The Incest Perpetrator. Sage Publications, Inc., 1990).*

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# APPENDIX U

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# APPENDIX V

## I. CHAPTER 173-B

### PROTECTION OF PERSONS FROM DOMESTIC VIOLENCE

Last revisions effective 1 January 1995

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

- I. “Abuse” means the occurrence of one or more of the following acts between family or household members or current or former sexual or intimate partners:
  - (a) Attempting to cause or purposely or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon under any of the circumstances outlined in RSA 631:1, 631:2, or 631:2-a;
  - (b) Placing or attempting to place another in fear of imminent bodily injury either by physical menace or by threats to commit a crime against the person of the other, as outlined in RSA 631:4;
  - (c) Attempting to or engaging in sexual penetration with another under any of the circumstances outlined in RSA 632-A:2;
  - (d) Attempting to or committing kidnapping, criminal restraint or false imprisonment under any of the circumstances outlined in RSA 633:1 to 633:3;
  - (e) Attempting to or committing destruction of the property of any person eligible for protection from domestic violence under any of the circumstances outlined in RSA 634:1 or 634:2;
  - (f) Attempting to or committing an unauthorized entry on the property of a person eligible for protection from domestic violence under any of the circumstances outlined in RSA 635:1 or 635:2.
- II. “Family or Household Member” means:
  - (a) Spouses, ex-spouses, persons cohabiting with each other, persons who cohabited with each other but who no longer share the same residence; and
  - (b) Parents and other persons related by consanguinity or affinity other than minor children who reside with the defendant.
- III. Repealed
- IV. “Intimate partners” means persons currently or formerly involved in a romantic relationship, whether or not such relationship was ever sexually consummated.
- V. “Intimidating”, used solely in RSA 173-B:4, I(a)(4) and RSA 173-B:6, V means:
  - (a) Commission or attempted commission of harassment as defined in RSA 644:4;
  - (b) Commission or attempted commission of assault or reckless conduct as defined in RSA 631:1 to 631:3;
  - (c) Commission or attempted commission of criminal threatening as defined in RSA 631:4;
  - (d) Commission or attempted commission of sexual assault as defined in RSA 632-A:2 to 632-A:4;
  - (e) Commission or attempted commission of interference with freedom as defined in RSA 633:1 to 633:4;

- (f) Commission or attempted commission of destruction of property as defined in RSA 634:1 or 634:2;
- (g) Commission or attempted commission of an unauthorized entry as defined in RSA 635:1 or 635:2; or
- (h) Engaging in any other course of conduct with the intention of deliberately physically or emotionally harming or placing in fear a person entitled to protection from domestic violence.

### **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 residence or household 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. Proceedings under this chapter may be transferred to another court upon the motion of any party or the court as the interests of justice or the convenience of the parties may require.

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

- I. Any person may seek relief pursuant to RSA 173-B:4 by filing a petition in the county or district where the plaintiff or defendant resides alleging abuse by the defendant. 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 II. 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.
  - I-a. (a) The minority of the petitioner shall not preclude the court from issuing protective orders against an intimate partner, spouse, or former spouse, under this chapter. For purposes of this paragraph only, “intimate partner” shall not include persons related to the petitioner by either consanguinity or affinity.
  - (b) A minor petitioner need not be accompanied by a parent or guardian to receive relief or services under this chapter.
- II. No filing fee or fee for service of process shall be charged for a petition under paragraph I and the plaintiff 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.
- III. The clerks of the district and superior courts shall supply forms for petitions for relief under this chapter designed to facilitate pro se proceedings.
- IV. Upon entry of any action in a district court, where the court determines that there is pending in the superior court a cause arising out of the same situation on which the district court action is based, the cause shall be transferred to the superior court to be heard and tried 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.
- V. The finding of facts shall be final but question of law may be transferred to the supreme court in the same manner as from the superior court.
- VI. 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.
- VII. 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 Relief.**

- I. 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, which relief may include:
  - (a) Protective orders:
    - (1) Directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff.
    - (2) Enjoining the defendant from entering the premises wherein the plaintiff resides 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.
    - (3) Enjoining the defendant from contacting the plaintiff at, or entering plaintiff's place of employment or school.
    - (4) Enjoining the defendant from harassing, intimidating, or threatening the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way.
    - (5) Enjoining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest.
  - (b) Other relief:
    - (1) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, and automobile unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children;
    - (2) Awarding temporary custody of the parties' minor children to either party, or, where appropriate to the division of human services, provided that
      - (i) Where custody of the parties' minor children may be appropriate with the division of human services, the division of human services shall receive actual notice of the hearing 10 days prior to said hearing, provided that, if necessary, said hearing may be continued 10 days to provide the division adequate notice;
      - (ii) The division of human services may move at any time to rescind their custody of the parties' minor children;
    - (3) Establishing temporary 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;
    - (4) 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;
    - (5) Directing the abusing party to engage in batterer's treatment or personal counseling. If available, such treatment and counseling program shall focus on alternatives to aggression. The court shall not direct the abused party to engage in joint counseling services with the defendant.
- (6) 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, out-of-pocket losses for injuries sustained, moving and shelter expenses, and reasonable attorney's fees.

- I-a. Previous reconciliation prior to filing the current action shall not be grounds for denying or terminating a protective order.
- II. 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 title to real or personal property.
- III. 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.
- IV. 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 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.
- V. No order issued under this chapter shall be modified other than by the court. Temporary reconciliations shall not revoke an order.
- VI. (a) A copy of each protective order issued under this chapter may be transmitted to the Department of Safety by computer. An emergency protective order issued telephonically may be transmitted to the Department of Safety by telephone or facsimile.
  - (b) The State Police shall make information regarding the protective order available to the arresting police department and police and sheriff departments statewide.
  - (c) The issuing court shall notify the division of State Police upon expiration or termination of a protective order.
  - (d) Notwithstanding any other provision of law, the Department of Safety, its employees and agents, and law enforcement officials shall not be held criminally or civilly liable under this chapter, provided they are acting in good faith and \*(without gross negligence, and ) within the scope of their duties and authority.

### **173-B:5 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. Said guardian ad litem may continue to serve after the final disposition of the case.

### **173-B:6 Temporary relief.**

Upon a showing of an immediate and present danger of abuse, the court may enter such temporary orders as it deems necessary to protect the plaintiff with or without actual notice to defendant. The court may issue such temporary orders by telephone or facsimile during times other than regular court business hours. Such telephonically issued orders may be made by a district or superior court judge to a law enforcement officer, and shall be valid in any jurisdiction in the state and shall be effective until the close of the next regular court business day. Such order shall be returnable to the district court where the plaintiff resides or has fled to, unless otherwise ordered by 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 thereon. Such hearing shall be held no later 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,IV. Such temporary relief may include:

- I. As a protective order, directing the defendant to refrain from abusing or interfering in any way with the person or liberty of the plaintiff;
- II. As a protective order, restraining the defendant from entering the residence where the plaintiff resides except when the defendant is accompanied by a peace officer and wishes to enter for the sole purpose of retrieving his personal property;  
(\*deleted 6/2/94)
- III. As a protective order, awarding custody of minor children to either party or, upon actual notice, to the division of human services when in the best interest of a child;
- IV. As a protective order, restraining the defendant from contacting the plaintiff at, or entering, plaintiff's place of employment or school;
- V. As a protective order, restraining the defendant from harassing, intimidating, or threatening the plaintiff, plaintiff's relatives, regardless of their place of residence, or plaintiff's household members in any way;
- VI. As a protective order, restraining the defendant from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest; and
- VII. As a protective order, directing the defendant to temporarily relinquish to the peace officer any or all deadly weapons, as defined in RSA 625:11,V, in the control, ownership or possession of the defendant which may have been used, or threatened to be used, or could be used, in an incident of abuse against the plaintiff or any member of the plaintiff's household. If a court issues a protective order pursuant to this paragraph, it may subsequently issue a search warrant authorizing the peace officer to seize said deadly weapon or weapons, if there is probable cause to believe that such deadly weapon or weapons are kept at the residence of the defendant, and if the court has reason to believe that all such deadly weapons have not been relinquished by the defendant. Such protective order may authorize the peace officer to enter the defendant's residence for the limited purpose of serving the order and, when appropriate, for the purpose of locating and seizing the deadly weapon or weapons named in the warrant.

**173-B:7 Notification.**

- I. A copy of any order made under this chapter which prohibits any person from abusing or interfering with the person or liberty of another or which affects either party's access to or possession of either party's residence shall be transmitted forthwith to the local law enforcement agency having jurisdiction to enforce said order. Orders shall be promptly served on the defendant by a peace officer. 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.
- II. Any court-ordered changes or modifications of the order shall be effective upon entry of such changes or modifications, and shall be mailed or otherwise provided to the appropriate local law enforcement agency within 24 hours of the entry of such changes or modifications.

**173-B:8 VIOLATION OF PROTECTIVE ORDER; PENALTY.**

- I. (a) Irrespective of whether the plaintiff chooses to pursue the contempt remedies in paragraph II, when the defendant violates either a temporary or permanent protective order issued or enforced under this chapter by committing assault, criminal trespass, criminal mischief, stalking, violation of a protective order issued pursuant to RSA173-B:8,III, or another criminal act, peace officers shall arrest the defendant, detain the defendant pursuant to RSA 594:19-A and refer the defendant for prosecution. 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 deadly weapons in the control, ownership or possession of the defendant which may have been used or threatened to be used, during the violation of the protective order. The law enforcement agency shall maintain possession of the weapons until the court issues an order directing that the weapons be relinquished and specifying the person to whom the weapons shall be relinquished.
- II. (a) Upon notice to the court by the plaintiff, someone designated by the plaintiff, or any peace officer alleging that the defendant has violated any protective order issued under this chapter, the court shall issue a summons to the defendant, requiring the defendant to appear within 14 days for a hearing on whether he should be found in civil or criminal contempt of court and punished therefor. Any such hearing may be held by the court in any county or district in which the plaintiff or defendant temporarily or permanently resides at the time of the alleged violation.
  - (b) A hearing on a charge or allegation of criminal contempt shall not preclude a hearing on other criminal charges underlying the contempt, nor shall a hearing on other criminal charges preclude a hearing on a charge of criminal contempt.
- III. A person is guilty of a misdemeanor if such person knowingly violates a protective order issued under RSA 173-B or RSA-458:16, III or any similar protective order issued by any other state, territory, or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia.

### **173-B:9 Protection by Peace Officers.**

Whenever any peace officer has reason to believe that a person has been subject to abuse as defined in RSA 173-B:1,I, that officer shall use all means within reason to prevent further abuse. 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 whom 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 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 ascertained by the officer.

### **173-B:10 Notice to the victim.**

- I. Notwithstanding the peace officer's obligations in RSA 173-B:8, 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 sign a criminal complaint at the police station.
- II. It shall be the responsibility of the clerk of the court to advise victims that they may request that the judge issue an order:
  - (a) Restraining the abusive person from abusing the victim;
  - (b) Directing the abusive person to leave the household;
  - (c) Giving the victim custody of any minor children;
  - (d) Directing the abusive person to support the victim and any minor children if the abusive person has a legal responsibility to support either or both;
  - (e) Restraining the abusive person from harassing, intimidating or threatening the victim or victim's relatives or household members in any way;



- (f) Restraining the abusive person from taking, converting or damaging property in which the plaintiff may have a legal or equitable interest;
- (g) Directing the abusive person to temporarily relinquish to the peace officer any deadly weapons in the control, ownership or possession of the defendant which may have been used, or been threatened to be used, in an incident of abuse against the victim or any member of the victim's household; or
- (h) Directing the abusive person to pay the victim monetary compensation for losses suffered as a result of the abuse which may include, but may not be limited to, loss of earnings or support, medical or dental expenses, out-of-pocket losses for injuries sustained, moving and shelter expenses, and reasonable attorney's fees.

### **173-B:11 Emergency Care: Limitation of 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 to medical facilities, shall not impose civil liability upon the peace officer or his 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:11-a Orders enforceable.**

- I. Any protective order issued under this chapter shall be effective throughout the state, in all districts and counties.
- II. 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, pursuant to RSA 458; 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 reciprocal enforcement of support act, pursuant to RSA 546; shall take judicial notice of any support obligation established pursuant to RSA 173-B:4 I(b)(4), 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 division of human services; or
  - (c) Any other agency or person legally entitled to enforce the obligation of support for the minor children.
- III. 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 division of human services pursuant to an order to make payable through the division; 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:11-b Foreign Protective Orders Enforceable.**

- I. Any protective order issued by any other state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia shall be given full faith and credit throughout the state, in all districts and counties, provided that such an order is similar to a protective order issued under RSA 173-B:4, I(a)(1)-(4) or an order issued under RSA 458:16, I, II or III.

- II. A foreign protective order as defined in paragraph I shall be enforceable in this state as long as it is in effect in the issuing state.
- III. A person entitled to protection under a foreign protective order as defined on paragraph I may file such order in any district 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. Upon inquiry by a law enforcement agency, the clerk of the district court shall make a copy of the foreign protective order available.
- IV. A peace officer may rely upon a copy of any protective order issued under this chapter, RSA 458, or a foreign protective order as defined in this section, which has been provided to the peace officer by any source.
- V. Law enforcement personnel may rely on the statement of the person protected by the order that the order remains in effect.

## **DOMESTIC VIOLENCE GRANT PROGRAM**

### **173-B:12 Definitions.** In this subdivision:

- I. "Coordinator" means the agency or organization appointed by the director to administer the domestic violence grant program.
- II. "Director" means the director of the division of human services, department of health and human services.
- III. "Division" means the division of human services, department of health and human services.
- IV. "Domestic violence" means abuse as defined in RSA 173-B:1,I.
- V. "Family or household member" means spouse, a former spouse, person living with another person, whether or not as spouse, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing the domestic violence and dependents of such persons.
- VI. "Fund" means the special fund for domestic violence programs established by RSA 173-B:13
- VII. "Grantee" means any private, town, city, or regional agency or organization applying for funds.
- VIII. "Program" means services or facilities provided to domestic violence victims.

### **173-B:13 Fund for Domestic Violence Programs.**

There is hereby established a special fund for domestic violence programs. The sole purpose of the fund shall be to provide revenues for the domestic violence grant program, as provided in RSA 173-B:14, and said moneys shall not be available for any other purpose. The state treasurer shall deposit all fees received under RSA 457:29 in the fund. All moneys deposited in the fund are continually appropriated for the purposes of the domestic violence grant program and shall not lapse.

### **173-B:14 Grant Program Established.**

There is hereby established a grant program within the division 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:13.

### **173-B:15 Duties of the Director.**

The director shall:

- I. Administer the grant program established in RSA 173-B:14, through a coordinator. The costs of administration shall be covered by the fund, not to exceed 8 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:16 Selection of Coordinator.**

The director 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:18.

### **173-B:17 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:18 Duties of Coordinator.**

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

- I. To serve as a clearinghouse for information relating to domestic violence.
- II. To conduct educational programs on domestic violence, both for the general public and for specialized interest groups, such as law enforcement and medical personnel.
- III. To provide technical assistance, in the areas of budget, management, and other such skills, to local domestic violence programs.
- IV. To enlist the assistance of public and voluntary health, education, welfare, legal, and rehabilitation agencies in a concerted effort to prevent domestic violence.
- V. To provide coordination and supervision of programs.
- VI. To assist the director in the administration of the fund.
- VII. To publicize the availability of the fund, the date by which applications must be received, and to act on all applications within 45 days of the application deadline.
- VIII. To notify each agency or organization in writing whether or not it is eligible for funds, and to specify the amount available.
- IX. To publicize the availability of domestic violence programs to the public.
- X. To provide training for court advocates and social services agency advocates to accompany domestic violence victims.

- XI. To apply for and receive any federal funds for which this program would be eligible.
- XII. To ensure as far as possible that grants are awarded on a reasonable geographical basis throughout the state.
- XIII. To obtain and evaluate reports from each grantee, at least annually, on its operations under this subdivision.

**173-B:19 Criteria for Selection of Direct Service Grantees.**

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

- I. A grantee's ability to provide direct services to victims of domestic violence:
  - (a) Shelter on a 24 hours a day, 7 days a week basis, or safe homes.
  - (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 age children to continue their education during their stay at the center.
  - (h) Emergency transportation to 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:20 Evaluation Board.**

- I. There is established a board of 3 members, all of whom shall have experience and knowledge with regard to the problems of domestic violence. The board shall evaluate the domestic violence grant program.
- II. The governor and council shall appoint the members, who shall each serve a term of 3 years with each term to begin January 1 and to end December 31, except that the first appointees shall serve according to the following provision: one member shall serve a one-year, one member shall serve a 2-year term, and one member shall serve a 3-year term.

**173-B:21 Confidentiality.**

All persons who are employed, appointed, or who volunteer under this subdivision shall maintain confidentiality with regard to persons served by the coordinator and grantees and files kept by the coordinator and grantees.

### **173-B:22 Referral.**

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

### **173-B:23 Rights Reserved.**

A defendant shall not be prejudiced by the court having jurisdiction under RSA 173-B for having left the residence or household to avoid further domestic violence.

### **173-B:23-a Minority Not a Preclusion for Services.**

The minority of any individual seeking assistance from any domestic violence program approved to receive funds under this chapter shall not preclude provision of such requested services, and the administration of such services to a minor shall not affect the status of the program with regard to its eligibility to receive funding under this chapter.

### **173-B:24 Severability.**

If any provision of this chapter or the application thereof 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.



## II. RSA 173-C

### CONFIDENTIAL COMMUNICATIONS BETWEEN VICTIMS AND COUNSELORS (Last Amendments effective 2 June, 1994.)

#### 173-C:1 Definitions. In this chapter:

- I. “Confidential communication” means information transmitted between a victim, as defined in paragraph VI, of an alleged sexual assault or alleged domestic abuse, and a sexual assault or domestic violence counselor in the course of that relationship and in confidence by means which, so far as the victim is aware, does not disclose the information to a third person. The presence of an interpreter for the hearing impaired, a foreign language interpreter, or another interpreter necessary for that communication to take place shall not affect the confidentiality of the communication nor shall it be deemed a waiver of the privilege. The term includes all information received by the sexual assault or domestic violence counselor in the course of that relationship.
- II. “Domestic violence center” means any organization or agency which would qualify as a direct service grantee under RSA 173-B:19.
- III. “Domestic violence counselor” means any person who is employed or appointed or who volunteers in a domestic violence center who renders support, counseling, or assistance to victims of domestic abuse or attempted domestic abuse, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a center as defined in RSA 173-C:1, II.
- IV. “Rape crisis center” means any public or private agency, office, or center that primarily offers assistance to victims of sexual assault and their families and provides all the following services:
  - (a) Crisis intervention to victims of sexual assault 24 hours per day.
  - (b) Support services to victims of sexual assault by trained volunteers and during the hospital examination, police investigation, and court proceedings.
  - (c) Referral of victims of sexual assault to public and private agencies offering needed services.
  - (d) The establishment of peer counseling services for the victims of sexual assault.
  - (e) The development of training programs and the standardization of procedures for law enforcement, hospital, legal and social service personnel to enable them to respond appropriately to the needs of victims.
  - (f) The coordination of services which are being provided by existing agencies.
  - (g) Education of the public about the nature and scope of sexual assault and the services which are available.
  - (h) Development of services to meet the needs of special populations, for example, children, the elderly, and minorities.
  - (i) Court advocacy through the criminal justice system.
- V. “Sexual assault counselor” means any person who is employed or appointed or who volunteers in a rape crisis center who renders support, counseling, or assistance to victims of sexual assault or attempted sexual assault, who has satisfactorily completed 30 hours of training in a bona fide program which has been developed by a rape crisis center as defined in RSA 173-C:1, IV.
- VI. “Victim” means any person alleging sexual assault under RSA 632-A or domestic abuse as defined in RSA 173-B:1 who consults a sexual assault counselor or a domestic violence counselor for the purpose of securing support, counseling or assistance concerning a mental, physical, emotional, legal, housing, medical, or financial problem caused by an alleged act of sexual assault or domestic abuse or an alleged attempted sexual assault or domestic abuse.

### **173-C:2 Privilege.**

- I. A victim has the privilege to refuse to disclose and to prevent any other person from disclosing a confidential communication made by the victim to a sexual assault counselor or a domestic violence counselor, including any record made in the course of support, counseling, or assistance of the victim. Any confidential communication or record may be disclosed only with the prior written consent of the victim. This privilege terminates upon the death of the victim.
- I.a. The privilege and confidentiality under paragraph I shall extend to any third person present for the benefit of the victim including, but not limited to, an interpreter or someone assisting a victim who is physically challenged or to coparticipants in the counseling of the victim.
- II. Persons prevented from disclosing a confidential communication or record pursuant to paragraph I shall be exempt from the provisions of RSA 631:6.

### **173-C:3 Assertion or Waiver of Privilege.**

The privilege may be claimed or waived in all civil, administrative, and criminal legal proceedings, including discovery proceedings, by the following persons:

- (a) The victim or an attorney of the victim's behalf.
- (b) The guardian of the victim, if the victim has been found incompetent by a court of competent jurisdiction.
- (c) A minor victim who is emancipated, married, or over the age of 15, unless, in the opinion of the court, the minor is incapable of knowingly waiving the privilege. A guardian ad litem shall be appointed in all cases in which there is a potential conflict of interest between a victim under the age of 18 and his parent or guardian.

### **173-C:4 Partial Waiver.**

Waiver as to a specific portion of communication between the victim and the counselor shall not constitute a waiver of the privilege as to other portions of the confidential communication between victim and counselor, relating to the alleged crime.

### **173-C:5 Limitation on the Privilege; Criminal Proceedings.**

In criminal proceedings when a defendant seeks information privileged under this chapter in discovery or at trial, the procedure below shall be followed:

- I. A written pretrial motion shall be made by the defendant to the court stating that the defendant seeks discovery of records of a rape crisis center or domestic violence center or testimony of a sexual assault counselor or domestic violence counselor. The written motion shall be accompanied by an affidavit setting forth specific grounds as to why discovery is requested and showing that there is a substantial likelihood that favorable and admissible information would be obtained through discovery or testimony. No discovery or hearing shall occur pursuant to the information sought to be disclosed for at least 3 business days after the filing of a motion for disclosure.
- II. The only information subject to discovery from the records of a rape crisis center or a domestic violence center or which may be elicited during the testimony of a sexual assault or domestic violence counselor are those statements of the victim which relate to the alleged crime being prosecuted in the instant trial.
- III. Prior to admission of information at deposition, trial, or other legal proceeding, when a claim of privilege has been asserted and whether or not the information was obtained through discovery, the burden of proof shall be upon the defendant to establish by a preponderance of the evidence that:



- (a) The probative value of the information, in the context of the particular case, outweighs its prejudicial effect on the victim's emotional or physical recovery, privacy, or relationship with the counselor or the rape crisis or domestic violence center.
  - (b) That the information sought is unavailable from other source.
  - (c) That there is a substantial probability that the failure to disclose that information will interfere with the defendant's right to confront the witnesses against him and his right to a fair trial.
- IV. The trial court shall review each motion for disclosure of information on a case by case basis and determine on the totality of the circumstances that the information sought is or is not subject to the privilege established in RSA 173-C:2. In finding that the privilege shall not apply in a particular case, the trial court shall make written findings as to its reasons therefore.
- V. The records and testimony of a rape crisis center or domestic violence center shall be disclosed solely to the trial judge to determine, as a matter of law, whether the information contained in the records or testimony is admissible under this chapter.
- VI. That portion of any record and testimony of a rape crisis center or domestic violence center which is not disclosed to the defendant shall be preserved by the court under seal for appeal. For the purpose of preservation, a copy of the record shall be retained with the original released to the center. Costs of duplication shall be borne by the defendant.
- VII. If, after disclosure of privileged information, the court upholds the privilege claim, the court shall impose a protective order against revealing any of the information without the consent of the person authorized to permit disclosure.

### **173-C:6 Location of Centers Privileged.**

Notwithstanding any other provisions of this chapter, the location and the street address of a rape crisis center or domestic violence center are absolutely privileged.

### **173-C:7 Involuntary Waiver.**

The privilege established by this chapter shall not apply when the sexual assault counselor or the domestic violence counselor has knowledge that the victim has given perjured testimony and when the defendant has made an offer of proof that there is probable cause to believe that perjury has been committed.

### **173-C:8 Failure to Testify.**

Failure of any person to testify as a witness pursuant to the provisions of this chapter shall not give rise to an inference unfavorable to the prosecution or the defense.

### **173-C:9 Appeal.**

The victim shall have a right to interlocutory appeal to the supreme court from any decision by a court to require the disclosure of records or testimony of a rape crisis or domestic violence center or sexual assault or domestic violence counselor.

### **173-C:10 Counselor's Duty to Report Child Abuse.**

The domestic violence or sexual assault counselor shall have the same reporting duties under RSA 169-C:29 as other professionals, providing that this duty shall not apply where a minor is seeking relief pursuant to RSA 173-B:3 for abuse by a spouse or former spouse of the minor, or by an intimate partner who is not related to the minor by consanguinity or affinity. As used in this section, "abuse" and "intimate partners" shall be defined in RSA 173-B:1.

