

**Domestic Violence is a Crime that will no longer be excused or tolerated.** WV.Code 48-2A-1

## **Facts About Domestic Violence**

- In a national survey of over 6,000 American families, 50 % of the men who frequently assaulted their wives also frequently abuse their children.
- Child abuse is 15 times more likely to occur in families where Domestic Violence is present.
- Men who have witnessed their parent's Domestic Violence are three times more likely to abuse their own wives than children of non-violent parents. The sons of the most violent parents are 1000 times more likely to become wife beaters.
- Children who witness violence at home display emotional and behavioral disturbances as diverse as withdrawal, low self esteem, nightmares, self blame, and aggression against peers, family members and property.
- A comparison of delinquent youth found that a history of family violence or abuse is the most significant difference between the two groups.
- Over 3 million children are at risk of exposure to parental violence each year.
- Older persons are battered also. Two/Thirds of elder domestic abuse and neglect are women with more than half of all reported elder abuse reportedly caused by a family member.
- In West Virginia, a domestic homicide occurs every ten days.
- In West Virginia, one woman is raped every day.
- In West Virginia, thirty-three percent of all murders are Domestic Violence related.
- The State of West Virginia ranks second highest in the nation for Domestic Violence incidents.
- **No one has the right to batter or abuse you.**

## **Domestic Violence Protection Order**

If you are a victim of Domestic Violence, one action you may consider is to file a Protection Order in Magistrate Court. A Domestic Violence Protection Order is a civil order that can:

- Order the abuser not to hurt or harass you;
- Give you temporary custody of your children;
- Give you temporary possession of your residence;
- Order child and spouse support;
- Order the abuser to stay away from your place of employment and away from your children's school.

## **How to get an Emergency Protection Order:**

- Go to the Marshall County Magistrate Court (511 Sixth St., Moundsville) and tell the clerk that you want to file a petition for an Emergency Domestic Violence Protection Order.
- Explain your need for protection to the clerk and ask for help in completing the forms required. You do not need witnesses, an attorney, or a police report to file. Filing for a Family Protection Order is free.
- You will be expected to initial all statements that are true; describe the violence you abuser threatened to do or did; and initial what action you want the court to take.
- After completing the forms, you will meet with a Magistrate. Try to explain the exact time, date, and extent of your injuries and why you fear the abuser. If an Emergency Order is granted you will receive a copy of the order, and the abuser will be served with an order to appear before the Family Court Judge within 10 days.
- At the second hearing, the Family Court Judge will listen and question both you and the abuser. Be prepared to tell the judge when, where and with what you were beaten and why you are afraid of the abuser.

If you have any witnesses, take them to court with you. The judge will then decide whether to issue a Final Family Protection Order that could last up to 180 days. (This may be extended if you file for divorce before the order expires)

- Keep a certified copy of the Family Protection Order with you at all times. A valid protection order is effective in every county in West Virginia and every state in the United States.
- If the abuser breaks the Family Protection Order, call the police to file a complaint charge.

The police can file criminal charges of either Domestic Assault (threats or attempts of physical abuse) or Domestic Battery (actual physical contact) when probable cause exists that a crime has occurred. The police do not have to witness the crime to file said charges. This is a separate proceeding from that of a Domestic Violence Petition and can only be dismissed prior to a hearing by a motion from the Office of the Prosecuting Attorney.