

New York State Coalition Against Domestic Violence  
2009 Domestic Violence Handbook

Getting The Evidence Together

Bring to court anything or anyone that can help prove the violence took place. Friends, neighbors, damaged property, medical records and police reports can all be valuable assets in proving your case.

One of the strongest pieces of evidence you can have is photos of yourself that show bruises or other visible injuries. In some areas, the police carry Polaroid and/or digital cameras and will take pictures of your injuries. Emergency room staff can also take pictures of physical injuries. It is a good idea to have pictures retaken a few days after a physical assault. Sometimes, it can take a few days for bruises to develop. If possible, get pictures with dates indicated. If you don't have a camera, you can ask a domestic violence advocate to take pictures for you.

While witnesses and physical evidence strengthen your case, the most important evidence is what you tell the judge. To prepare, you can go over and write down ahead of time what you plan to say. Make a list of the actions you would like the court to take and specifically ask the judge to include those items in the order of protection. The items listed in the order of protection should include what you need to help you stay safe.

The judge can:

- order the abuser to leave you alone and not threaten, harass, injure, or intimidate you or your children;
- order the abuser to leave your family home and stay away from your job, your family and friends;
- order the abuser to refrain from injuring or killing any companion animal;
- direct the abuser to have no contact with you – including no phone calls, letters, emails, text messages, flowers, gifts or messages through other people;
- order the abuser to stay away from the children, their baby-sitter, day care or schools;

- require the police to accompany you to your home to retrieve personal belongings;
- decide issues related to custody, visitation and child support;
- order personal documents, such as a passports, be delivered to you;
- order your abuser to pay for expenses related to the abuse such as medical care, legal expenses, property damage, etc, and
- decide issues related to dividing up certain kinds of personal property.

The judge may be able to add additional requirements to the order of protection to help ensure your safety. The judge can also order your abuser to go to a batterer's education program and/or to an alcohol or drug treatment program. However, even if someone stops drinking or using drugs or goes to a batterer's program, it doesn't necessarily mean that the abuse will stop. Even if your abuser agrees to get help, you may still want to have an order of protection. This way, if your abuser continues to harass you, you will be able to contact the police and they can intervene on your behalf.

Be prepared to explain why you need each request you've made regarding the order of protection. If you are asking that your abuser pay for your related expenses, bring bills, receipts and other proof to explain these expenses. You may also want to bring proof of your income.

**You must appear in court on the date set for the hearing.** The judge cannot issue an order of protection unless you appear in court. If you do not show up, the judge may dismiss the case and you would have to start the process from the beginning. If there is a reason you can't appear in court on the hearing date, call the clerk right away to ask for a *continuance* and explain why you need it. The hearing will be set for another date.