

New York State Coalition Against Domestic Violence
2004 Domestic Violence Handbook

Getting The Evidence Together

You should bring to court whatever and whomever you can as evidence to help you show that the violence took place. Maybe a neighbor, a friend or relative heard you call for help or saw that you were bleeding or bruised. If you have medical records from a doctor or hospital that treated your injuries, you should bring them. A police report can also be important evidence.

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 cameras and will take a picture of your injuries, or someone working in an emergency room can take a picture. It's a good idea to have pictures taken again a few days after a physical assault as it sometimes takes a while for bruises to show up. If possible, it is best to get film that has a date on it. 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. Going over what you plan to say ahead of time and writing it down is a good way to prepare. Make a list of things you would like the court to do for you and specifically ask the judge to include those things in the Order of Protection. The list should include things you need to help you be safe. Among other things, 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;
- direct the abuser to have no contact with you - meaning no phone calls, letters, 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 into your home to retrieve personal belongings;

- decide issues related to custody, visitation and child support;
- order your abuser to pay for expenses related to the abuse such as medical care, property damage, etc.; and
- decide issues related to dividing up certain kinds of personal property.

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 he stops drinking or using drugs or goes to a batterer's program, it doesn't necessarily mean that the abuse will stop. Even if he agrees to get help, you may still want to have an Order of Protection in case he doesn't keep his agreement or he disobeys the law.

Be prepared to explain why you need each type of relief you are requesting. If you are asking that your abuser pay for your expenses, bring bills, receipts or other proof to show what these expenses were. **YOU MUST APPEAR IN COURT ON THE DATE SET FOR THE HEARING.** The judge cannot issue an Order of Protection unless you are there. If you don't show up, he or she may dismiss the case and you would have to start all over again. If there is a reason you can't come to 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.