

New York State Coalition Against Domestic Violence
2004 Domestic Violence Handbook

What To Expect In Court

YOU HAVE A RIGHT TO BE SAFE IN THE COURTHOUSE AND THE COURTROOM. Your abuser may try to threaten or scare you in the courthouse. He may also try to stop the case by telling you he is sorry about the abuse and promising not to hurt you anymore. Even if you think that you may get back together, having an Order of Protection may prevent more violence in the future. If he promises to stop the abuse, it is always better to have the judge hear the promise; this could be done by your abuser agreeing to an Order of Protection.

You have a right to an interpreter if you feel you will not be able to fully understand the proceedings in English. It is the court's responsibility to locate an appropriate interpreter. A friend or member of either you or your abuser's family would not be appropriate to interpret. It is never appropriate to use children for this service. Contact a domestic violence advocate if the court does not provide you this service.

You do not have to speak with or sit near your abuser, his family or his friends. If he tries to intimidate you or you are pressured in any way, go immediately to a guard, clerk or anyone else who works there and ask for help. Family Court is now open to the public, so your abuser may bring his family and friends with him into the courtroom when you speak with the judge. You can petition the court to close the courtroom to outside parties, but such a request may be denied unless there are special circumstances that might disrupt the proceedings.

If the abuser does not come to the hearing, your case will be adjourned and you will be given a new court date. You can ask the judge to issue a warrant for his arrest. If you have a Temporary Order of Protection, you may also need to ask for it to be extended until the next court date.