

Information Guide for Victims of Domestic Violence in the Virgin Islands

ACKNOWLEDGEMENTS

Funding for the printing of this book is provided through the 2000 *ACCESS to JUSTICE* Grant administered by the Virgin Islands Legal Assistance Foundation, Inc.

Some information in this book was adapted from the Association of Trial Lawyers of America's publication, *The Justice You Deserve* (1994). Permission to reprint the publication has been granted by the Association of Trial Lawyers of America.

The Women's Coalition wishes to thank the many legal professionals who contributed their time and knowledge to the writing of this booklet. By pooling community efforts, such as in the production of this booklet, we can help victims to use the legal system to help themselves.

This book is dedicated to the many women who find themselves trapped in the cycle of family violence and to the women who have found the courage and determination to leave the violence behind.

This publication is intended to be a guide for victims and professionals in dealing with domestic violence in the Virgin Islands. It does not necessarily represent the views of any particular agency or organization. Organizations to contact for further information, support, and assistance are listed at the end of this booklet.

To obtain additional copies of this booklet please contact the Women's Coalition of St. Croix; P.O. Box 222734; Christiansted, Virgin Islands 00822-2734. Phone 340.773.9272, fax 340.773-9062, e-mail: wscstx@attglobal.net.

INTRODUCTION

The purpose of this booklet is to review the major provisions of the Virgin Islands Domestic Violence laws and to explain the options that the criminal and civil justice systems have made available to battered women in order for them to protect themselves and their families.

It is important to know that no law is perfect, so in addition to using the protection offered by the Virgin Islands domestic violence laws, a battered woman may have to take other actions as well as to protect herself. It is most important that the victim remember that while the law offers remedies to help her to stop the abuse, only she fully understands the dangerousness of her situation. The **victim** must insure her personal safety and the safety of her children.

While this booklet focuses on battered women, the legal remedies and social services talked about in the booklet are also available to other domestic partners who are in abusive relationships. This includes same sex couples and men who are abused by their female partners. The booklet is addressed to battered women because the number of women who are abused, beaten or killed at the hands of their male partners is far greater and far more severe than the number of men who are abused in a relationship. The law, however, applies to all, regardless of gender.

THREE IMPORTANT POINTS TO REMEMBER:

- **NO ONE** has the right to hit you. It is not the way that we solve problems and it is not legal in the Virgin Islands to hit or abuse another person. You have a legal and moral right to a life free of violence.
- You are not alone with your situation. There are many other women who share your experience and there are organizations and social agencies in the Virgin Islands that can help you.
- The justice system will help you. However, you must do your part by cooperating with the Attorney General's Office if they are to fully protect you with the law.

WHY WE HAVE DOMESTIC VIOLENCE LAW

The first domestic violence law was enacted in the Virgin Islands in 1994 and since that time several additions have been made to the law. Even the Federal Government saw the necessity to enact laws to specifically protect women as the states and territories struggle and were slow to pass legislation that would effectively do this. In 1994, as a part of an overall crime bill, the national government passed the Violence Against Women Act (VAWA) into law. This law and the Virgin Islands law will be discussed in this book.

You may wonder why it is necessary to have laws that specifically deal with family violence since we already have laws that make it a criminal offense to hit, assault, threaten or harass another person. When these acts are perpetrated against a stranger there is little question that a crime has been committed. Yet when these very same acts are committed against a spouse or an intimate partner, the violence has not always been viewed as a crime.

Until fairly recently, our society and culture has not acknowledged that violence amongst family members is just as much of a crime as when committed against strangers. Often times when domestic violence did occur, the police refused to arrest the abuser because it was deemed a private matter. Our society highly values its right to privacy and so what occurred behind the closed doors of the family home was to remain there. Also, historically, women were considered to be the property of their husbands. Laws even allowed the husband to beat his wife if he believed she as deserving of such punishment. In England, the law stated a man could beat his wife with a stick no thicker than his thumb, thus our "rule of thumb" expressions that still is widely used today. Much has changed since those days but much still needs to be changed as women are still abused and beaten by their partners.

In many ways, the problem itself does not seem logical. It is accepted that two people who marry or live together do so because they are in love and people who love each other do not hurt one another. The reality is that domestic violence has little to do with love and a great deal to do with how a person feels about himself, how he has learned to control and cope with his anger and how he as learned to react to confrontation and frustration. The reason that men batter is because of their need to have power and control over another person and the spouse or partner happens to be the most accessible and most vulnerable target. Men who batter do so because it makes them feel more important and powerful. These men have learned no coping skills to handle frustration and anger so they routinely direct these emotions at their partners in the form of violence. It is **NEVER** the fault of the victim that she is being battered—it is **ALWAYS** the fault of the batterer.

States and territories have enacted laws that now clearly state that you can not abuse, harm, sexually assault or threaten your partner. Many women's groups and other individuals, including

the government, are working toward changing the idea that what happens to family members in the home is private. The truth is, that when someone is hurt by his or her partner, it is a community problem and deserves a community response.

The Domestic Violence Law in the Virgin Islands

Since 1984, the Virgin Islands has had laws to protect women from their abusive partners. The law clearly states its purpose as “to assure victims of domestic violence, the maximum protection from abuse the law can provide,” Virgin Islands Code Title 16 Section 90(a). The laws also state the remedies, or the ways in which a person who abuses or hurts you may be stopped or punished.

In the Virgin Islands, domestic violence can happen between persons who are unmarried but are living together, between persons who have lived together or persons who have had a child together. The law will protect persons of the same sex who maintain a ‘domestic’ relationship.

In the Virgin Islands, ‘domestic violence’ occurs when any one or more of the following act are omitted:

Assault: when one person causes or attempts to cause bodily injury to another person.

Battery: intentional and wrongful physical contact with a person without their consent that entails some injury or offensive touching.

Burglary: breaking and entering into a building with the purpose of committing a crime.

False Imprisonment and Kidnapping: confining or imprisoning another person against her will or causing that person to be sent out of the territory.

Unlawful Sexual Contact: when one person engages in sexual contact with a person who is not that person’s spouse and force or coercion is used.

Rape: when one person forces the act of sexual intercourse on another.

Forcible or Unlawful Entry: entering a building under circumstances not amounting to burglary with the intent to commit an offense.

Coercion: forcing or threatening to use force against another person to engage in conduct which that person does not want to do or keep that person from doing something she has a right to do.

Destruction of Property: willfully destroying another’s property.

Harassment: purposely engaging in conduct involving more than one incident that alarms, or causes distress to another person and serves no legitimate purpose. For example, following another about with the intent to distress or intimidate the victim, peering in the window or trespassing on the victim’s premises so as to intrude on privacy or create a threatening situation.

Threats: a communicated attempt to inflict physical or other harm on any person or on property.

Stalking: when one person repeatedly follows another person and engages in a course of conduct or makes a threat with the intent of annoying or making that person feel afraid for her safety.

Aggravated Stalking: a more serious crime if the stalking is committed when a restraining order specifically prohibits this behavior.

Violation of a Restraining Order: when an abuser willfully violates a temporary or permanent restraining order he is guilty of a misdemeanor.

How The Virgin Islands Police Can Help You

It is the duty of the Virgin Islands Police Department to respond to any request made for assistance for protection. Some of the more important duties of the police officer who responds to a call for assistance are the following:

- Interview the parties and children in separate rooms to ensure that the victim and the children have the opportunity to speak freely.
- Provide or arrange transportation for the victim to a safe place or shelter, if this is what the victim wants.
- Provide transportation for the victim to the hospital for treatment of injuries, if such treatment is needed or wanted.
- Take photographs of injuries or property damage when necessary.
- Accompany the victim to a previous residence to remove personal belongings.
- Supervise the court ordered removal of an abuser from a shared residence with a victim.

The police have the authority to arrest your abuser if they have cause to believe that there was a crime involving domestic violence committed by him.

Your abuser can be arrested even if you have made no effort to obtain a divorce or a protective order, you have called the police on previous occasions, you have reconciled despite previous incidents of domestic violence, and/or there are no witnesses to the abuse.

The Police Must Read You The Following Statements of YOUR RIGHTS

“My name is Officer _____; my badge number is _____. The law requires that I offer the following services to persons such as yourself who are victims of domestic violence:

If a crime has been committed against you, I must arrest the suspect immediately, or I must remove the suspect from the household or try to persuade him to leave the household;

I must drive you or help you find transportation to the nearest hospital or medical facility for treatment of injuries if you need or want treatment.

If you want to leave the residence, I must drive you or help you find transportation to the nearest shelter for victims of domestic violence, or to any other place where your safety will be assured; and I must make all reasonable efforts to make sure that you are safe.”

Once you and your children are out of immediate danger and your injuries have been attended to you can further protect yourself by going to court and requesting the court to issue to you a temporary restraining order against the person who hurt or threatened to hurt you. The police will give you a written copy of a statement that explains how to get a court order and what you may ask for in the court order protect yourself.

Remember that the law was purposely written in such a way that you do not need to have an attorney to get a protective order and that the order can be obtained at no cost to you. In this way, the law enables you to get emergency protection and relief from your abusive partner even if you have no money or time to hire a lawyer to represent you.

Criminal and Civil Law in the Virgin Islands

In every state and the Virgin Islands there are two kinds of law courts: criminal and civil. Both courts can act to protect you against your abuser. Many women obtain protection from both courts at the same time. The courts work differently and these differences are explained in the following paragraphs.

Criminal Law

Under criminal law, an abuser may be punished by the government for injury or threatening to injure you. He could go to jail. After you complain to the police, they may arrest the abuser for his criminal acts against you. You will be known as the complainant. A government official, the prosecutor or Assistant Attorney General from the Virgin Islands Department of Justice will decide if the case should go to criminal court. If the decision is yes, then he/she will decide what will happen in the case and will do the work necessary to actually bring it to court. Because the government controls the case, they may try to have the abuser prosecuted even if you change your mind and ask them not to continue with the case. In a criminal case, it is the government prosecutor who decides whether the case goes forward or not. Remember that a criminal case sends a clear message to your abuser that his actions are a crime and will not be tolerated.

You should know that if an abuser is arrested, he might only be kept in jail overnight. If he is arrested in the morning, he may be let out of jail on bond before the end of the day. Typically, in the Virgin Islands, the amount of bail required is \$500-\$1,000 and in many cases the batterer can afford to pay this amount and be released from jail. However, he will probably be ordered to stay away from you until the case comes to court. If he doesn't obey this order he can be arrested again.

As the complainant, your main responsibility in a criminal case is to come to court to testify – to tell how the abuser has harmed you. This is important because if you do not show up in court on the day of the trial, the government may decide not to go forward with the case and press charges against your abuser. You can also help the prosecutor by giving him/her all evidence to prove that you were assaulted. This can include photos of injuries, medical records, and the names of any other people who knew what happened.

You should be aware that a criminal case is more difficult to prove than a civil case. This is because the facts of the case against the abuser must be exact. There must be no room questioning that he acted the way you said he did. He must be proven guilty beyond a reasonable doubt because the consequences of his actions will take away all or some of his freedoms.

Even when the court decides an abuser is guilty, he may not have to spend any time in jail. Instead, an abuser may be put on probation, which means he will go free but must report to the court every month. He must agree to stay away from you and not abuse you anymore. If he hurts or threatens you while on probation, he may be put in jail. If he is a first time offender he will most likely be ordered by the court to take part in an educational program for batterers. The

Men's Coalition provides a court ordered batterer's educational class on St. Croix. The organization on St. Thomas, which provides the same service is Men Terminating Violence.

Civil Law

A victim of domestic violence can go to civil court, Family Division of the Territorial Court, on her own or with an attorney to get a civil protection order. In this case the government prosecutor does not get involved. The court, in domestic violence actions, shall not dismiss any complaint or delay the handling of a victim's case because the victim is filing for divorce, left the island or does not have an attorney. It is your right to represent yourself in court when obtaining a restraining order.

It is easier to prove your case in civil court. You only need to show that the violence **most likely** took place. If the judge believes you more than the abuser, you will get your protection order. If it is possible, bring evidence of the abuse to court with you.

RESTRAINING ORDERS-these are orders issued by the court to keep your abuser away from you.

Restraining orders can have several different names but they all refer to the same thing – a way to legally protect yourself and your children from further abuse. The order may be called a Temporary Restraining Order (TRO), a Permanent Restraining Order (PRO), a Protective Order or a Court Order.

A restraining order is a document that the court will issue and it will state what your abuser must do or pay for and what he is **not allowed** to do. If he does not abide by what the restraining order says he can do or not do, he is breaking the law and can be arrested. Remember that even if you allow your abuser to do something that is forbidden in the protective order, such as entering your home, he is still breaking the law.

The process of obtaining a restraining order is a two-step process. First you request the emergency protection and then a hearing is scheduled where you ask the judge for permanent protection, which in the Virgin Islands has designated as two (2) years.

Remember you do not need an attorney to get a restraining order.

Temporary Restraining Order (TRO)

A TRO is an order you can get in a hurry. A judge can give you a temporary order within a few hours of an emergency. However, the court in the Virgin Islands is not 'open for business' on weekends and holidays, so you will be unable to ask for emergency protection at those times. **If you believe that your life is in danger or you are afraid of further abuse, then call the Women's Coalition (St. Croix), the Family Resource Center (St. Thomas) or the Safety Zone (St. John). If you have no family or friends who can give you support, then these organizations can find you a safe shelter where you and your children can stay until you can go to the court and ask for a restraining order.**

To obtain a TRO, go to the Family Division of the Territorial Court. It is a good idea to take someone with you or you can ask a person from the Women's Coalition (St. Croix), the Family Resource Center (St. Thomas), or the Safety Zone (St. John), to go with you. The Clerk of the

Court is in charge of handling the application for the protection order and for scheduling your hearing in court. An example of the forms you will need to complete is at the back of this book.

The Clerk will give you the forms and explain how to fill them out. If you do not know how to speak or write English, the court will provide a translator for you and/or will write out the forms on your behalf.

In these forms, you will have to describe how your abuser harmed you. You should state the facts simply and clearly. You do not have to explain what led to the abuse, but you may say exactly what was done to you, where it was done and when. You should write about the most recent incidents and about the incident that brought you to court. You do not have to write a lot, but if you have been abused at other times or if your children have been hurt, threatened or scared, write those facts down as well. If you have ever called the police to report abuse by your partner or asked the police to protect you, include those facts. If possible bring pictures of your injuries, the medical report, if you went to a doctor and the police report to attach to your forms. **Remember that even if you do not have any evidence to give to the court at the time you request your emergency order, you will most probably be issued the order. Your statement of abuse will be enough to get you the emergency protection order.**

Once you have completed the forms, you will make them official by signing them in front of a notary. You will be sworn in by the Court Clerk and you must tell the truth in any written or verbal statements you make. Someone in the Clerk's office will be the notary or witness. Remember to bring proof of identification with you.

The Clerk will then take your forms to the judge and if he/she agrees with your request, which is usually the case, then he/she will have the court issue a TRO to you. You will not have a hearing at this time. The TRO will be good for ten (10) days, and then you will have to go to a hearing before the judge and request a Permanent Restraining Order. In certain situations, which are explained later, the court will extend the TRO time period.

You can request that the judge order any or all of the following in your TRO:

- Prohibit your abuser from committing domestic violence against you;
- Order your abuser to leave your residence** and prohibit your abuser from having any contact with you, your relatives and other people you identify as being at risk;
- Grant you temporary sole possession of the residence you shared;
- Order your abuser to receive psychological counseling or counseling for substance abuse;
- Order that the abuser's weapons be seized. If you know that your abuser owns a gun or other type of firearm, it is important to tell the judge. If your abuser is a police officer, the judge cannot prohibit the possession of his police issued weapon, but personal weapons can be prohibited;
- Order that your abuser not be allowed to purchase, receive or possess a gun or firearm;

- Order that you have temporary possession of a car, a key, a health insurance card, a checkbook, passport, immigration documents, birth certificates, or other things that you might need;
- Order that the abuser's visitation with the children be restricted;
- Order that the abuser be forbidden from stalking you; or
- Order that the abuser repay you for any losses, such as moving expenses, lawyer fees, medical bills, lost wages, or money spend to repair damage to property.

**If you have requested in your order that your abuser leave your place of residence, you may also request the court to supervise his removal of his personal belongings. A marshal will accompany or meet your abuser at your home and stay there while the abuser packs up his things. This may be important to you because it has happened before that an abusive partner returns home to get his belongings and he also destroys the victim's property. If you want a marshal to supervise the removal of the belongings, you must ask the judge for this.

You're abuser does not have to move out of your home if you do not request the court to order him to move out. You may request a restraining order that allows him to continue to live in the same house as you, however, the order can state that he is to stay away from you and not to hurt, threaten or harass you.

However, if the court order states that the abuser cannot be in your residence and you allow him back into your home, he is breaking the court order and can be arrested.

If the judge agrees with you and believes that you need protection, you will be issued a Temporary Restraining Order. This order will protect you from the time you request it until the time of your Permanent Restraining Order hearing, which is required by law to occur within ten (10) days but due to conflicts in the court's calendar does not always happen within that time frame. If your hearing is delayed, your TRO will be extended. **Keep a copy of your TRO with you at all times.**

Permanent Restraining Order (PRO)

A Permanent Restraining Order (PRO) is the same thing as a TRO except that it provides protection to you for a period of two (2) years. A PRO can only be issued after a court hearing before a judge. Your abuser must receive notice of the hearing and be given an opportunity to be heard. No matter how severe your injuries, or what crimes your abuser committed against you or your property, he has the right to come forward and state his side of the story before the court makes any long term decisions concerning his freedom.

Your PRO will be recognized and enforceable in all fifty states of the US. Make sure that you take it with you when you travel. When you reach your destination, notify the police in your new state that you have a restraining order from the Virgin Islands and you may want to register your order with the court in your new location.

Restraining orders from other states, even the ones which state four (4) year time period, are valid in the Virgin Islands as long as the abuser received notice of the order and was given the opportunity to be heard by the court.

The TRO must be served before PRO can be issued.

In order for the court hearing to occur, your abuser must be informed about it. It is the responsibility of the court to give a copy of the TRO to the abuser. This is known as serving process on the person or giving him notice. In the Virgin Islands, the marshal of the Territorial Court is responsible for serving the order – meaning it is delivered directly to the abuser. The order will not be in effect until the abuser has received the paperwork telling him what the court has ordered him to do nor not to do.

You can help the marshal serve the order more quickly by telling him/her where to find the abuser. You can also help by giving such information as where he works, what his hours are, where he hangs out, what his nicknames are, where his family lives, and you can even give the marshal a photo of your abuser.

Batterers, once they learn that a court order is being served on them, may try to hide from the marshal so that the order cannot be served. If your abuser is not served before the hearing date, then you must go to the court and have the TRO time period extended. This puts an additional burden on you and delays the final disposition of your case. Also, if your abuser is doing things that are forbidden in the TRO, he is not considered to be breaking the law because he was never given a copy or notice of the order. It is very important that you help the marshal as much as possible in locating your partner.

Remember that any violation of TRO or PRO is a crime. Call the police if your abuser violates any part of the TRO or PRO.

The Court Hearing

You do not need an attorney to represent you at the court hearing. The law allows you to represent yourself. Your abuser may bring an attorney to court to represent him. Do not be intimidated by your partner's attorney. The judge will not treat your abuser any more favorably because he has an attorney. You have the right to be represented by an attorney so if you would like extra time to find an attorney, ask the judge if you may do so and your hearing will most likely be rescheduled.

Plan ahead what you will tell the judge. It is a good idea to write your thoughts down and make notes so that you will be prepared. Your notes should contain a description of the abuse, the dates and times it occurred, and the extent of your bruises. Make sure you talk about the most recent incident of abuse as this is the one in which the court is most interested and on which a decision will be made. You will be allowed to use your notes while you testify. Make sure you tell the judge about any threats made to you, to stop you from going to court. These may include threats to take or harm your children, to withhold money for your support, or threats against your family or friends. Harassment by repeatedly phoning your workplace or coming to your workplace should also be reported to the judge.

Gather together any evidence of abuse, such as police reports, hospital records, photographs of bruises and injuries, ripped clothing, and damaged property. If possible, bring along to the hearing any persons who have witnessed the abuse and will describe this abuse to the judge. These witnesses may be family members. At the hearing, you will be sworn in and you must tell the truth.

Make sure you get to court on time. It is a good idea to get there at least fifteen minutes early. You may bring someone with you for support. There is an advocate from the Women's Coalition (St. Croix) and a representative from the Family Resource Center (St. Thomas) who attends these hearings. She is available and willing to help you in any way she can. If you feel more comfortable being at court with someone, look for the advocate or representative and she will stay with you. The Family Division, Territorial Court usually hears domestic violence cases on Tuesdays in St. Croix and on Fridays in St. Thomas and St. John.

You may end up waiting in the same area or same room as your abuser. Do not make eye contact and if he begins to harass or threaten you in any manner, tell a marshal, Court Clerk or police officer in the courthouse.

At this hearing an order may be issued. You may ask for the exact same things you asked for in the TRO or you may ask that certain things be added or deleted. It is up to the judge to decide if the court will issue the PRO, so the better prepared you are and the more evidence you bring to court, the more likely it is that the judge will issue the order.

If you live on St. John, you must go to court in St. Thomas to request a TRO or PRO. It is possible that you will not receive your restraining order on that day or you may not have time to wait for it. The TRO can and will be faxed to you on St. John. You will have to return to St. Thomas for the PRO hearing. If you would like someone to go with you when you go to court, call the Safety Zone and an escort will be found to accompany you.

What To Do If Your Abuser Breaks A Restraining Order

It is a crime to violate a domestic violence restraining order. If the person against whom the temporary or permanent restraining order is granted, violates it in any way, you must call the police and he can be arrested. This means that if your abuser comes to your house and he is not allowed to do this by the order, then you must not allow him into your home. Once the restraining order has been granted, it is against the law for him to do the things that the order forbids him to do, even if you give him permission. It is important to send a clear message to your abuser that you will not tolerate the abuse.

If you have a restraining order and your abuser continues to harass or abuse you, he or she is committing a crime that should be reported to the police immediately.

If your abuser violates parts of the order, such as failing to pay child support, but has not been harassing you or your family or having contact with you, this is not a crime. However, you should file a complaint with the Family Division of the Territorial Court. The judge can require that the abuser fulfill the terms of the restraining order or be found in contempt of court.

Getting Legal Help for Yourself

As previously stated, you do not need an attorney to get a Temporary or Permanent Restraining Order. The abuser may hire an attorney to speak for him. If he does, and you do not have a lawyer, and you decide you want one, you should ask the court for temporary protection to allow you time to find a lawyer.

Many lawyers offer free consultation, and if you decide not to use them, there is no charge. Before you hire a lawyer, ask about his/her fees and when you will be expected to pay them. From the very beginning, you should feel comfortable when you talk to your lawyer and be sure

he/she understands your problems and know how to help you. If you do not have confidence in the first lawyer you talk to, you have every right to go to another one.

The Civil Legal Assistance Program, at the Legal Services of the Virgin Islands, provides an opportunity to meet civil legal needs of battered women. They can help you with such issues as to modify or enforce a protection order, divorce or separation, child custody and many other legal issues. If you wish to receive help from the Legal Assistance Program you must call Legal Services and make an appointment to have your case evaluated. Every case will be evaluated on an individual basis. You will then meet with an attorney who will explain to you what to do next. If they cannot handle your case, they will explain why they aren't able to do so.

FEDERAL DOMESTIC VIOLENCE LAWS

Not only are there two types of law, criminal and civil, there are also two types of courts in the Territory. One court is the Virgin Islands Territorial Court and the other is the Federal District Court. You will always use the Territorial Court to help you get an immediate protection order. However, it is important to know that certain domestic violence crimes, aimed specifically at women, can be heard in the District Court and this means that persons, other than those in the Territorial Court, need to assist you. It is important that your attorney, if you have one, is also aware of these federal laws. In fact, you may want to show your attorney this section of this book.

In 1994, Congress passed the Violence Against Women Act (VAWA). This law, and additions to the law that were passed later, recognize that domestic violence is a national crime and that federal laws can help an overburdened local criminal justice system. In 1994 and 1996, the United States Congress also passed charges to the Gun Control Act making it a federal crime, in certain situations, for domestic abusers to possess guns.

All Federal Domestic Crimes are Felonies.

(A felony is a more serious crime for which the perpetrator may be imprisoned for more than one year.)

It is a federal crime under the Violence Against Women Act:

- To cross state lines and physically injure an intimate partner.
- To cross state lines to stalk or harass or to stalk or harass within the maritime or territorial lands in the United States. (18 U.S.C. Section 2261A).

If you do not have an attorney and believe that you are a victim under these federal laws, you should call the United States Attorney's Office and speak with the Victim/Witness Coordinator.

It is a federal crime under the Federal Gun Control Act:

- To possess a firearm and/or ammunition while subject to a qualifying restraining order. Generally, a protection order will "qualify" if reasonable notice and an opportunity to be heard was given to the person against whom court's order was entered and if the order forbids future threats of violence. (18 U.S.C. Section 922(g)(8).
- To possess a firearm and/or ammunition after conviction of a qualifying misdemeanor crime of domestic violence. Generally, a misdemeanor will "qualify" if the conviction was for a crime committed by an intimate partner, parent or guardian of the victim that required the use or attempted use of physical force or the threatened use of a deadly weapon. (18 U.S.C. Section 922(g)(9).

If you believe that a crime has been committed against you under the Federal Gun Control Act laws, the United States Attorney's Office can evaluate your protection order or examine the misdemeanor conviction to determine if it qualifies. You may also call the local Alcohol, Tobacco and Firearms Office or the Local Federal Bureau of Investigation to help you determine if a federal crime has been committed against you.

Important Phone Numbers

Police emergency all islands 911

ST. CROIX:

Police 773-2530 or 772-2800

Alcohol, Tobacco and Firearms: 692-9500

Bethlehem House, Shelter for the Homeless: 778-1227

Child Abuse/Neglect Task Force: 773-9272

Federal Bureau of Investigation: 773-7922

Hospital Emergency Room: 778-6311, ext. 2665 or 922

Legal Services: 773-2626

Men's Coalition: 772-4522

Territorial Court: 778-9750

United States Attorney General: 773-3920

Virgin Islands Attorney General Office: 773-0295

Virgin Islands Domestic Violence & Sexual Assault Council: 719-0144

Women's Coalition of St. Croix: 773-9272

ST. THOMAS:

Police: 774-2211

Alcohol, Tobacco and Firearms: 774-2398

Bethlehem House, Shelter for the Homeless: 774-4663

Family Resource Center: 776-3966

Federal Bureau of Investigation: 777-3363

Hospital Emergency Room: 776-8311

Legal Services: 774-6420

Men Terminating Violence, St. Thomas: 776-3966

Territorial Court: 774-6680

Victims Advocate Program: 775-6103

United States Attorney General: 774-5757

Virgin Islands Attorney General Office: 774-5666

Virgin Islands Domestic Violence Coordinating Council: 776-3966

ST. JOHN:

Police: 693-8880

Hospital Emergency Room: 693-8900

Safety Zone: 690-SAFE (7233)

Virgin Islands Domestic Violence Coordinating Council: 773-9272

NATIONAL DOMESTIC VIOLENCE HOTLINE: 1-800-799-7233

Victim's Rights

A federal domestic violence victim has the following rights under 42 U.S.C. Section 1060(b):

- The right to be treated with fairness and with respect for the victim's dignity and privacy.
- The right to be reasonably protected from the accused offender.
- The right to be notified of court proceedings.
- The right to be present at all public Court proceedings related to the offense, unless the Court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
- The right to confer with the attorney for the Government in the case.
- The right to restitution.
- The right to information about the conviction, sentencing, imprisonment and release of the offender.

Safety Plan

Decide now where you will go and how you will get there the next time your partner gets violent. Do this even if you do not think there will be a next time.

Leave some money, an extra set of car keys and extra clothes at a neighbor's or with someone you trust.

Keep important documents, such as birth certificates, social security cards, medical records, financial records, marriage license, etc., hidden near an exit or at a neighbor's or friend's house.

Develop a code word with your children, neighbors and friends that let them know that you need to get out now.

Try to avoid arguments in the bathroom, garage, kitchen, near weapons or near places where there are sharp or heavy objects.

If he seems to be "building up" and you can't leave safely, keep your back towards an open space, not a corner.

If you leave, always take your children with you.

Keep any evidence of physical abuse (ripped clothing, photographs of bruises and injuries, etc.).

Tell someone you know and trust what is happening to you in case you have to leave in a hurry. This way you will have someone whom you can turn to.

If you are injured, go to the hospital emergency room or doctor and tell them what happened to you.

Being a battered woman is being a victim of a crime and cannot only be dangerous, but also deadly.

_____ e. An Order granting me custody of my minor child(ren) with reasonable visitation rights of Respondent (This is not allowed if already decided by a Court or is currently before a Court);

_____ f. An order requiring Respondent to pay me for losses suffered from Respondent's actions

_____ g. An Order granting me possession of the following personal property:

_____;

_____ h. An Order requiring Respondent to receive professional counseling or other treatment

8. I understand that I must prove the allegations in Paragraphs 1 through 6 at a hearing by a preponderance of the evidence in order to get the relief requested in Paragraph 7.

9. I am in need of emergency protection for life, health, and well being because of Respondent's behavior, and I ask this Court to enter a Temporary Restraining Order against Respondent, without notice to Respondent, as follows: (check applicable relief desired):

_____ a. An Order prohibiting Respondent from abusing me;

_____ b. An Order prohibiting Respondent from having any contact with me;

_____ c. An Order requiring Respondent to leave my resident; and

_____ d. An Order granting me custody of my minor child(ren):

(list name and ages of minor child(ren)):

WHEREFORE, Petitioner prays that the Court:

1. Grant the relief requested in Paragraphs 7 and 9;
2. Serve a summons together with a copy of this Petition on Respondent and any other person the Court deems advisable;
3. Schedule this matter for hearing within the time fixed by law; and
4. Grant any further relief the Court deems appropriate.

DATE: _____

(Signature)

(Print name)

SUBSCRIBED AND SWORN to before me
on this , day of _____, 200__.

NOTARY

IN THE TERRITORY OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

)	
)	FAM. NO. DV _____/_____
PETITIONER,)	
)	DOMESTIC VIOLENCE ACTION
VS.)	
)	
RESPONDENT.)	
_____)	

TEMPORARY RESTRAINING ORDER

THIS MATTER came before this Court on Petitioner’s Motion for emergency ex parte relief in the nature of a temporary restraining order, pursuant to Title 16, Virgin Islands Code, Section 98. This Court, having considered Petitioner’s motion and the allegations in Petitioner’s petition, finds that good cause has been shown to enter an ex parte order that such order is necessary to protect Petitioner’s life, health, and well-being. Accordingly, it is hereby

ORDERED THAT (only checked paragraphs apply):

1. _____ The Respondent is prohibited from directly or indirectly subjecting Petitioner to any act of domestic violence, such as assault, battery, threats, harassment (of Petitioner or Petitioner’s relatives), destruction of property, coercion, burglary, forcible or unlawful entry, kidnapping, false imprisonment, unlawful sexual contact, and rape;
2. _____ The Respondent is prohibited from directly or indirectly having any contact with Petitioner, including not calling Petitioner by phone, or entering Petitioner’s residence or place of employment; except for the purpose of conducting business with the Petitioner’s employer;
3. _____ Petitioner is granted temporary custody of the following minor child(ren) and Respondent shall not interfere with such custody:

4. _____ Respondent shall vacate the premises located at: _____
_____, and may remove his personal belongings only in the company of a police officer of marshal and in Petitioner’s presence;

5. _____ Respondent shall return to the Petitioner, the following items: _____
_____ alleged to be the personal property
of the Petitioner, and it is further

ORDERED that this Order shall remain in effect for ten (10) days, and Respondent may appear before the Court and move for dissolution or modification of this Order upon 24 hours notice to Petitioner; and it is further

ORDERED that any violation of this Order shall constitute contempt of court punishable by incarceration for up to six (6) months; and it is further

ORDERED that copies of this Order shall be served on Respondent and the Chief of Police immediately; and it is further

ORDERED that should any party in any way violate this Order, all marshals and police officers are authorized to arrest them and bring them before the Court immediately. If the Court is not in session, then they shall be remanded to the Bureau of Corrections with bail set at no less than One Thousand Dollars (\$1,000.00) cash; and unless bail is posed, they shall be held until the next working day when the Court is in session; and it is finally

ORDERED that this matter is scheduled for hearing at _____
_____ a.m. on _____.

DATED: _____

TERRITORIAL COURT JUDGE

TIME: _____

A T T E S T:

DENISE ABRAMSEN
Clerk of the Court

By: _____
Deputy Clerk

IF YOU ARE BEING BEATEN, SAY TO YOURSELF:

I am not to blame for being beaten and abused.



I am not the cause of another's violent behavior.



I do not like or want it.



I do not have to take it.



I am an important human being.



I am a worthwhile woman.



I deserve to be treated with respect.



I do have power over my life.



I can use my power to take good care of myself.



I can decide for myself what is best for me.



I can make changes in my life if I want to.



I am not alone. I can ask others to help me.



I am worth working for and charging for.



I deserve to make my own life safe and happy.

If you are a victim of domestic violence, you can get help at the Women's Coalition at 773-9272. We offer services to victims of rape, domestic violence, child sexual assault, and other crimes * Advocates on duty 24 hours a day * Crisis intervention services at our office/crisis center * Emergency services including clothing, food and shelter * School workshops * Child advocacy * Support groups in Spanish and English * Parenting group * Community education * Advocacy and referrals * Speakers' bureau

Website: www.wcstx.com