

# Legal Definition of Abuse and Stalking

*Domestic Violence*, from 173-B:

“Abuse” means the commission or attempted commission of one or more of the following acts by a family member, household member, or current/former sexual or intimate/dating partner, where such conduct constitutes a credible **threat to the plaintiff’s safety**:

- **Assault or reckless conduct:** Hitting, pushing, slapping, pulling hair, punching, kicking, grabbing, pinching, etc.
- **Criminal threatening:** Any specific threat to your *physical safety* (threatening to hurt you in any way or kill you)
- **Sexual assault**
- **Interference with freedom:** Physically preventing you from leaving, preventing you from using a phone (by hiding it, grabbing it out of your hands, ripping the phone out of the wall, etc.), taking your car keys, etc.
- **Destruction of property**
- **Unauthorized entry:** Entering where you live without your permission
- **Harassment:** Repeated calling, text messaging, or emailing; showing up at your workplace, school, or home unwanted, etc.

Emotional, psychological, and verbal abuse are not included in the law. However, the Crisis Center recognizes that these forms of abuse can be as hurtful and damaging as physical abuse. **You can call an advocate at the Crisis Center any time to discuss your feelings about this type of violence.**

*Stalking*, paraphrased from 633:3-a:

“Stalking” is legally defined as someone purposefully, knowingly, recklessly engaging in a targeted course of conduct. This means that the person **continues after being told to stop**, and that at least **two events have occurred**.

“Course of conduct” may include (but is not limited to):

- **Threatening** the safety of the targeted person
- **Following, approaching, or confronting** that person
- **Appearing close** to the person's residence, place of employment, school
- **Causing damage** to the person's residence or property
- **Placing an object** on a person's property, directly or through a third person
- **Causing injury to a person's pet**
- **Any act of communication** as defined in RSA 644:4 II

*All of these also apply if done to the targeted person's immediate family*

## This course of conduct must:

- be actions that would make a *reasonable person* afraid
- be actions that have in fact *made the target afraid* for his or her personal safety

## Services Offered by the Crisis Center

- **Court Advocacy:** Staff can offer information, emotional support, and accompany you during court proceedings related to domestic violence, sexual assault or stalking
- **Support Groups:** Peer support groups are offered on an ongoing basis for those affected by domestic and sexual abuse
- **Emergency Shelter:** A safehouse is available to those who are fleeing from an abusive situation and need temporary housing
- **24-Hour Crisis Line:** The hotline offers non-judgemental support and information about options and services available

All of these services are free and confidential.

To learn more, call 603-225-7376

## Victims’ Compensation

The NH Victims’ Assistance Commission helps victims of violent crimes with costs directly related to the crime. They can help with medical bills, mental health counseling, relocation costs, and other crime-related expenses. Contact the Crisis Center for more information.



## Getting a Protective Order

*If you are being abused in a relationship or stalked, you may be eligible for a court protective order*

Speak with a Court Advocate  
603.225.7376  
24-hour Domestic Violence Support  
1.866.841.6229  
24-hour Sexual Assault Support  
1.800.277.5570

## Filling Out the Petition

The judge will decide if you are eligible for a protective order by reviewing your petition and deciding if it falls under the legal definition of abuse. In your petition it is a good idea to:

- Write down why you fear for your safety
- Focus on the most recent acts of abuse
- Be as specific as possible, avoiding general statements
- Mention if you received medical treatment or if the police have been involved
- Include everything you want the judge to consider. If you do not include it on your petition, you may not be allowed to mention it in court.

It is natural to be concerned for the safety of your children, but this petition is specifically for you. You may mention incidents that happened to your children, but keep the focus on your own safety.

## If the Petition is Granted

You will be issued a **temporary protective order** that lasts for **30 days**. A hearing will be scheduled to determine if the order should be extended beyond those thirty days.

The defendant can request an **expedited hearing**. This will be scheduled by the court **within 3-5 business days** after the defendant requests it.

The court will notify you either by phone or mail if the hearing time or date changes. It is very important to keep the court updated on your current contact information for that reason.

**Report violations** to the local police immediately. Violations include, but are not limited to;

- Phone calls to your home, school, workplace, cell phone, etc.
- Contacting you through third parties
- Following you
- Driving past you or your home in a threatening manner
- Showing up at your home, workplace, school, or anywhere else to talk to you
- Text messages, emails, instant messages, letters, gifts, etc.

## The Final Order Hearing

Both parties will be given an opportunity to tell their side of the story to the judge. **If you do not attend this hearing**, the judge will most likely **dismiss the order**. If the defendant does not attend the hearing, the judge will still hear your testimony.

Come prepared to:

- tell the judge what happened and why you are in fear of the defendant
- prove that you have been abused or stalked
- give any police reports, hospital/medical records, witnesses, medical bills, threatening letters/notes/emails, phone records, photographs, and any other proof with you

The judge may give you their decision at the hearing, but many times they will tell you they are taking the matter under advisement and you will get your decision by mail in a few days. Until you get your final decision, any temporary orders **remain in place**.

If the order is granted, it will be in effect for **one year**. If you would like the order to remain in effect longer, go to the court a month before your order expires to apply for a protective order extension.

## Legal Services in NH

### **The DOVE Project**

The Domestic Violence Emergency Project provides free legal representation for qualifying survivors of domestic violence at final restraining order hearings. Contact your local crisis center to see about securing a DOVE attorney.

### **Legal Advice and Referral Center**

(800) 639-5290 or (603) 224-3333  
www.larcnh.org

LARC provides free legal information, advice and referrals to low-income people with family law, local welfare, housing and consumer issues.

### **The Pro-Bono Referral Program**

Pro Bono links low-income people with volunteer attorneys who provide free legal services in family law, bankruptcy, housing and senior citizen matters. *Individuals must apply through the Legal Advice and Referral Center at (800) 639-5290 or (603) 224-3333.*

### **Lawyer Referral Service/Reduced-Fee Referral**

(603) 229-0002

LRSreferral@nhbar.org

LRS provides attorney referrals to members of the public who have legal problems/issues (from personal injury and consumer matters to family law) and can afford to pay for legal services. The reduced-fee program connects lower-income individuals – *able to pay something for an attorney's services* – with lawyers providing legal services at a reduced fee.

### **Law Line**

(800) 868-1212

Volunteer lawyers provide free legal information over the phone on the second Wednesday of each month from 6:00 p.m. to 8:00 p.m.

### **Legal Advice Line Senior Citizen's Law Project**

(603) 642-6000 (Manchester Area)

(888) 353-9944 (in NH only)

The Legal Advice Line, a service of New Hampshire Legal Assistance, provides free legal advice in civil matters for senior citizens 60 and older.

The Crisis Center does not discriminate based on gender, age, health status, physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic class, race, national origin, immigration status, or religious or political affiliation.

A court advocate can help provide information and support during this process