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SESSION, 1996

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A BILL FOR AN ACT

To prohibit acts of domestic and family violence and to codify the remedies, penalties, and courses of treatment available to perpetrators and victims of domestic and family violence; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1           Section 1. Title. This bill may be cited as the Domestic and Family Violence Civil Act.

2           Section 2. Provision. The general provisions of the Domestic and Family Violence Civil Act shall  
3 read as follows:

4                   "Section 101. Construction. The Domestic and Family Violence Civil Act must be  
5 construed to promote:

6                           1. The protection and safety of all victims of domestic or family violence in a  
7 fair, prompt, and effective manner; and

8                           2. The prevention of future violence in all families.

9           Section 102. Definitions. Unless the context otherwise requires:

10                   1. "Domestic or family violence" means the occurrence of one or more of the  
11 following acts by a family or household member, but does not include acts of self-  
12 defense:

13                           (a) Attempting to cause or causing physical harm to another family or  
14 household member;

15                           (b) Placing a family or household member in fear of physical harm; or

16                           (c) Attempting to cause or causing a family or household member to  
17 engage involuntarily in sexual activity by force, threat of force or intimidation.

18                   2. "Family or household members" include:

19                           (a) Adults or minors who are current or former spouses;

20                           (b) Adults or minors who live together or who have lived  
21 together;

22                           (c) Adults or minors who are dating or who have dated;

23                           (d) Adults or minors who are engaged in or who engaged in a sexual  
24 relationship;

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- (e) Adults or minors who are related by blood or adoption;
- (f) Adults or minors who are related by marriage or formerly related by marriage;
- (g) Persons who have a child in common; and
- (h) Minor children of a person in a relationship that is described in paragraphs (a) through (g).

3. "Program of intervention for perpetrators" means a specialized program that:

- (a) Accepts perpetrators of domestic or family violence; or
- (b) Offers treatment to perpetrators of domestic or family violence; or
- (c) Offers classes or instruction to perpetrators of domestic or family violence.

4. "Program for victims of domestic or family violence" means a specialized program for victims of domestic or family violence and their children that provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training.

5. "Safety plan" means a written or oral outline of actions to be taken by a victim of domestic or family violence to secure protection and support after making an assessment of the dangerousness of the situation."

Section 3. Provision. The civil orders for protection of the Domestic and Family Violence Civil Act shall read as follows:

- "Section 201. Eligible petitioners for order.
- 1. A person who is or who has been a victim of domestic or family violence may file a petition for an order in the Superior Court for protection against a family or household member who commits an act of domestic or family violence.
  - 2. A parent, guardian, or other representative may file a petition for an order in the Superior Court for protection on behalf of a child against a family or household member who commits an act of domestic or family violence.

Section 202. Uniform form required for petitions and orders; required statements in petitions and order; duty of clerk to provide petitions and clerical assistance.

- 1. The Domestic Abuse Task Force shall;
  - (a) Develop and adopt uniform forms for petitions and orders for protection, including but not limited to such orders issued pursuant to divorce, custody, and other domestic relations hearings; and

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(b) Provide a copy of the uniform forms to the Clerk of Superior Court authorized to issue such orders.

2. In addition to any other required information, the petition for an order for protection must contain a statement listing each civil or criminal action involving both parties.

3. The following statements must be printed in bold faced type or in capital letters on the order for protection:

(a) "Violation of this order may be punished by confinement in jail for as long as one (1) year and by a fine of as much as \$1,000.00 or both."

(b) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person. In no event is the order for protection voided."

4. The Clerk of the Superior Court or other designated agencies shall provide to a person requesting an order for protection:

(a) The forms adopted pursuant to subsection 1;

(b) All other forms required to petition for an order for protection, including but not limited to, forms for service and forms required by Uniform Child Custody Jurisdiction Act; and

(c) Clerical assistance in filling out the forms and filing the petition.

5. Except as otherwise provided in section 305, a petition for an order for protection must be in writing, verified, and subscribed to in a manner provided by Commonwealth law.

6. All orders for protection must be issued on the form adopted in accordance with subsection 1.

Section 203. Jurisdiction; venue; residency not required to petition.

1. The Commonwealth Superior Court has jurisdiction to issue orders for protections.

2. A petition for an order for protection may be filed in the Commonwealth Superior Court:

(a) Where the petitioner currently or temporarily resides;

(b) Where the respondent resides; or

(c) Where the domestic or family violence occurred.

3. There is no minimum requirement of residency to petition for an order for protection.

1                   Section 204. Continuing duty to inform court of other proceedings; effect of other  
2 proceedings; delay of relief prohibited; omission of petitioner's address.

3                   1.           At any hearing in a proceeding to obtain an order for protection, each  
4 party has a continuing duty to inform the court of each proceeding for an order for  
5 protections, any civil litigation, and each criminal case involving the parties, including  
6 the case name, the file number, and the island of the proceeding, if that information is  
7 known by the party.

8                   2.           An order for protection is in addition to and not in lieu of any other  
9 available civil or criminal proceeding. A petitioner is not barred from seeking an order  
10 because of other pending proceeding. The court shall not delay granting relief because of  
11 the existence of a pending action between the parties.

12                  3. A petitioner may omit his or her address from all documents filed within the  
13 court. If a petitioner omit his or her address, the petitioner must provide the court a  
14 mailing address. If disclosure of the petitioner's address is necessary to determine  
15 jurisdiction or consider venue, the court may order the disclosure to be made:

16                           (a)       After receiving the petitioner's consent;

17                           (b) Orally and in chambers, out of the presence of the respondent and a  
18 sealed record be made; or

19                           (c) After a hearing, if the court takes into consideration the safety of  
20 the petitioner and finds such disclosure in the interest of justice.

21                   Sections 205. Emergency order for protection; available relief; availability of judge;  
22 expiration of order.

23                  1. The Superior Court may issue a written or oral emergency order for  
24 protection ex parte when a police officer states to the court in person or by telephone, and  
25 the court finds reasonable grounds to believe, the petitioner is in immediate danger of  
26 domestic or family violence based on an allegation of a recent incident of domestic or  
27 family violence by a family or household member.

28                  2. A police officer who receives an oral order for protection from the Superior  
29 Court shall:

30                           (a)       Write and sign the order on the form required pursuant to  
31 section 202;

32                           (b)       Service a copy on the respondent;

33                           (c)       Immediately provide the petitioner with a copy of the order;

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(d) Provide the order to the court by the end of the next judicial day.

3. The Court may grant the following relief in an emergency order for protection:

(a) Enjoin the respondent from threatening to commit or committing of domestic or family violence against the petitioner and any designated family or household member;

(b) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(c) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(d) Order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(e) Order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate police officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(f) Grant temporary custody of a minor child or children to the petitioner; and

(g) Order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member.

4. A judge with authority to issue an order for protection must be available 24 hours a day to hear petitions for emergency orders for protection.

5. An emergency order for protection expires 72 hours after issuance.

Section 206. Order for protection; modification or orders; relief available ex parte; relief available after hearing; duties of the court; duration or order.

1. If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic or family violence has occurred or a modification of an order for protection is required, the Superior Court may:

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(a) Without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte as is deems necessary to protect the petitioner; and

(b) Upon notice, issue an order for protection or modify an order after a hearing whether or not the respondent appears.

2. A court may grant the following relief without notice and hearing in an order for protection or a modification issued ex parte:

(a) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;

(b) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(c) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(d) Order the respondent to stay away from the residence, school, or place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(e) Prohibit the respondent from using or possessing a firearm or other weapon specified by the court;

(f) Order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(g) Grant temporary custody of any minor children to the petitioner; and

(h) Order such other relief as it deems necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

3. The Court may grant the following relief in an order for protection or of a modification of an order after notice and hearing, whether or not the respondent appear:

(a) Grant the relief available in accordance with subsection 2;

1 (b) Specify arrangements for visitation of any minor child by the  
2 respondent and require supervision of that visitations by a third party or deny  
3 visitations if necessary to protect the safety of the petitioner or child;

4 (c) Order the respondent to pay attorney's fees; or

5 (d) Order the respondent to:

6 (1) Pay rent or make payment on a mortgage on the  
7 petitioner's residence and pay for the support of the petitioner and  
8 minor child(ren) if the respondent is found to have a duty to support  
9 the petitioner or minor child(ren);

10 (2) Reimburse the petitioner or other person for any expenses  
11 associated with the domestic or family violence, including but not  
12 limited to medical expenses, counseling, shelter, and repair or  
13 replacement of damaged property; and

14 (3) Pay the costs and fees incurred by the petitioner in  
15 bringing the action.

16 4. The Court Shall:

17 (a) Cause the order to be delivered to the Department of Public Safety  
18 for service;

19 (b) Make reasonable efforts to ensure that the order for protection is  
20 understood by the petitioner, and the respondent, if present;

21 (c) Transmit, by the end of the next business day after the order is  
22 issued, a copy of the order of protection to the Department of Public Safety and  
23 agencies designated by the petitioner; and

24 5. An order for protection issued ex parte or upon notice and hearing or a  
25 modification of an order for protection issued ex parte or upon notice ;and hearing is  
26 effective until further order of the court.

27 Section 207. Required hearings; duty of court when order for protection denied.

28 1. Except as otherwise provided in subsection 2, if a court issues an order for  
29 protection ex parte or a modification of an order for protection ex parte and the court  
30 provides relief pursuant to subsection 2 of section 306, upon a request by either party  
31 within 30 days after service of the order or modification, the court shall set a date for a  
32 hearing on the petition. The hearing must be held within ten (10) days after the request  
33 for a hearing is filed unless continued by the court for good cause shown. The court shall  
34 notify both parties by first class mail of the date and time of the hearing.

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2. The court shall set a date for a hearing on the petition within ten (10) days after the filing of the petition if of a court issues an order for protection ex parte or a modification of an order of protection ex parte, and

(a) The petitioner requests or the court provides relief in accordance with paragraph (g) of subsection 2 of section 206, concerning custody of a minor child; or

(b) The petitioner requests relief pursuant to paragraph (b), (c), or (d), of subsection 3 of section 206. Such a hearing must be given precedence over all matters of the same character.

3. In a hearing held pursuant to subsection 1 or 2 of this section; and

(a) Relief in accordance with section 206 is available.

(b) If respondent seeks relief concerning an issue not raised by the raised by the petitioner, the court may continue the hearing at the petitioner's request.

4. If a court denies a petition for an order for protection of a petition to modify an order for protection that is requested without notice to the respondent, the court shall inform the petitioner of his or her right to request a hearing upon notice to the respondent.

Section 208. Effect of action by petitioner or respondent on order. If a respondent is excluded from the residence of a petitioner or ordered to stay away from the petitioner, an invitation by the petitioner to do so does not waive or nullify an order for protection.

Section 209. Denial of relief prohibited. The court shall not deny a petitioner relief requested pursuant to section 205 or 206 solely because of a lapse of time between and act of domestic or family violence and the filing of the petition.

Section 210. Mutual orders for protection prohibited. A court shall not grant mutual orders for protection to opposing parties.

Section 211. Court-ordered and court-referred mediation of cases involving domestic or family violence prohibited. A court shall not order parties into mediation or refer them to mediation for resolution of the issues in a petition for an order for protection.

Section 212. Court costs and fees. Fees for filing and service of process must not be charged for any proceeding seeking only the relief provided in this chapter.

Section 213. Assistance to victims of domestic or family violence.

1. The Victim's Advocate shall provide assistance to victims of domestic or family violence. The Victim's Advocate may enter into a contract with a private agency



1 or organization that has a record of service to victims of domestic or family violence to  
2 provide assistance.

3 2. The duties of the Victim's Advocate include but are not limited to the  
4 following:

5 (a) Informing victims of domestic or family violence of their rights  
6 pursuant to the Victims Rights Act and assisting victims in securing those  
7 rights;

8 (b) Informing victims of the availability of orders for protection and  
9 assisting victims in obtaining such order;

10 (c) Providing interpreters for cases involving domestic or family  
11 violence, including requests for orders for protection;

12 (d) Informing victims of the availability of shelter, counseling, and  
13 other social services; and

14 (e) Providing victims with safety plans and assisting victims in  
15 preparing the plans.

16 3. The Victim's Advocate shall coordinate the provision of services with the  
17 provides of programs for victims of domestic or family violence.

18 Section 214. Registration and enforcement of foreign orders for protection; duties of  
19 court clerk.

20 1. A certified copy of an order for protection issued in another state may be  
21 filed in the office of the Clerk of the Superior Court. The clerk shall act upon the order  
22 in the same manner as the clerk acts upon an order for protection issued by the Superior  
23 Court of this Commonwealth.

24 2. An order for protection filed in accordance with subsection 1 has the same  
25 effect and must be enforced in the same manner as an order for protection issued by a  
26 court of this Commonwealth.

27 3. The Clerk of the Superior Clerk shall:

28 (a) Maintain a registry in which to enter certified orders for protection  
29 issued in other states that are received for filing; and

30 (b) At the request of a court of another state or at the request of a person  
31 who is affected by or has a legitimate interest in an order of protection, certify  
32 and forward a copy of the order to that court or person at no cost to the  
33 requesting party.

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4. The Superior Court of this Commonwealth shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in the Commonwealth.

Section 215. Commonwealth registry for orders for protection.

1. The Clerk of the Superior Court shall maintain a registry of all orders for protection issued by a court of this Commonwealth or registered in this Commonwealth. The order must be included in the registry within 24 hours after issuance.

2. The information contained in the registry is available at all times to a court, a law enforcement agency, and other governmental agencies upon request for official purposes only."

Section 4. Provision. The family and children provisions of the Domestic and Family Violence Civil Act shall read as follows:

Section 301. Presumptions concerning custody. In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the court that domestic or family violence has occurred raises a rebuttal presumption that it is detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence.

Section 302. Factors in determining custody and visitation.

1. In addition to other factors that the Superior Court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the court has made a finding of domestic or family violence:

(a) The Superior Court shall consider as primary the safety and well-being of the child or children and of the parent who is the victim of domestic or family violence; and

(b) The court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault to another person.

2. If a parent is absent or has relocated because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.

Section 303. Presumption concerning residence of child. In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the Superior Court that domestic or family violence has occurred raises a rebuttal presumption that is in the best interest

1 of the child to reside with the parent who is not a perpetrator of domestic or family violence in the  
2 location of that parent's choice, within or outside the Commonwealth.

3 Section 304. Change of circumstances. In every proceeding in which there is at issue  
4 the modification of an order for custody or visitation of a child, the finding that domestic or  
5 family violence has occurred since the last custody determination constitutes a finding of a change  
6 of circumstances.

7 Section 305. Conditions of visitation in cases involving domestic and family violence.

8 1. The Superior Court may award visitation to a parent who committed  
9 domestic or family violence only if the court finds that adequate provision for the safety  
10 of the child and the parent who is a victim of domestic or family violence can be made.

11 2. In a visitation order, the Superior Court may:

12 (a) Order an exchange of a child to occur in a protected setting.

13 (b) Order visitation supervised by another person or agency;

14 (c) Order the perpetrator of domestic or family violence to attend and  
15 complete, to the satisfaction of the court, a program of intervention for  
16 perpetrators or other designated counseling as a condition of the visitation;

17 (d) Order the perpetrator of domestic or family violence to abstain from  
18 possession or consumption of alcohol or controlled substances during the  
19 visitation and for 24 hours preceding the visitation;

20 (e) Order the perpetrator of domestic or family violence to pay a fee to  
21 defray the costs of supervised visitation;

22 (f) Prohibit overnight visitation;

23 (g) Require a bond from the perpetrator of domestic or family violence  
24 for the return and safety of the child; and

25 (h) Impose any other condition that is deemed necessary to provide for  
26 the safety of the child, the victim of domestic or family violence, or other  
27 family or household member.

28 3. Whether or not visitation is allowed, the court may order the address of the  
29 child and the victim to be kept confidential.

30 4. The court may refer but shall not order an adult who is a victim of domestic  
31 or family violence to attend counseling relating to the victim's status or behavior as a  
32 victim, individually or with the perpetrators of domestic or family violence as a condition  
33 of receiving custody of a child or as a condition of visitation.

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5. If a court allows a family or household member to supervise visitation, the court shall establish conditions to be followed during visitation.

Section 306. Duty of mediator to screen for domestic violence during mediation referred or ordered by the court.

1. A mediator who receives a referral or order from the court to conduct mediation shall screen for the occurrence of domestic or family violence between the parties.

2. A mediator shall not engage in mediation when it appraise to the mediator or when either party asserts that domestic or family violence has occurred unless:

(a) Mediation is requested by the victim of the alleged domestic or family violence;

(b) Mediation is provided in a specialized manner that protects the safety of the victim by a certified mediator who is trained in domestic or family violence; and

(c) The victim is permitted to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate.

Section 307. Mediation in cases involving domestic or family violence.

1. In a proceeding concerning the custody or visitation of a child, if an order for protection is in effect or if there is an allegation of domestic or family violence, the court shall not order mediation or refer either party to mediation unless the court finds that:

(a) The mediation is provided by a certified mediator who is trained in the dynamics of domestic or family violence; and

(b) The mediator or mediation service provides procedures to protect the victim intimidation by the alleged perpetrator in accordance with subsection

2.

2. Procedures to protect the victim must include by are not limited to:

(a) Permission for the victim to have in attendance at mediation a supporting person of his or her choice, including but not limited to an attorney or advocate; and

(b) Any other procedure deemed necessary by the court to protect the victim from intimidation from the alleged perpetrator.

Section 308. Duties of the Child Protection Services.

1                   1. The Department of Community and Cultural Affairs, Division of Youth  
2 Services shall develop written procedures for screening each referral for abuse or neglect  
3 of a child to assess whether abuse of another family or household member is also  
4 occurring. The assessment must include by is not limited to:

5                   (a) Inquiry concerning the criminal record of the parents and the  
6 alleged abusive or neglectful person and the alleged perpetrator of domestic or  
7 family violence, if not a parent of the child; and

8                   (b) Inquiry concerning the existence of orders for protection issued to  
9 either parent.

10                  2. If is in determined in an investigation of abuse or neglect of a child:

11                  (a) That the child or another family or household member is in danger  
12 of domestic or family violence and that removal of one of the parties is  
13 necessary to prevent the abuse or neglect of the child, the Director shall seek the  
14 removal of the alleged perpetrator of domestic or family violence whenever  
15 possible; and

16                  (b) That a parent of the child is a victim of domestic or family violence,  
17 services must be offered to the victimized parent and the provision of such  
18 services must not be contingent upon a finding that either parent is at fault or  
19 has failed to protect the child."  
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21                  Section 4. Provision. the prevention and treatment provisions of the Domestic and Family  
22 Violence Civil Act shall read as follows:

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24                  "Section 401. Creation of Commonwealth task force on domestic or family violence;  
25 purpose; required report.

26                  1. There is hereby created the Domestic Abuse Task Force.

27                  2. The purpose of this Task Force is to increase the awareness and  
28 understanding of domestic or family violence and its consequences and to reduce the  
29 incidence of domestic or family violence within the Commonwealth by:

30                  (a) Promoting effective strategies for identification of the existence of  
31 domestic or family violence and intervention by public and private agencies  
32 serving persons who are victims of domestic or family violence;

33                  (b) Providing for public education;

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(c) Facilitating communication between public and private agencies that provide program for victims of domestic or family violence and programs of intervention for perpetrators;

(d) Providing assistance to public and private agencies to develop Commonwealth-wide procedures and community education, including procedures for reviewing fatalities in local communities; and

(e) Developing a comprehensive and coordinated plan of data collection concerning domestic or family violence for courts, prosecutors, law enforcement officers, health care practitioners, and other Commonwealth agencies, in consultation with each other and in a manner that protects the identity of victims of domestic and family violence.

Section 402. Commonwealth public health plan for reducing domestic and family violence.

1. The Department of Public Health Shall:

(a) Assess the impact of domestic or family violence on public health; and

(b) Write a Commonwealth Public Health Plan for reducing the incidence of domestic and family violence in the Commonwealth.

2. The Commonwealth Public Health Plan:

(a) Must include but is not limited to public education, including use of the various communication media to set forth the public health perspective on domestic or family violence;

(b) Must be developed in consultation with public and private agencies that provide programs for victims of domestic or family violence, advocates for victims, Domestic Abuse Task Force, and persons who have demonstrated expertise and experience in providing health care to victims of domestic or family violence and their children; and

(c) Must be completed on or before 120 days after this statute is in effect.

3. The Department of Public Health shall:

(a) Transmit a copy of the Commonwealth Public Health plan to the governor and the members of the Legislature; and

(b) Review and update the Commonwealth Public Health plan annually.

1 Section 403. Standards for health care facilities, practitioners, and personnel; specialized  
2 procedures and curricula concerning domestic or family violence.

3 1. The Department of Public Health shall promulgate standards for health care  
4 facilities, practitioners, and personnel in the facilities including specialized procedures  
5 and curricula concerning domestic or family violence.

6 2. The procedures and curricula must be developed in consultation with public  
7 and private agencies that provide programs for victims of domestic or family violence,  
8 advocates for victims, the Domestic Abuse Task Force, and persons who have  
9 demonstrated expertise and experience in providing health care to victims of domestic or  
10 family violence and their children.

11 Section 404. Notice of rights of victims and remedies and services available; required  
12 information.

13 1. The Department of Public Health shall make available to practitioners and  
14 health care facilities a written notice of the right of victims and remedies and services  
15 available to victims of domestic or family violence in accordance with subsection 3.

16 2. A practitioner who becomes aware that a patient is a victim of domestic or  
17 family violence shall provide to the patient the notice provided pursuant to subsection 1.

18 3. The notice to victims of domestic or family violence must be substantially as  
19 follows:

20 "If you are the victim of domestic or family violence and you believe  
21 that law enforcement protection is needed for your physical safety, you have the  
22 right to request that an officer assist in providing for your safety, including  
23 asking for an emergency order for protection. You may also request that the  
24 officer assist you in obtaining your essential personal effects and locating and  
25 taking you to a safe place of safety. If you are in need of medical treatment, you  
26 have the right to request that the officer assist you in obtaining medical  
27 treatment. You may request a copy of the complaint report at no cost from the  
28 Department of Public Safety within three 3 working days.

29 You may ask the prosecuting attorney to file a criminal information.  
30 You also have the right to file a petition in the Superior court requesting an  
31 order of protection for domestic or family violence which could include any of  
32 the following orders:

33 (a) An order enjoining your abuser from threatening to commit or  
34 committing further acts of domestic or family violence;

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(b) An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly;

(c) An order removing your abuse from your residence.

(d) An order directing your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you and another family or household member;

(e) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the court;

(f) An order granting you possession and use of the automobile and the essential effects;

(g) An order denying your abuse visitation;

(h) An order specifying arrangements for visitation, including requiring supervised visitation; and

(i) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the Clerk of Superior Court and designated agencies. The resources available in this community for information relating to domestic or family violence, treatment of injuries, and places of safety and shelters are: Karidat and the Department of Community and Cultural Affairs, Division of Youth Services. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount is less than \$1,000.00.”

4. The written notice:

(a) Must not include the addresses of shelters, unless the location is public knowledge; and

(b) Must be provided in the native language of the victim, if practicable, when the native language of the victim is not English;



1           Section 405. Hospitals required to provide certain information to parents. Hospitals  
2 shall provide information concerning domestic or family violence to parents of newborn infants  
3 and to parents of hospitalized minors. The information must include but is not limited to the  
4 effect of domestic and family violence on children and available services for the prevention and  
5 treatment of domestic or family violence.

6           Section 406. Regulation of programs of intervention for perpetrators; required  
7 provisions; duties of providers.

8           1. The Department of Public Health shall promulgate rules or regulations for  
9 programs of intervention for perpetrators of domestic or family violence. The rules of  
10 regulations must be promulgated after consultation with public and private agencies that  
11 provide programs for victims of domestic or family violence and programs of  
12 intervention for perpetrators, with advocates for victims and with persons who have  
13 demonstrated expertise and family violence and their children. If the Commonwealth  
14 licenses or provides money to a program of intervention for perpetrators, the Department  
15 of Public Health shall review compliance with the rules or regulations promulgated  
16 pursuant to this subsection.

17           2. The rules or regulations must include:

18                   (a) Standards of treatment for programs of intervention;

19                   (b) Criteria concerning a perpetrators' appropriateness for the program;

20                   (c) Systems for communication and evaluation among the referring  
21 court, the public and private agencies that provide programs for victims of  
22 domestic or family violence, and the programs of intervention for perpetrators;  
23 and

24                   (d) Required education and qualification of providers of intervention.

25           3. The standards must include but are not limited to the following principles:

26  
27                   (a) The focus of the program must be stopping the acts of violence and  
28 ensuring the safety of the victim and any children or other family or household  
29 members;

30                   (b) Recognition that violence is a behavior for which the perpetrator  
31 must be held accountable; and

32                   (c) Recognition that substance abuse is a problem separate from  
33 domestic or family violence which requires specialized treatment.

34           4. Providers of programs of intervention of perpetrators:

1 (a) Shall require a perpetrator who is ordered into the program by a  
2 court to sign the following release:

3 (1) Allowing the provider to inform the victim and victim's  
4 advocates that the perpetrator is in treatment with the provider, and to  
5 provide information for safety to the victim and victim's advocates;

6 (2) Allowing prior and current treating agencies to provide  
7 information about the perpetrator to the provider; and

8 (3) Allowing the provider to provide information about the  
9 perpetrator to relevant legal entities, including courts, parole officers,  
10 probation officers, and children's' protective services.

11 (b) Shall report to the court and the victim any assault, failure  
12 to comply with the program, failure to attend the program, and threat of  
13 harm by the perpetrator.  
14

15 Section 407. Continuing education for law enforcement officer concerning domestic or  
16 family violence; content of course.

17 1. The Department of Public Safety shall provide at least two (2) hours  
18 of continuing education concerning domestic or family violence to law  
19 enforcement officer each year.

20 2. The course of instruction and the objective in learning and  
21 performance for the education of law enforcement officers required pursuant to  
22 subsections 1 and must be developed and presented in consultation with public  
23 and private providers of programs for victims of domestic or family violence  
24 and programs of intervention for perpetrators, persons who have demonstrated  
25 expertise in training and education concerning domestic or family violence, and  
26 the Domestic Abuse Task Force.

27 3. The course of instruction must include but is not limited to :

28 (a) The investigation and management of cases involving domestic or  
29 family violence and writing of reports in such cases;

30 (b) The nature, extent, and causes of domestic or family violence;

31 (c) Practices designated to promote the safety of officers investigating  
32 domestic or family violence;

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(d) Practices designed to promote the safety of the victims of domestic and family violence including but not limited to rights and compensation of victims of crime and enforcement of civil and criminal remedies;

(f) The services available to victims of domestic or family violence and their children;

(g) Sensitivity to cultural, racial, and sexual issues and the effect of cultural, racial, and gender bias on the response of law enforcement officers and the enforcement of law relating to domestic or family violence; and

(h) The provisions of Domestic or Family Violence Criminal and Civil Acts and other applicable Commonwealth laws concerning domestic or family violence.

Section 408. Continuing education of judges and court personnel; content of course.

1. The Supreme Court shall develop and present courses of continuing education concerning domestic or family violence for judicial officers and court personnel.

2. The courses must be prepared and presented in consultations with public and private agencies that provide programs for victims of domestic and family violence and programs of intervention for perpetrators, advocates for victims and for Domestic Abuse Task Force.

3. Each judicial officer and each court employee who comes into contact with either party in domestic or family violence cases must have two (2) hours of education in domestic or family violence.

4. The courses must include but are not limited to the following topics:

- (a) The nature, extent, and causes of domestic or family violence;
- (b) Practices designated to promote safety of the victim and other family and household members, including safety plans;
- (c) Resources available for victims and perpetrators of domestic or family violence;
- (d) Sensitivity to gender bias and cultural, racial, and sexual issues; and
- (e) The lethality of domestic or family violence.

Section 409. Continuing education for Commonwealth employees who work with domestic or family violence cases and are required to report abuse and neglect of children.

1. The Department of Community and Cultural Affairs shall provide courses of continuing education concerning domestic and family violence for Commonwealth employees:

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- (a) Who work with cases of domestic or family violence; and
- (b) Who are required by law to report abuse or neglect of children.

2. The courses must be prepared and presented in consultations with public and private agencies that provide programs for victims of domestic or family violence and programs intervention for perpetrator, advocates for victims and the Domestic Abuse Task Force.

3. The courses must include but are not limited to the following topics:

- (a) The nature, extent, and causes of domestic or family violence;
- (b) Practices designed to promote safety of the victim and other family and household members, including safety plans;
- (c) Resources available for victims and perpetrators of domestic or family violence;
- (d) Sensitivity to gender bias and cultural, racial, and sexual issues; and
- (e) The lethality of domestic and family violence.

4. As used in this section “Commonwealth employees who work with cases on domestic or family violence” included:

- (a) Probation Officers;
- (b) Workers in child protective services;
- (c) Psychologists;
- (d) Social Workers;
- (e) Court appointed special advocates;
- (f) Mediators;
- (g) Custody-evaluators; and
- (h) Emergency Room Physicians.

Section 410. Required curricula for Commonwealth education system.

1. The Commonwealth Public School System shall select or develop:

- (a) Curricula for students concerning domestic or family violence that are appropriate for various ages; and
- (b) Curricula for school counselors, health-care personnel, administrators, and teachers concerning domestic or family violence.

2. The curricula must be selected or developed in consultation with public and private agencies that provide programs for victims of domestic or family violence and programs of intervention for perpetrators of domestic or family violence, advocates for

1 victims, Domestic Abuse Task Force, persons who have demonstrated expertise and  
2 experience in education and domestic or family violence.

3 3. The curricula must include but are not limited to:

- 4 (a) The nature, extent, and causes of domestic or family violence;
- 5 (b) Issues of domestic or family violence concerning children;
- 6 (c) The prevention of the use of violence by children;
- 7 (d) Sensitivity to gender bias and cultural, racial, and sexual issues;
- 8 (e) Violence in dating and other social relationships of boys and girls;

9 and

10 (f) Practices designed to promote safety of the victim and other family  
11 and household members, including safety plans.

12 Section 411. Continuing education for school personnel who are required to report  
13 abuse and neglect of children.

14 1. The Commonwealth Public School System shall provide courses of  
15 continuing education concerning domestic or family violence for employees who are  
16 required by law to report abuse or neglect children.

17 2. The courses must be prepared and presented in consultation with public and  
18 private agencies that provide programs for victims of domestic or family violence,  
19 persons who have demonstrated expertise in education and domestic or family violence,  
20 advocates for victims and the Domestic Abuse Task Force.

21 3. The courses must include but are not limited to the following topics:

- 22 (a) The nature, extent, and causes of domestic or family violence;
- 23 (b) Practices designed to promote safety of the victims and other family  
24 and household members, including safety plans;
- 25 (c) Issues of domestic and family violence concerning children;
- 26 (d) Sensitivity to gender bias and cultural, racial, and sexual issues; and
- 27 (e) The lethality of domestic or family violence."

28 Section 5. Severability. If any provision of this Act or the application of any such provision to  
29 any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of  
30 this Act or the application of its provisions to persons or circumstances other than those to which it is held  
31 invalid shall not be affected thereby.

32 Section 6. Savings Clause. This Act and any repealer contained herein shall not be construed as  
33 affecting any existing right acquired under contract or acquired under statutes repealed or under any rule,  
34 regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any

1 proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of  
2 terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at  
3 the date this Act becomes effective.

4 Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or upon  
5 its becoming law without such approval.

Date: \_\_\_\_\_

Introduced By: \_\_\_\_\_  
Rep. Ana S. Teregeyo

Reviewed for Legal Sufficiency:

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