

PULASKI COUNTY VA JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

BENCH CARD #2

Judicial Checklist for Motions to Dissolve Protective Orders

Ms./Mr. _____, you have filed a motion to drop your protective order. Is that correct? I am going to ask you a series of questions to ensure that you will be safe if I grant your request.

1. I have your affidavit from your original petition (and affidavit from the criminal charge). Was that information correct? During the arrest for A&B did the officer ask you a set of questions (LAP)? What was the result? Did you call or meet with an advocate? The bail checklist shows the following convictions: _____ Were you aware of those?
2. Why do you want to drop the Protective Order? Have you dropped one before?
3. Has he complied with the PO in full? If not, what happened? Did you pursue charges? Why not?
4. Have you been pressured in any way to drop the PO? By his family? **Your** family? If kids in common, by the children?
5. Without giving me any details, do you know what you will do if this happens again? (Do you have a safety plan?)

GENERAL QUESTIONS

6. Do you know how to obtain a Protective Order? EPO? PPO? PO?
7. Have you spoken to Victim Witness or WRC? Do you want an opportunity to do so? Do you need more time to talk with them? Did you watch the PO video? Would you like to?
8. Do you realize you can drop part only and not the whole thing? That is, the PO can stay in place, and I can allow peaceful contact or contact by text message only. Have you considered that?
9. Are there other PO's in place in other jurisdictions?
10. Do you have other cases pending, such as custody, visitation, support, divorce, landlord/tenant, or property division?

CRIMINAL MATTERS

11. If there was a criminal charge, is it over? Is there a **bond** or no contact order? Has he complied? If he was held in jail, did he contact you from jail? What did he say?
12. Was he required to complete DVAP or any other program? Did he do so? Has he had any treatment? Why do you think he will change without treatment?

CHILDREN

13. Were there children involved? "Present?" Is he the father of **all** these children? Do you have a plan to keep them safe if this happens again?
14. Is DSS involved? Is there a CPO or Safety plan? Were the children placed outside the home?
15. **Do the children support your motion?**
16. I want you to know that girls who witness DV are more likely to become victims and boys who witness DV are six times more likely to become abusers. **DV IS LEARNED BEHAVIOR.** He abuses the kids when he abuses you.

STRANGULATION

17. Has he ever strangled, suffocated, smothered, or choked you? Has he ever put his hands or forearm around or against your neck in an angry way? Has he ever shaken you by the neck? Picked you up by the neck? Has he ever applied pressure to your neck? **Are you comfortable discussing?**
 - a. Describe what happened. Done from front or back? One hand or two? Ligature? How long last? Happen more than once? On a scale from 1-10, tell me how much pressure he applied?
 - b. Describe how you felt. Did you have trouble breathing? Sore throat? Voice change? Petechia? See stars? Trouble swallowing? Lose consciousness? How do you know?

- c. On a scale of 1-10, tell me how much it hurt.
- d. What did **he** say? Describe how he looked.
- e. What did you think was going to happen? What did you say?
- f. Where did this happen? How did it stop? Did you change clothes afterwards?
- g. Did LEO come? Charges? Why not? Did you see paramedic? Go to the ER? If so, did you have a CTA?
- h. Did you know that strangulation kills brain cells that never recover, and that strangulation can lead to stroke? You could have a dissection of your carotid artery.
- i. You have reported multiple strangulations. Have you sought any services or treatment as a result? TBI assessment?
- j. I want you to know that one incident of strangulation makes you 750% more likely to become a homicide victim, and that the weapon will probably be a firearm. Repeated strangulations increase that risk. Did you know that most women killed by their partners had been strangled by that partner?
- k. Did you know that many defendants who kill police have a history of strangulation?
- l. I consider strangulation a form of torture, like waterboarding. It really is attempted murder. It is the “last warning shot.” The behavior will likely escalate; it will not decrease.

WEAPONS/FIREARMS

18. Were weapons of any kind ever used or displayed? Has he threatened to use a weapon? Did you believe him?
19. Did he have a concealed weapons permit? Did he turn in?
20. Are there guns in the house? Does he own, possess, or have access to guns? (Did he sell or transfer his firearms after the PO was entered?)

STALKING/CONTROLLING BEHAVIOR/COERCIVE CONTROL

21. Is he controlling? Do you feel like a prisoner in your own home? Has he taken your phone, car, or keys? Disabled your car? Did he ever stalk you? Ever stalked you on social media? Spread rumors on social media? Posted “bad” pictures of you? Do you know that 76% of victims killed by intimate partners were stalked by that partner?
22. Does he check your phone or computer? Control your internet use? Interrogate you? Make you explain where you have been? Did he ever come by work unannounced?
23. Does he follow you or spy on you? Does he leave threatening notes, texts, or phone messages?
24. Has he destroyed your property? Burned or threatened to burn your property?
25. Has he threatened your friends or family? Does he keep you from seeing family or friends?
26. Is he constantly jealous? For example, has he ever said “if I can’t have you, nobody will?” Accuse you of affairs?
27. Does he call you names? If you are comfortable saying, tell me which ones. Does he put you down?
28. Force you to work/prohibit you from working? Control the money? **Make you account for spending?**
29. Did he tell you how to dress? What makeup to wear?
30. Do you feel ashamed of the things he does? Do you try not to “rock the boat?”

ADDITIONAL LETHALITY QUESTIONS

31. Was he ever violent during a pregnancy? Please describe.
32. Has he threatened to kill you? Did he tell you how/give you details or a plan? Ever begin that plan? Ever fantasized about killing you? Have you ever thought he might kill you? Can he scare you without saying anything?
33. Has he ever threatened to kill or harm himself? Attempted suicide?
34. Did he ever harm family pets? Did he ever threaten to do so? Were children present? **Did you know that a child exposed to DV is approximately three times more likely to commit animal cruelty?** Did you know that abuse of a companion animal is one of the four most significant risk factors for someone becoming a domestic abuser?
35. Has he been violent outside your relationship?

36. Have you ever sought medical attention as a result of his actions?
37. Have you sought outside help from LEO, WRC, DSS, or Victim-Witness? Have you ever called 911? Why?
38. Have you ever protected him from arrest or prosecution by not calling LEO, lying for him, failing to appear, “forgetting” what happened, or asking the Court to “drop” charges against him? Do you hide his actions from others? Did **he** ever avoid arrest or prosecution? Did he ask you to not appear, change your testimony, or tell CA to “drop” charges? Call you from jail?
39. Did he apologize after these incidents-promise to never do it again? (Give you gifts, flowers?) Did he keep that promise? Are you familiar with term “honeymoon period?” Did you blame yourself?
40. How many times have you separated? How long did you date before moving in together? What is the age difference between the two of you?
41. Is he employed? Recently unemployed? Child support order in place? Does he pay? Have you been supporting him?
42. Does he abuse alcohol or drugs? What drugs and how often? Legal or illegal? Changes in use recently? Notice recent changes in his behavior? Has he had mental health problems? (Neither substance abuse nor mental illness cause or excuse DV.)

FINAL QUESTIONS

43. Has he done anything scary or frightening to you since the PO was entered?
44. At the last hearing I denied your request for contact. Did I make the right decision?
45. Do you have a Hope Card?
46. **DO YOU NOW FEEL SAFE? QUESTIONS FOR ME?**