

Legal Remedies for Domestic Violence Victims

| | Protection From Abuse | Criminal No-Contact Order |
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| <p>Civil vs. Criminal</p> <p>Note: Having one of these in place does not preclude the victim from getting the other. The victim may have both a PFA and a criminal no-contact order.</p> | <p>This is a Civil remedy. In a civil case the victim brings the action against the abuser. The victim is asking the court to protect him/her from the abuser. The victim is not asking the court to send that person to jail for committing a crime. There can be criminal sanctions against the abuser if he/she violates the order.</p> | <p>A criminal no-contact order is often generated when the abuser is charged with a crime. In this case, it is the state that has brought the case against the abuser. The abuser is ordered to stay away from the victim as a condition of the offender's bail. Additionally, if the offender is sentenced for this crime, the no contact order may become part of the offender's sentence.</p> |
| <p>How to obtain</p> | <p>The victim can file for a PFA by filing in the Family Court in his/her county. There are advocates available at the Court to assist the victim.</p> | <p>This process is initiated by filing a report with law enforcement.</p> |
| <p>What does it do?</p> | <p>Depending on the circumstances a PFA can order the abuser to do all or some of the following:</p> <ul style="list-style-type: none"> • Stay away and/or stop contacting the victim • Stop threatening/abusing the victim (or his or her minor children) • Pay child and/or spousal support • Pay other expenses • Surrender any and all firearms • Attend counseling • Not destroy, sell or conceal joint property | <p>In a criminal no contact order, the abuser is precluded from having any contact or communication with the victim.</p> |

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| | <p>A commissioner or judge may also grant:</p> <ul style="list-style-type: none"> • Exclusive use of the home and/or certain possessions (like a vehicle) • Temporary custody/visitation of children | |
| How long does it last? | <p>Most long-term orders are issued after a court hearing for up to a year. However, if it is necessary to prevent further acts of Domestic Violence an order may be issued for 2 years and where there is aggravating circumstances a permanent order can be issued.</p> | <p>The no contact order will be in place as long as the charges are still pending against the offender. If the offender is sentenced on the charges and the no contact order is made a part of the offender's sentence, the no contact order will be in place as long as the offender is still serving the sentence, whether that is incarceration or parole/probation.</p> |
| Is there a fee? | No. | No. |
| For Additional Information | <p><u>Court Information:</u></p> <p>Domestic Violence Advocacy Centers</p> <p>New Castle County: 302-255-0420</p> <p>Kent County: 302-672-1075</p> <p>Sussex County: 302-856-5843</p> | <p><u>Attorney General's Office:</u></p> <p>Victim Witness Services Unit/Case Notification</p> <p>New Castle County: 302-577-8500</p> <p>Kent County: 302-739-4211</p> <p>Sussex County: 302-856-5353</p> |