

## Advocacy

Victim advocates assist victims of crime by providing emotional support, offering information including victims' rights, and helping victims find resources. Advocates can provide support on the hotline as well as accompaniment to hospitals, police interviews, and court proceedings.

Advocates are committed to ensuring the following rights are afforded to victims:

### **VICTIMS' RIGHTS**

*Pennsylvania's Victims' Bill of Rights per Act 155 of 1992; Basic Bill of Rights for Victims; Section 479.3*

- To receive information concerning available services for victims;
- To be notified of certain significant actions and proceedings pertaining to your case;
- To be accompanied at all public criminal proceeding by a victim advocate, family member or another person;
- In cases involving personal injury crimes, burglary, and crimes relating to driving under the influence which involved bodily injury, the victim may offer prior comment on the potential reduction or dropping of any charge or changing of a plea;
- To offer prior comment on the sentencing of a defendant to include the submission of a written and/or oral victim impact statement;
- To be restored, to the extent possible, to the pre-crime economic status through restitution, compensation, and the return of property;
- In personal injury crimes where the offender is sentenced to a state correctional facility, to be given the opportunity to provide prior comment on and to receive state post sentencing release decisions (work release, parole, pardon, or community treatment center placement) and to be provided immediate notice of escape of the offender;
- In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of release of the offender (including work release, furlough, parole, community treatment center placement) and to be provided with immediate notice of the escape of the offender;
- Where the offender is subject to a PFA order and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, to receive immediate notice of the release of the offender on bail;
- To receive notice when an offender is committed to a mental health facility from a state correctional institution and of the discharge, transfer, or escape of the offender from the mental health facility;
- To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Crime Victim's Compensation Program.

### **The Advocate's Basic Responsibilities to the Victim/Survivor**

- To serve as a liaison between the survivor and systems.
- To facilitate the survivor's decision making.
- To inform the survivor of his/her rights.
- To prepare the survivor by providing the necessary information.
- To accompany the survivor as he/she moves through systems.
- To inform the survivor of other services available.
- To document services provided according to program requirements.
- To reach out for assistance and support when necessary.
- To protect victim's right to confidentiality and privacy when seeking safety.

### **Traits of the Effective Advocate**

*Empathy:* perceive accurately and communicate

*Respectful:* exhibit appreciation for worth of the survivor, her/his experiences, and behavior

*Warm:* exhibit care and concern

*Genuine:* being real with the focus on the survivor

*Concrete:* be specific, clear, providing information in understandable terms

*Sensitive to Cultural Factors, Social Conditions, and Personal Identities:* awareness of cultural background without making assumptions based on generalizations or stereotypes

*Potent:* be convincing, dynamic; help the victim feel safe

### Hotline Advocacy

- Respond to the caller in a welcoming tone. Convey warmth and concern.
- Treat every caller with respect.
- Allow the caller to express her/his needs and reason for calling your hotline.
- Speak slowly and calmly, even if the caller is speaking rapidly.
- Inquire about the caller's safety. If the caller feels unsafe, help identify means of establishing safety. If the caller identifies the need to seek assistance from the police or medical treatment, be sure to offer accompaniment as a means of support.
- Focus on feelings first.
- Ask open-ended questions.
- Echo the caller's expressions of feelings to convey your understanding.
- Use the same language or terms the caller uses to describe sexual activity or body parts.
- Listen for pauses, sighs, hesitations, changes in pitch or speed that could indicate the caller is re-experiencing something associated with the victimization.
- If you don't know the answer to a caller's question, admit that you don't know and assure her/him that you will find the answer to her/his question.
- Do not assume the offender was of the opposite sex.
- Recognize how your own life/cultural experiences may impact on your ability to handle the call.
- Empower caller to identify choices.
- Promote a relationship with the agency rather than yourself. Someone else may answer the call the next time.
- Educate the caller about the services your center offers. Invite the caller to access them.
- Obtain the caller's permission to have someone from the center contact them. Note any stipulations that the caller expresses in regards to follow-up calls.

### Medical Advocacy

- Introduce yourself as the advocate from the Rape Crisis Center and ask if you may meet with the victim. Ask for a private room if possible. Always ask the victim if there is someone s/he would like you to call. Explain to the victim who you are and why you are there.
- When meeting with the victim, explain the procedure that will take place and the reasoning for it. For example: The doctor and nurse will gather evidence from all parts of your body using a carefully documented procedure called an evidence collection or rape kit. This gathering of evidence is not a typical gynecology exam; it will include the pulling of hairs, the swabbing of orifices, scraping of nails, and blood samples. In addition, the police will take your clothes. All of the evidence gathered will be sent to a lab for analysis. Similar evidence will be gathered from the assailant, if he is found. The evidence will be used in court to support your testimony about what happened.
- Stay with the victim while she waits to be seen by medical personnel. Ask the victim if he/she would like you to be present during the exam.
- If the advocate has accompanied the victim to the hospital, ask her if s/he would like to have you present during the physical exam.
- After the exam, talk to the victim about what s/he will do now.
- Is there a plan in place to ensure that s/he will be safe (or feel safe)? Explain what will happen in the next few days, both in regard to the police investigation and the emotional response of the victim.
- Offer the ongoing support of the rape crisis center and make sure the victim knows how to reach you or another advocate. Provide a brochure or business card.
- Ask the victim if you can call her the next day to make sure s/he is okay.

### Law Enforcement/Legal Advocacy

- Encourage the victim to share everything s/he remembers with the investigating officer. Sometimes, victims will be afraid to acknowledge that they had been drinking, or that they had consensual sex with the assailant in the past, or other issues that they may be uncomfortable talking to the police about. However, if a victim has made the choice to proceed with a police investigation and eventual prosecution, it is important that s/he be encouraged and supported in providing all of the information she has to the investigating officer.
- Check in periodically with the victim to make sure s/he knows what is going on with the case.
- Check in with the investigating officer or district attorney's office to determine if the victim needs to meet with them.
- Accompany the victim to appointments with the police or court appearances.
- Make sure that the victim knows what to expect at each meeting (i.e., s/he will have to testify before a judge at a preliminary hearing, s/he will be asked to look at a lineup of suspects at the police department, etc.
- Follow protocol in all circumstances. If there is a problem with a police officer or court personnel, follow the agreed upon grievance process
- After the case is settled, continue to follow-up with the victim. Many victims report feeling supported through the court procedure.

Refer to pg10-  
'Preparing a  
Victim to  
Testify'

### Police Procedures

To better understand the procedures of The Crime Victims' Center of Chester County, Inc. as they involve the police, one must understand the relationship between the two. Both are mutually interested in the welfare of the victim; only through their cooperation can the victim receive maximum benefit.

By the very nature of their job, the police must know the details of any crime committed. They must ask specific, and often difficult, questions which are most personal. Quite different from the primary job of the police, the foremost objective of the CVC staff member/volunteer is to provide the victim with warm, informed support. He/she must do so without interfering with the work of the police. Unless a cooperative attitude is maintained with the police, the officer may dismiss the CVC representative from the victim's side during the interrogation. The staff member/volunteer's interaction with the police becomes rather crucial; she/he walks a thin line between maintaining a cooperative attitude with the police and being aware of the victim's rights.

There are two places where a staff member/volunteer will encounter the police on a rape case: at the hospital and at the police station. There are certain things to remember if you arrive at the hospital to meet a victim:

- At most hospitals, the police will have been called automatically. A victim has the right to choose, at the time, whether or not he/she wants to speak with the police. Discuss with the victim the possible ramifications of each decision.
- Assure the victim that the CVC staff/volunteer is allowed to remain in the room during the police interrogation and the medical exam if he/she chooses.
- Remember that the CVC staff/volunteer is a warm, informed, attentive, nonjudgmental bystander. **DO NOT** discuss the victim's credibility or lack of credibility with anyone at the scene. The police may ask the CVC staff/volunteer whether or not she/he thinks the victim has really been raped.
- Remember that your job is not to replace the police, but rather to aid them by providing support to the victim. It is not our role to ask the victim questions about the events that occurred.
- The overall role of the police at the hospital is that of officers investigating a crime with particular reference to (1) protection of the chain of evidence and (2) contact with potential witnesses.

At the police station, there are several major points to remember:

- DO NOT ask the victims any questions for the police investigator. Leave all questioning to the police personnel. To behave in any other manner only leaves the CVC staff/volunteer in a precarious position as a possible witness in court. (Again, remember that the volunteer's role is to provide personal, emotional support only. Leave all the questions, typing, etc. to the police).
- If it all possible, remain with the victim during the entire interview. Emphasize to the victim that if he/she does not know an answer to a question, he/she should indicate that to the police.
- The police should attempt to provide an objective, yet sensitive, sympathetic environment when questioning the victim. She/he has just undergone an intensely traumatic experience which confronts delicate issues that require delicate treatment. If the police appear insensitive in their questioning, the volunteer might tactfully point out what the victim may be feeling at the time.
- If the victim chooses to cooperate with the police, be sure either that his/her statement is provided at the time of questioning and/or that specific arrangements are made for his/her statement to be given the following day. Try to arrange to have someone from CVC present when his/her statement is given. **CVC staff/volunteers should NEVER sign the statement as a witness.**
- Occasionally the police will forget to ask the victim some pertinent question that is important in establishing a strong judicial case, e.g. "Where are the clothes you had on at the time of the attack?" Should this type of situation occur, the CVC staff/volunteer should take the police aside and tactfully mention that it might be important to ask the forgotten question.
- If you feel the behavior of the police is offensive or that they are asking improper questions of the victim, e.g. "Did you enjoy it?", the volunteer is to report such police behavior to the Direct Service Coordinator.
- In situations where the victim is too traumatized to go to the police station or too distant from the local police station, an alternative method to complete questions is for the police to meet the CVC staff/volunteer at the CVC office.
- CVC discourages volunteers from transporting victims in the volunteer's vehicles. This is done to avoid any potential legal complications. Alternative methods should be used, e.g. a volunteer may accompany the victim in a police car.



## TYPICAL DUTIES OF THE OFFICERS

### INVESTIGATING A SEXUAL ASSAULT

#### Dispatcher

1. Determine if the victim is in a safe place.
2. Advise victim to remain there until police arrive.
3. Tell victim not to clean up, change clothes, bathe, douche, smoke or eat so that evidence is not destroyed.
4. Inform victim of services available from rape crisis center.

#### Initial Investigating Officer(s)

1. Gather evidence for possible prosecution. If two officers are present, one will be responsible for preserving the crime scene and gathering evidence while the other officer deals with the victim.
2. Obtain basic facts
  - Write what happened in own words instead of directly quoting the victim.
  - Ask for name and address of assailant, if known, or description of suspect.
  - Obtain exact time and location of the assault.
  - File individual reports if there is more than one officer.
3. Advise the victim to undergo a medical examination to:
  - Determine and treat all injuries.
  - Care for emotional and physical needs.
  - Obtain evidence for possible prosecution.
4. Put out an all points bulletin on the assailant.
5. Determine if the clothing is needed for evidence and advise victim to bring change of clothes.
6. Transport victim to hospital.
7. Determine if photos are needed before victim changes clothes.
8. Advise the victim that signing consent forms for a medical examination and release of evidence to police does not obligate her/him to prosecute.
9. Remain outside of the examining room during a forensic exam.
10. Ask the victim to be available the next day for an interview with a detective.
11. Make sure that the victim has transportation home.

## PROCEDURE FOR PROSECUTION

1. The victim meets with the police, at the hospital, at home, or the police station, and provides the basic information, such as description of the assailant and the time, place, and nature of the assault. If the victim is not at the hospital, it is advisable for her/him to be taken there.
2. The police will question the victim again, in more detail, and usually at police headquarters. If the victim decides to press charges, s/he will make a statement, read and verify its contents, and sign it.
3. The police will swear out a written complaint. If the police choose not to file a complaint, the victim may file a private complaint.
4. Once the complaint is approved, a warrant of arrest is issued.
5. A preliminary arraignment is scheduled as soon as possible after an arrest is made. At this time, a district justice informs the assailant of the charges, of right to council, and of the amount of jail. A public defender is available if the assailant needs an attorney. A representative of the DA's office may or may not be present.
6. Within three to ten days after the arraignment, a preliminary hearing is scheduled, usually before a district justice/magistrate. This hearing is to determine if there is sufficient evidence to establish that the defendant has committed the crime. This is called a prima facie case. The district attorney's office represents the Commonwealth of Pennsylvania, with the victim being its primary witness to the crime. The victim will testify and will likely be cross-examined by the public defender or attorney representing the defendant. If probable cause, a prima facie case, is determined, the case will be bound over for court. If not, the charges are dismissed and the defendant is released. If held for court, the defendant's bail may be changed.
7. The defendant appears before a judge and pleads guilty or not guilty. If the defendant pleads guilty, a trial is not scheduled and a date is set for sentencing. Otherwise, a trial date is set. The defendant chooses trial by judge or trial by jury.
8. Pre-trial proceedings are held, wherein the prosecution and defense try to exclude or disallow certain pieces of evidence, or to request an extension or continuance of the trial. This proceeding does not always occur.
9. All attempts are made to have the trial within 365 days from the date when the criminal complaint/report was made. The victim, as a witness for the State, will receive a subpoena to appear in court. Each of the respective witnesses will testify—the victim, the police officer, the examining physician or SAFE, and any other witnesses. The defendant may or may not testify and usually does not. Both the district attorney and defense counsel cross-examine each witness. Each attorney will then make a summation to the jury, who will then be charged by the judge and the law applicable to the case explained. The jury must then decide beyond a "reasonable doubt" if the defendant is guilty.

## CRIMINAL JUSTICE SYSTEM

The reporting of a crime, the legal process and participation in a trial are bewildering and frightening prospects for a victim of sexual violence. Possible myths and stereotypes about police, lawyers, and judges may be a major barrier to involvement in the criminal justice system, as well as fear of confronting the assailant. Additionally, participation means remembering, reliving and retelling, over and over, the details of the victimization. The sexual assault counselor, and the rape crisis center, must be aware of the workings of the criminal justice system and their roles vis-à-vis these systems, if they are to advocate and assist a victim through the criminal justice process.

### At The Preliminary Hearing

Prior to the preliminary hearing, the victim often has some doubts about the ability to proceed with the prosecution. The victim may feel stronger if the advocate is present to provide support. This may be the first time the victim has seen the rapist since the assault which may be an extremely difficult experience without the support of family or friends. The advocate can also help relieve anxiety by explaining court procedures.

If family members are present, the victim may request that they remain outside during testimony due to the delicateness of the subject matter. If possible a second advocate could remain with the family.

### With The District Attorney

The victim, being unfamiliar with legal procedures, does not know what to expect, and may be reluctant to repeat the details of the sexual assault. If an advocate is present, the victim may feel more at ease in developing a rapport with the DA. This support is extremely helpful for the victim and can strengthen the testimony of the victim.

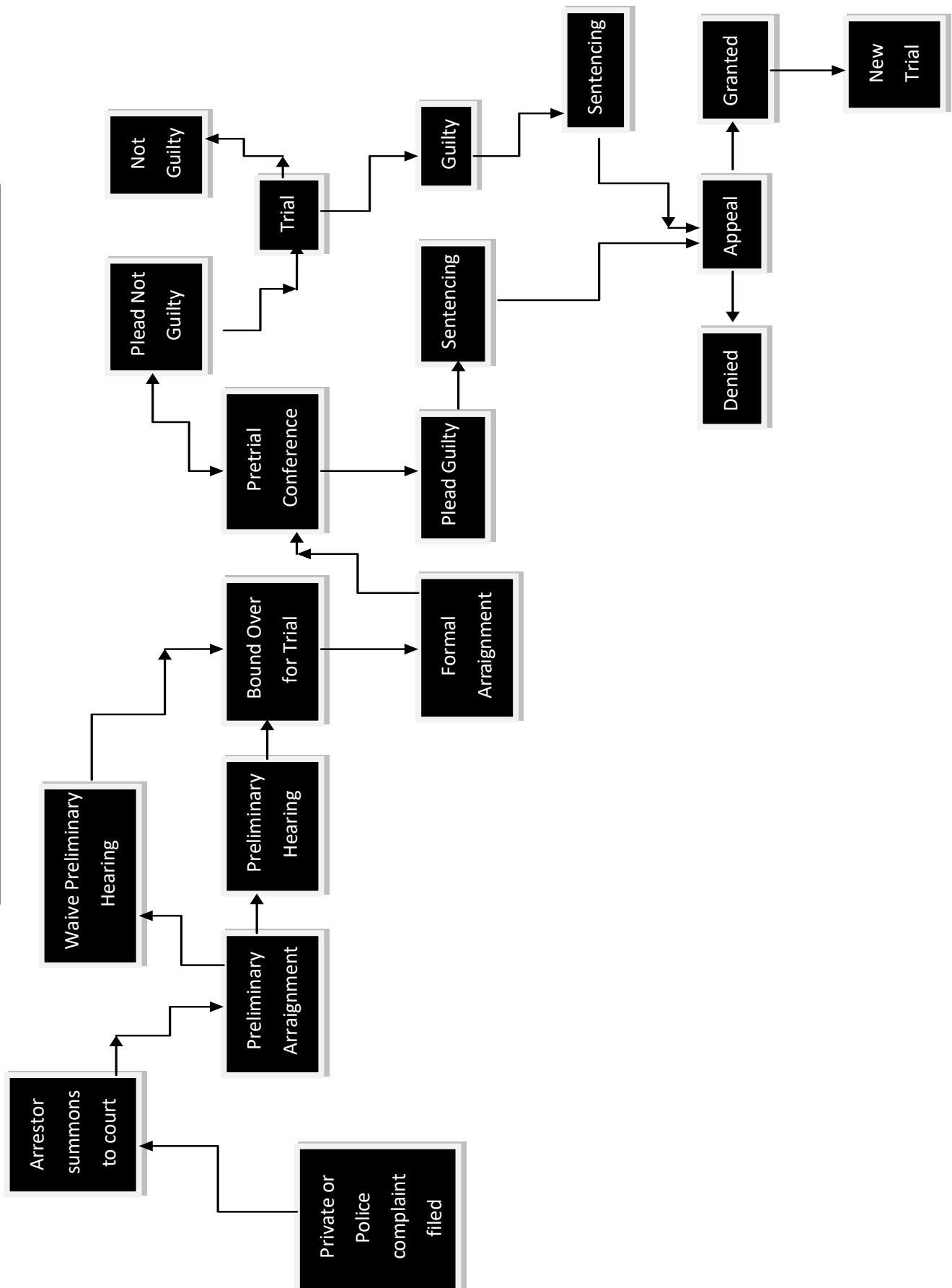
Before the interview, the advocate can reassure the victim and discuss the types of questions the DA will ask. The victim should be reminded to be totally truthful and not to hold back any information even if the information is embarrassing or seems insignificant.

## DURING THE TRIAL

Most people have never been in a courtroom; they do not know who sits where and what is expected of them during the trial. The counselor will explain what will likely occur, who is usually present, who will prosecute the case, and the possibility of a guilty or not guilty verdict. In many courtrooms, the advocate is permitted to sit with the victim throughout the trial.

Most importantly, the victim needs to understand that, regardless of the outcome of the trial, s/he is still believed by the counselor.



**CRIMINAL JUSTICE FLOW CHART**

**Basic Information for Preparing a Victim/Witness to Testify in Court**

Prior to taking the witness stand, the ADA and/or Victim Advocate should review the following with the victim/witness:

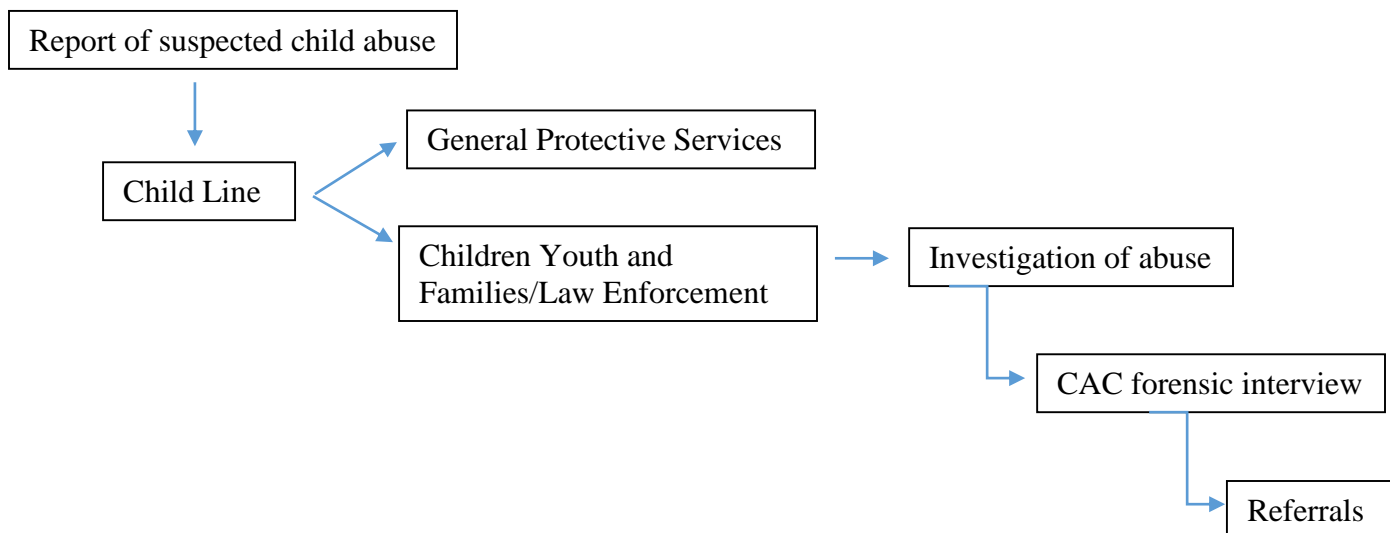
- 1) The witness should be encouraged to speak slowly, clearly, concisely, and assertively.
- 2) The witness should be encouraged to look at the person they are being addressed by. The victim may have to identify the defendant, but he/she does not have to continue to look at that person.
- 3) The ADA asks questions first, followed by the defense attorney.
- 4) If the victim does not know the answer, he/she should say "I don't know."
- 5) Victims can ask to have questions repeated.
- 6) Inform the witness that when the defense attorney is asking the questions, it is always a good idea to pause before responding. This give the witness time to make sure they understand the question and the ADA time to object if the question is inappropriate.
- 7) Wait for the judge to rule after an objection is made.
- 8) If a defense attorney's question can be answered "yes" or "no," the victim should answer "yes" or "no" without adding additional information.
- 9) Explain sequestration to the victims/witnesses. Sequestration generally means that witnesses cannot hear the testimony of other witnesses.
- 10) The witnesses are to be informed that most hearings and trials are public and that there may be people in the courtroom when they testify. This may include court personnel, the defendant's family members and friends, and newspaper reporters.
- 11) All witnesses should dress neatly and conservatively.
- 12) Most importantly, victims/witnesses are to be reminded to simply tell the truth!

## Victims of Juvenile Offenders (VOJO)

The VOJO project promotes the rights and services to victims in the juvenile justice system. *(notification, accompaniment, assistance with victim impact statements and crime victims compensation assistance)*

## Children's Advocacy Center (CAC)

Located on the 4<sup>th</sup> floor of the Justice Center



The Chester County Children's Advocacy Center is a child-focused program in which law enforcement, specially trained child interviewers and advocates work together to conduct joint forensic interviews.

There is typically one advocate for the parent/guardian of the child, and one advocate for the child. The child is taken to a private room for a forensic interview with a specially trained detective. The child will tell their story to the interviewer.

The recorded evidence is submitted to the proper law enforcement jurisdiction to analyze evidence and decide if charges will be filed. Advocates make medical, legal, or counseling referrals.

## Protection From Abuse (PFA) Procedures

Protection From Abuse (PFA): an order to a defendant to stop abusing a victim. (civil)  
Violation will subject the defendant to criminal contempt charges. (criminal)

### WHAT IS ABUSE?

Under the Protection From Abuse Act, abuse is defined as any of the following:

- Attempting to, intentionally or recklessly causing bodily injury, rape, spousal sexual assault or nonconsensual intercourse with or without a deadly weapon.
- Placing another, by physical threat, in fear of imminent serious bodily injury.
- False imprisonment.
- Physically or sexually abusing minor children.
- Stalking a person and placing that person in reasonable fear of bodily injury.

\* The Act does not cover emotional, verbal or mental abuse.

### FOR VICTIMS WISHING TO OBTAIN A PFA:

If there is abuse going on immediately or the victim is in an emergency situation, they should call 911 or their local police department.

If they are a victim and believe they are at imminent risk of being abused, they may be eligible to receive an emergency PFA. Explain the process/eligibility criteria to the client (see next page)

### For an Emergency PFA (after 9:00 a.m. – 5:00 p.m. business hours):

Call the Radio Room (610-692-5100)

Ask who the District Justice (DJ) on-call is

Ask what his/her window hours are, and where they are located that night

Call the DJ on-call and explain who you have coming in for an emergency PFA

Call the victim and tell them:

- The window hours and which DJ they have to go to
- Explain that you can meet them there for support
- How to file for a temporary PFA once the Emergency Order is granted
- A PFA that is issued after hours (usually an emergency order) is valid until the end of the next business day. An advocate can accompany the victim to court to receive a temporary order on the next business day; volunteers should notify CVC staff if this is the case.
- After filing a petition for protection from abuse, a judge will review the case to determine if a temporary protection order should or should not be granted. If the judge believes a Temporary Order should be issued, he/she will issue a temporary protection order. All cases will then be scheduled before a judge in the Chester County Justice Center within 10 days.
- A defendant can “not agree” with the PFA and then a small trial will be held.



NOTE: It is CVC policy that staff/volunteers do not transport victims. If the victim is having difficulties getting to the district justice, they can contact their local police department and they may transport them (this is not a guarantee). If questions or problems arise, contact the staff person or supervisor on call.

## **FREQUENTLY ASKED QUESTIONS**

### **WHO CAN GET A PFA?**

Anyone who is physically abused by a current or former family or household member.

Persons who:

- Are, or were married to one another
- Are living, or have lived together as spouses (common-law marriage)
- Are parents or children
- Are related by blood or marriage
- Are or have been sexual or intimate partners; or
- Have a child together
- If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child.

### **WHAT RELIEF CAN A PFA PROVIDE?**

- Direct the person to stop abusing, threatening, or harassing the victim
- Evict or exclude the abuser from the home of the victim
- Give temporary custody of the children to the abused parent
- Deny visitation, put limitations on visitation, or allow only supervised visitation to the abuser
- Direct the abuser not to contact the victim at home, work, or school
- Direct the abuser not to harass the victim's relatives
- Order the abuser to surrender weapons
- Order any other relief the court deems appropriate, such as restitution

### **HOW LONG CAN A PFA LAST?**

- An emergency order lasts until the end of the next business day (for example, an emergency order issued on Friday night will last until the close of business on Monday)
- A temporary order lasts until the hearing for the Final Order is held.
- A Final Protection can last up to 3 years.

**HOW MUCH DOES A PFA COST?**

- NO cost to the victim and an attorney is provided
- However, if the plaintiff withdraws the petition, they would have to pay around \$200.00
- There are costs that must be eventually paid when you file a protection from abuse order with the court. **You will not have to pay any fees at the time of filing.** However, at the time of the hearing the court will order either the alleged assailant to pay the costs, you pay the costs, the costs to be split by both parties. If you are successful and the court grants you the protection from abuse order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing your case will be dismissed and the court will hold you responsible for all costs.

Prothonotary filing fee: \$161.00 (as of 4/2/12)

Sheriff Service Fees: Contact the Prothonotary for details.

\*Fees may be subject to change.

At the time of the hearing the judge will assess what the costs are. If you are held responsible for the costs, you must pay the Prothonotary with the order of costs form. The Prothonotary's Office is located on the first floor of the Chester County Justice Center at 201 W. Market Street in West Chester, PA. If the judge permits, you may also mail your payment by check or money order to:

The Office of the Prothonotary  
201 West Market Street  
Suite 1425, P.O. Box 2746  
West Chester, PA 19380-0989

The Sheriff's fees must be paid at the Sheriff's Office, in the Justice Center, at 201 W. Market Street, West Chester, PA. Again, if the judge permits, you may mail your Sheriff's payment to:

201 W. Market Street  
Suite 1201, P.O. Box 2746  
West Chester, PA 19380-0989

\* Credit cards and debit cards are not accepted.

**What happens if a defendant violates the Protection Order?**

- The Victim should call the police
- The defendant will be fined up to \$1,000.00 and/or incarcerated for up to 6 months

**HOW AND WHERE CAN I FILE FOR A PROTECTION ORDER? (NON-EMERGENCY)**

If you are represented by counsel in any domestic relations matter (i.e. divorce, custody, support), you should contact your attorney for legal advice. However, if you do not have a lawyer, you must appear in person at the Chester County Justice Center, Family Court Administration Office, 201 West Market Street, 4th Floor, Suite 4100, West Chester, PA 19380-0989. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is needed. The PFA Coordinator may not give you legal advice.

You must be abused (read definition above) in order to qualify for the PFA. The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PFA Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf.

You may call Family Court for an appointment. You may also call CVC and an advocate can assist you with making the appointment and accompany you through the process.

\*Protection orders can be filed Monday through Friday (8:30 a.m. – 2:00 p.m.)

\*\* Please take into consideration that the filing procedure for the protection from abuse order is a lengthy process lasting anywhere between 2-3 hours. For this reason no petitions for protection orders may be started later than 2:00 p.m. Any later and the party runs a risk of the court closing before completing the procedure.

### **WHAT SHOULD I BRING WITH ME WHEN I GO TO FILE FOR A PROTECTION FROM ABUSE ORDER?**

Please come prepared with the following information:

- names (all persons and parties)
- date of birth (all persons and parties)
- social security numbers (all persons and parties)
- address where the person may be found (including places that they frequent)
- any documentation relating to the case (ie. medical reports, police reports, or photographs)
- photograph of alleged assailant
- vehicle make, model, style, and license plate number of alleged assailant
- photograph of alleged injury from the assault

\* Because the Justice Center does not have a day care program available, unless your minor child is the victim of the alleged abuse, please make appropriate child care arrangements to leave the child at home. If that is not possible, please bring someone to watch them while you are being assisted.

### **HOW IS THE ALLEGED ASSAILANT NOTIFIED OF THE TEMPORARY PROTECTION FROM ABUSE ORDER?**

The alleged assailant must be served with notice of the temporary protection order and the hearing date. The sheriff's department or a local law enforcement agency will serve the court order on the alleged assailant. Once the alleged assailant is served, he/she can be arrested if there is another assault in violation of the terms of the court order.

**WILL MY PROTECTION ORDER BE ENFORCED IN ANOTHER COUNTY OR STATE?**

In most cases, yes.

The Pennsylvania State Police maintains a registry of all protection from abuse orders issued throughout the Commonwealth of Pennsylvania. Most out of state courts will enforce a valid protection order that is issued and properly filed in another state.

**WHAT IF THE ALLEGED ASSAILANT VIOLATES THE ORDER?**

You should immediately call the police and report the violation. A police officer may arrest the alleged assailant, even if he/she does not witness the abuse. An alleged assailant charged with the contempt of a protection order can face criminal charges for the acts committed that were in violation of the order. After a hearing, the court may find the alleged assailant in contempt and sentence him/her to prison for up to six months and/or fined up to \$1,000 under Pennsylvania law.

**WHAT IF I WANT TO LIVE WITH THE ALLEGED ASSAILANT AFTER RECEIVING A FINAL PROTECTION FROM ABUSE ORDER?**

Any provision that an alleged assailant must not abuse the victim(s) remains in effect even if the parties are living together. However, either you or the alleged assailant should file papers with the court asking the court to change the terms of the order to read that the alleged assailant may live with the alleged abused victim, but still must not abuse the victim(s). Failing to change the order may result in the alleged assailant being arrested and charged with contempt. Please speak with your attorney to file the appropriate paperwork.

**HOW CAN I GET A COPY OF MY PFA ORDER?**

All civil matters, including your PFA, get filed in the Chester County Office of the Prothonotary, located on the first floor of the Justice Center at 201 W. Market Street in West Chester, PA. You may go in person and request your copies.

**HOW CAN I FIND A LAWYER?**

Chester County Lawyer Referral Service, Chester County Bar Association (610) 429-1500

Chester County Legal Aid (222 N Walnut St. #2, West Chester, PA 19380) (610) 436-4510



PFA

## Protection from Abuse Order

PFA's are appropriate when there are cases of physical, sexual, or psychological abuse where the victim and defendant have these types of relationships:

- ✓ Current or former spouses
- ✓ People who live or have lived as spouses
- ✓ Current or former intimate or sexual partners
- ✓ Family and/or household members who are related by blood (consanguinity)
- ✓ Family and/or household members who are related through marriage or affinity
- ✓ Parent-child
- ✓ Siblings

PFA's can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult\* must file on the minor's behalf.

SVPO

## Sexual Violence Protection Order

SVPO's are appropriate in cases of sexual violence\* where the victim and perpetrator do not have and have never had a family, household, or intimate partner relationship. For example, SVPO's may be granted when the victim and the defendant have these types of relationships:

- ✓ Strangers
- ✓ Acquaintances
- ✓ Friends
- ✓ Co-workers
- ✓ Neighbors

SVPO's can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult\*\* must file on the minor's behalf.

PFI

## Protection from Intimidation Order

PFI's are appropriate in cases of harassment\* and stalking\* where the victim and the perpetrator do not have and have never had a family, household, or intimate partner relationship AND the victim is under the age of 18 AND the defendant is over the age of 18. PFIs cannot be granted in cases involving two minors, two adults, or where a minor is harassing or stalking an adult.

PFIs can be filed regardless of the ages of the parties involved. However, if the victim is under the age of 18, an adult\*\* must file on the minor's behalf.

\* As defined by Title 18 of the Criminal Code

\*\* In order for an adult to file on a minor's behalf, the adult must be a parent, legal guardian, or adult household member.

## Ethics

- ▶ The discipline dealing with what is right and wrong and within moral duty and obligation
- ▶ The principles of conduct governing an individual or group
- ▶ Ethics are the foundation of our work with clients, colleagues, and the community.
- ▶ Professional ethics ensure that clients receive the best possible services from us.

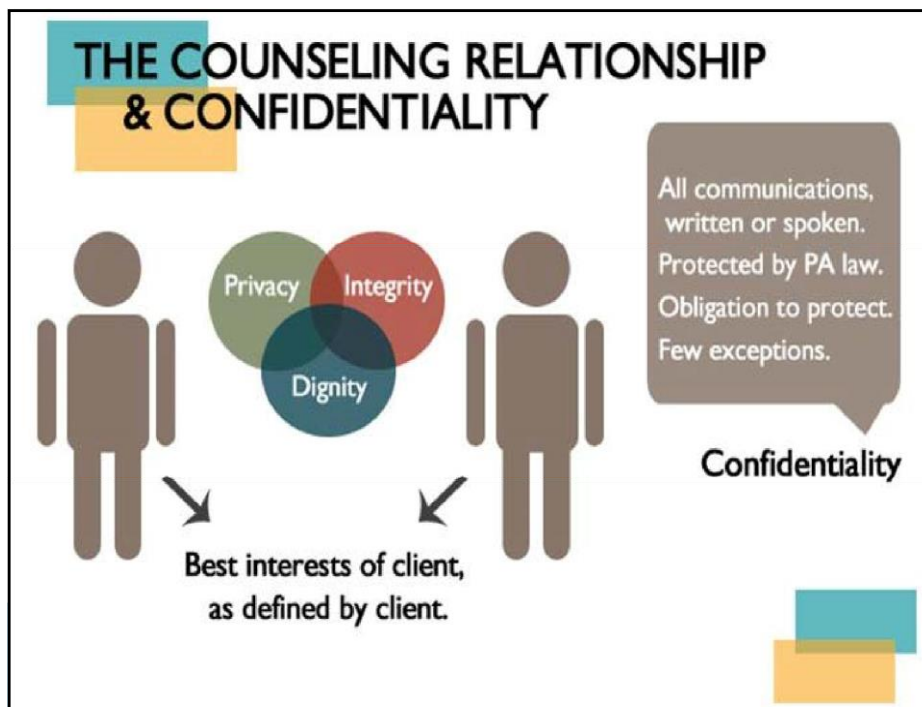
### Resolving Ethical Dilemmas...

- ▶ Know thyself.
- ▶ Assess the facts of the ethical dilemma.
- ▶ Identify the relevant ethical principles at play.
- ▶ Assess the practical concerns that impact the decision-making process.
- ▶ Consider all possible courses of action.
- ▶ Consider the consequences of all possible courses of action. Which option does the least harm to the client?
- ▶ Consult with peers and supervisors.

## BOUNDARIES

Boundaries make it possible for us to safely venture into relationships of trust and vulnerability.

**By keeping the client-advocate boundary intact, we can assure the client of our confidentiality and professional responsibility.** They can put their trust in us as a professional.



### The client retains:

- All basic civil rights in the counseling relationship.
- The right not to be discriminated against in the provision of services.
- The right of access to any record of communication between the sexual assault counselor and the client.
- The right to release confidential information and records and have that right protected.
- The right to know any and all exceptions to the confidentiality privilege, including the fact that a counselor is a mandated reporter of child abuse.
- The right to information about the complete range of options available regarding reproductive choice.
- The right to appeal a change, adjustment, or termination of services.
- The privilege of confidentiality.

## WHEN HELPING BECOMES HARMFUL

### WARNING SIGNS

It is much easier to avoid boundary problems with a client by recognizing warning signs in advance, rather than finding yourself in boundary trouble after it has occurred. The following is a list of feelings/behaviors within a worker/client relationship that should be considered indicators to the possibility of boundary problems. Some warning signs are clearly problems (Red Flags), while others (Gray Flags) are more subtle.

### GRAY FLAGS

These feelings/behaviors may not always be inappropriate, but the helper needs to be aware of the potential for serious boundary violations. The helper must be aware of his/her own feelings and why s/he is feeling or behaving in a certain way. Self-examination is a constant process one needs to engage in as a helper.

- Frequently allowing sessions to run long with a client.
- Accepting calls at all hours from a client, without setting limits
- Over-identification with a client—assuming a client's pain/happiness/anger.
- Feeling angry at, manipulated by, and/or resentful toward a client.
- Wearing an outfit a client said s/he likes, in anticipation of seeing the client.
- Frequently thinking of the client throughout the day/night; often feeling compelled to discuss the client with co-workers and others.
- Feeling emotional in response to a client's anger or disapproval.
- "Showing up" at places, meetings, etc., knowing in advance the client will be there.
- Sharing personal details of your life that don't directly benefit the client.
- Feeling afraid of a client.
- Allowing a client to violate pre-established guidelines of the helping relationship, while other clients are not permitted to do so.
- Wanting to punish a client.



## RED FLAGS

These are major violations of boundaries. The relationship has moved towards serving the interests of the helper rather than those of the client. When these feelings are acted out by the helper, s/he has committed a boundary violation.

- Thinking you are the only one who understands the client, and nobody else can help him/her as much as you can.
- Attending social functions at the client's request.
- Inviting the client to attend social functions with you.
- Reluctance to terminate with a client when termination is appropriate.
- Volunteer counselors placing themselves in the role of therapist.
- Seeking advice or comfort from a client.
- Performing tasks for a client that are more appropriate for the client to do, thus fostering greater client dependence.
- Thinking the client is the only one who understands you.
- Specifically scheduling a client at times you know there will be nobody else in the office.
- Using the worker-client relationship in any way as a means of fulfilling your own emotional needs or wishes.
- Considering another role with the client—friend, co-worker, employee of the client.
- Complaining to a client about your co-workers, supervisor, or working environment.
- Failing to honor or respect a client's personal space.
- Touching/hugging a client without her/his expressed consent, or when non-verbal communication indicates s/he does not wish to be hugged or touched.
- Feeling sexually attracted to a client.
- Feeling sexually aroused in response to a client's description of a sexually (or other) abusive incident.
- Holding a client, not as much out of the client's need to be held, but out of the worker's need to hold him/her.
- Drinking or taking drugs with the client.
- Having any form of sexualized contact with the client.

## GUIDELINES FOR THOSE WHO FEEL THEY ARE AT RISK OF VIOLATION

1. If you have not had adequate supervision, please seek supervision immediately.
2. Have you explored why you are having problems with this client?
3. Following supervision and self-examination, is it in the client's best interest for you to continue as the helper?
4. Remember, a good helper is one who knows her/his limitations. Understand you may not be effective with every client. It is not a sign of failure, but of wisdom.



## Confidential Communications to Sexual Assault Counselors

<b>Confidential communications</b>	All information, oral, or written, transmitted between a victim of sexual assault and a sexual assault counselor in the course of their relationship, including, but not limited to, any advice, reports, statistical data, memoranda, working papers, records, or the like, given or made during the relationship, including matters transmitted between the sexual assault counselor and the victim through the use of an interpreter.
<b>Co-participant</b>	A victim participating in group counseling.
<b>Interpreter</b>	A person who translates communication between a sexual assault counselor and a victim through the use of sign language, visual, oral, or written translation.
<b>Rape crisis center</b>	Any office, institution, or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal accompaniment, and follow-up counseling.
<b>Sexual assault counselor</b>	A person who is engaged in any office, institution, or center defined as a rape crisis center under this section, who has undergone 40 hours of sexual assault training and is under the control of a direct service supervisors of a rape crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault.
<b>Victim</b>	A person who consults a sexual assault counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by a sexual assault. The term shall also include those persons who have a significant relationship with a victim of sexual assault and who seek advice, counseling, or assistance from a sexual assault counselor concerning a mental, physical, or emotional condition caused or reasonably believed to be caused by a sexual assault of a victim.

**Privilege—**

1. No sexual assault counselor or an interpreter translating the communication between a sexual assault counselor and a victim may, without the written consent of the victim, disclose the victim's confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.
2. No co-participant who is present during counseling may disclose a victim's confidential communication made during the counseling session nor consent to be examined in any civil or criminal proceeding without the written consent of the victim.

## Rape Shield Statute

### 18 PA C.S. § 3104. EVIDENCE OF VICTIM'S SEXUAL CONDUCT

(a) General rule.--Evidence of specific instances of the alleged victim's past sexual conduct, past sexual victimization, allegations of past sexual victimization, opinion evidence of the alleged victim's past sexual conduct, and reputation evidence of the alleged victim's past sexual conduct shall not be admissible in prosecutions of any offense listed in subsection (c) except evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

(b) Evidentiary proceedings.--A defendant who proposes to offer evidence of the alleged victim's past sexual conduct, past sexual victimization, allegations of past sexual victimization, opinion evidence of the alleged victim's past sexual conduct and reputation evidence of the alleged victim's past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

(c) Applicability.--This section shall apply to prosecutions of any of the following offenses, including conspiracy, attempt or solicitation to commit any of the following offenses, enumerated in this title:

Chapter 27 (relating to assault).

Chapter 29 (relating to kidnapping).

Chapter 30 (relating to human trafficking).

Chapter 31 (relating to sexual offenses).

Section 4302 (relating to incest).

Section 4304 (relating to endangering welfare of children), if the offense involved sexual contact with the victim.

Section 6301(a)(1)(ii) (relating to corruption of minors).

Section 6312(b) (relating to sexual abuse of children).

## 18 PA. C.S. S 3105. PROMPT COMPLAINT

Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, That nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

## 18 PA. C.S. § 3106. TESTIMONY OF COMPLAINANTS

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

## 18 PA. C.S. § 3107. RESISTANCE NOT REQUIRED

The alleged victim need not resist the actor in prosecutions under this chapter: Provided, however, That nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

## 42 PA. C.S. S 5552. STATUTE OF LIMITATIONS

Offenses committed against adults. 18 Pa. C.S. § 5552 (b. 1) Pennsylvania's Statutes of Limitations are located at 18 Pa. C.S. § 108 and 42 Pa. C.S. § 5552. These statutes limit the amount of time between the occurrence of the crime and the date on which police or prosecutors filing a criminal complaint, arrest warrant, indictment, or information in court. Sexual abuse of children (not discussed here)

## 42 Pa. C.S. S 9791. REGISTRATION OF SEXUAL OFFENDERS

### (Megan's Law)

Megan's Law exists to providing a means of protecting the public from victimization by sexual offenders. It seeks to accomplish this goal by tracking the whereabouts of convicted sex offenders and providing notification to the public of the presence of a sex offender in their community. The law uses offender registration, tracking and notification, so that law enforcement and private citizens can develop plans, safety programs, and prevention strategies to prepare for the presence of sex offenders in their neighborhoods. Offenders who do not register as required are guilty of the criminal offense of failure to register pursuant to 42 Pa. C.S. S 9795.1. To look up offenders and suspected offenders, go to the Pennsylvania State Police Megan's Law website: [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us).