

Is your relationship based on power and control?

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the woman's life and circumstances.

The Power & Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over his partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.



Domestic Abuse Intervention Project | 206 West Fourth Street | Duluth, Minnesota 55806 | 218/722-4134

NATIONAL DOMESTIC VIOLENCE HOTLINE • 1.800.799.SAFE (7233) • WWW.THEHOTLINE.ORG

Círculo de Poder y Control



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VICTIMS RIGHTS ACT: CONSTITUTION OF NEW MEXICO, ARTICLE II, SEC.24

Sec. 24. (Victim's Rights.)

A A victim of arson resulting in bodily injury, aggravated arson, aggravated assault, aggravated battery, dangerous use of explosives, negligent use of a deadly weapon, murder, voluntary manslaughter, involuntary manslaughter, kidnapping, criminal sexual penetration, criminal sexual contact of a minor, homicide by vehicle, great bodily injury by vehicle or abandonment or abuse of a child or that victim's representative shall have the following rights as provided by law:

- (1) The right to be treated with fairness and respect for the victim's dignity and privacy throughout the criminal justice process;**
- (2) The right to timely disposition of the case;**
- (3) The right to be reasonably protected from the accused throughout the criminal justice process;**
- (4) The right to notification of court proceedings;**
- (5) The right to attend all public court proceedings the accused has the right to attend;**
- (6) The right to confer with the prosecution;**
- (7) The right to make a statement to the court at sentencing and at any post-sentencing hearings for the accused;**
- (8) The right to restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;**
- (9) The right to information about the conviction, sentencing, imprisonment, escape or release of the accused;**
- (10) The right to have the prosecuting attorney notify the victim's employer, if requested by the victim, of the necessity of the victim's cooperation and testimony in a court proceeding that may necessitate the absence of the victim from work for good cause; and**
- (11) The right to promptly receive any property belonging to the victim that is being held for evidentiary purposes by a law enforcement agency or the prosecuting attorney, unless there are compelling evidentiary reasons for retention of the victim's property.**

B. A person accused or convicted of a crime against a victim shall have no standing to object to any failure by any person to comply with the provisions of Subsection A of Section 24 of Article 2 of the constitution of New Mexico.

C. The provisions of this amendment shall not take effect until the legislature enacts laws to implement this amendment. (As added November 3, 1992.)

Cross references.-For the Crime Victims Reparation Act, see Chapter 31, Article 22 NMSA 1978. For the Victims of Crime Act, see 31-26-1 to 31-26-14 NMSA 1978.

ACTO DE DERECHOS DE VÍCTIMAS: CONSTITUCIÓN DE NUEVO MEXICO,
ARTÍCULO II, SEC. 24

Sec. 24. (Derechos de Víctimas)

- A. La víctima de incendio que resulta con herido en el cuerpo, incendio agravante, agresión agravante, lesión agravante, uso peligroso de explosivo, uso de arma mortal, asesinato, homicidio intencional, homicidio sin intención, secuestro, penetración sexual criminal, contacto criminal sexual con menor de edad, homicidio por vehículo, lesión grave por vehículo, abandono, abuso de un niño ó el representante de la víctima tendrá los siguientes derechos establecidos por ley:
- (1) el derecho de recibir trato justo y respetuoso a la dignidad y privacidad de la víctima durante todo el proceso de justicia criminal;
 - (2) el derecho de la disposición del caso dentro de un tiempo oportuno;
 - (3) el derecho de ser protegido razonablemente del acusado durante el proceso judicial;
 - (4) el derecho de ser notificado de los procedimientos de la corte;
 - (5) el derecho de asistir todos los procesos de la corte pública que el acusado tenga derecho de asistir;
 - (6) el derecho de conferenciar (hablar) con la procuraduría;
 - (7) el derecho de declarar a la corte al sentenciar ó en alguna siguiente audición para el acusado;
 - (8) el derecho de restitución de la persona hallada culpable de la conducta criminal que resultó en pérdida ó lesión para la víctima;
 - (9) el derecho a información sobre la pena, sentencia, encarcelamiento, fuga, ó libertad del acusado;
 - (10) el derecho a notificación por el abogado de la procuraduría al patrón del trabajo, si así lo pide la víctima. La cooperación y testimonio de la víctima en corte puede necesitar, con buena razón, su ausencia del trabajo;
 - (11) el derecho a pronto recibir alguna propiedad perteneciente a la víctima que se retiene con el propósito de evidencia de el Organismo del Orden Público ó el abogado de la procuraduría, a no ser que haya razón compélanle de retención de la propiedad de la víctima como evidencia.;
- B. La persona acusada ó hallada culpable de un delito contra una víctima no será permitida oponerse a algún fallo por alguna persona de cumplir con la provisión de la ley Subsección A de la Sección 24 del Artículo II de la constitución del estado de Nuevo Mexico.
- C. Las provisiones de esta enmienda no tomarán efecto hasta que la legislatura poga en ejecución dicha enmienda. (Según reformada noviembre 3, 1992.)

Referencia cruzadas: Para el ACTO DE REPARACIÓN A VÍCTIMAS DE DELITOS, vea Capítulo 31, Artículo 22 NMSA 1978.

Para el Acto de Víctimas de Delitos, vea 31 – 26-1 al 31-26-14 NMSA 1978.

Safety Plan

This safety plan was developed by shelter advocates to help you remain safe. We understand that it is sometimes hard to think of solutions to situations while in the midst of them. This plan addresses some of the more common situations other survivors have experienced when leaving an abusive relationship and attempting to better their lives.

1. Always be aware of your surroundings. Leaving an abusive relationship can be dangerous especially when someone has threatened or hurt you before.
2. Only exit a vehicle when it is parked in a well-lit area, and, only after you are aware of everything around you. If you see your abuser or his vehicle, lock all your doors. If you have a cell phone, call 911 and give the shelter advocate a call so that other shelter residents can be kept safe. If you cannot call anyone continue to drive to the nearest police department or other public area where there are people who can help you. Remember, the shelter's location is not published and we do not want abusers to know its location.
3. Abusers usually know your daily routine. Take time to think about and change your regular travel habits by going a different way to work or changing your destination time if possible.
4. Cancel any bank accounts or credit cards you share with your abuser to eliminate your abuser from seeing where you are making purchases and how much money you have.
5. Keep court papers and emergency numbers with you at all times. This will help you be prepared if you find yourself in a dangerous situation. Having court papers available for police when they arrive helps clarify the situation.
6. Safety for everyone in your life is very important. It is a good idea to let your employer, minister, family and friends know what is going on, that way, they will be aware that the police should be called if the abuser comes near you or on the premises.
7. Devise a code word you can use with your children, family and friends should you need for them to call the police. A code word is very helpful and can keep you safe. If you're in a situation where you can't get away from you abuser safely and need outside help others will know to call an outside source.
8. If you are in a public area and your abuser walks up to you, remain calm. Ask him to leave you alone, walk away and remain around people until he leaves. If you feel the slightest bit threatened call 911 or have someone near you do this for you.
9. Only answer your cell phone if you recognize the number calling. If it is an important call, they will leave a callback number or a message. The phone is for your convenience, you're the one paying for it and you are not obligated to answer it.

Other ways that I can stay safe: _____

Valencia Shelter Services

My Advocate is:

If you have any questions call your
advocate at (505) 565-3100.

Valencia Shelter Services

Providing services to individuals and families affected by domestic violence, sexual assault and child abuse in Valencia County.

How we can help you?

At Valencia Shelter Services we are here to help you. Our crisis intervention services are available 7 days a week, 24 hours a day by calling our **Hotline – 505-864-1383**. Advocate provides support, information and referrals, and will assess needs for shelter. **Emergency Shelter** is available for individuals feeling abused.

You are worth a life free of violence.

Our **Legal Advocacy** program can assist you in filing for an emergency order of protection. Our legal advocate will support you by preparing you for court and will accompany you to court so you have an advocate with you by your side through the process.

You are not alone...

Valencia Shelter Services is an advocacy organization providing comprehensive services in a trauma informed environment to individuals and families in crisis in Valencia County, NM. Wrapping families in services and safety is our highest priority. VSS provides individuals and families the opportunity to heal in a safe environment with our highly trained, trauma informed staff.

You can do this.

Therapy

VSS provides therapy to children, youth, adolescents, and adults on an individual and group basis. VSS also provides support to parent, caregivers, and families experiencing crisis or facing challenges. **Services are at no cost to the client.**

It takes all of us to keep home safe...

At VSS, we understand the impact having safe, affordable housing has for victims and their children. VSS' **Transitional Housing and Rapid Rehousing Programs** focus on providing families with rental assistance and wrapping them in services and love to begin rebuilding their lives.

“They taught me how to become strong again and gave me life-long skills to be a survivor and to not ever be a victim again. I never returned to my violent relationship because their actions and words, which I still utilize and practice today.” – Survivor

If you have any questions call your advocate at (505) 565-3100.

Temporary Order of Protection Court Hearing

Checklist for Court:

- Copy of your Temporary Restraining Order
- Your 3x5 card or page of notes with key points only
- Any Motion of Violation you have filed
- Documentation of violation dates (in a journal or notebook with dates, text messages, email etc.
- Pictures documenting injuries (from SANE or others)
- A Lawyer if you have one
- Friend or family member for moral support

What to write down:

- Use a 3x5 note card for **key point only**
- Talk about what happened that day – do not go into the past beyond the last 30 days unless required by judge or commissioner
- If your offender has violated and reference dates of violation
- Are you still afraid of him yes/no and why?
- How long would you like the restraining order extended for?
- Any other relevant information – Keep it short and sweet

What to expect at Court:

- Do not bring your children and dress nicely for court. If you need assistance getting dress close please let Valencia Shelter Services know we are happy to help.
- Be sure to arrive 15 minutes before it is scheduled to start to speak with your advocate or any other housekeeping information.
- You do not have to talk to his/her lawyer and **do not sign anything they hand you.**
- If there is no paper proof of the return of service the hearing will be continued, **it is still very important you attend regardless or the TRO will be dismissed.**
- Hearing will typically last anywhere from 30 to 45 minutes.
- During hearing address everything to the judge or commissioner, **not the respondent.**
- Remember to Breathe - stay calm and in control, you can do this!

Filing a Temporary Restraining Order (TRO)

- 1) After filling out the Temporary Restraining Order (TRO) with your advocate take the petition to the **13th Judicial District Court in Los Lunas** on the first floor courtroom #102 between 8am to 12pm and 1pm to 5pm. Wait for petition to be approved or dismissed (this can take up to 2 hours). If your petition is approved, you will receive two copies from the Clerks Office (located across the way from the elevators on the first floor). The approved order will contain the court date for your hearing to discuss your TRO in front of the judge or commissioner. Please let your Advocate know the dates to see if they are available to support you at the hearing.
 - Address to District Court is 1835 Hwy 314 SW, Los Lunas NM 87031
 - Phone number is (505) 865-4639
- 2) Take approved TRO with return of service to the **Valencia County Sheriff's Office**. The Sheriff's Office is responsible for serving TROs. Sheriff's Office will call and notify you that respondent has been served. You may call to follow up.
 - Address to Valencia County Sheriff's Office is 543 Luna St, Los Lunas, NM 87031
 - Phone number is (505) 866-2400
- 3) Bring other copy of the TRO to your advocate at **Valencia Shelter Services**. Your advocate will make copies if needed. Your advocate cannot make a referral to New Mexico Legal Aid (NMLA) without approved TRO.
 - Address to Valencia Shelter Services main office is 303 Luna Street, Los Lunas NM 87031
 - Phone number is (505) 565-3100, 24-hour Hotline is (505) 864-1383
- 4) Once the respondent has been served, if he or she contacts you in any way, this is a direct violation of the order (unless specific exceptions are written by the judge or commissioner in your temporary order). A police report should be made and a Motion of Violation should be filed at the District Court (same place you filed the original petition).
- 5) If you have pictures of your injuries taken by SANE nurses and need a copy of them for court you must contact Irene Mink directly at (505) 248-3151. Valencia Shelter Services or your advocate can not get them on your behalf.

DANGER ASSESSMENT

Jacquelyn C. Campbell, PhD, RN
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Several risk factors have been associated with homicides (murders) of both batterers and battered women in research conducted after the murders have taken place. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of severe battering and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were beaten by your husband or partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or lasting pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury
5. Use of weapon; wounds from weapon

(If any of the descriptions for the higher number apply, use the higher number.)

Mark Yes or No for each of the following. ("He" refers to your husband, partner, ex-husband, ex-husband, or whoever is current physically hurting you.)

- 1. Has the physical violence increased in severity or frequency over the past year?
- 2. Has he ever used a weapon against you or threatened you with a weapon?
- 3. Does he ever try to choke you?
- 4. Does he own a gun?
- 5. Has he ever forced you to have sex when you did not wish to do so?
- 6. Does he use drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack", street drugs or mixtures.
- 7. Does he threaten to kill you and/or do you believe he is capable of killing you?
- 8. Is he drunk every day or almost every day? (In terms of quantity of alcohol.)
- 9. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here:)
- 10. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here:)
- 11. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
- 12. Have you ever threatened or tried to commit suicide?
- 13. Has he ever threatened or tried to commit suicide?
- 14. Does he threaten to harm your children?
- 15. Do you have a child that is not his?
- 16. Is he unemployed?
- 17. Have you left him during the past year? (If you never lived with him, check here:)
- 18. Do you currently have another (different) intimate partner?
- 19. Does he follow or spy on you, leave threatening notes, destroy your property, or call you when you don't want him to?

Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.

DANGER ASSESSMENT-- Evaluación de Peligro¹

Jacquelyn C. Campbell, PhD, RN, FAAN

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Se ha asociado la presencia de varios factores de riesgo con un aumento en el riesgo de homicidio (o asesinato) de mujeres y hombres con relaciones violentas. No puede predecirse qué pasará en su caso, pero nos gustaría que se mantuviera atenta al riesgo de homicidio en situaciones de maltrato, y que compruebe cuantos y cuales son los factores de riesgo que se dan en su caso.

Usando un calendario, por favor señale las fechas aproximadas durante el último año en las que usted sufrió abusos/agresiones por su pareja o ex-pareja. Escriba en esa fecha cómo fue de grave el incidente, de acuerdo a la siguiente escala:

1. Bofetadas, empujones; sin lesiones ni dolor prolongado
2. Puñetazos, patadas; arañazos/erosiones, cortes con lesiones y/o dolor prolongado
3. Palizas; contusiones severas, quemaduras, huesos rotos o fracturas.
4. Amenaza con usar un arma; lesiones en cabeza, lesiones internas o lesiones permanentes.
5. Uso de armas; heridas por arma.

(En caso de coincidir más de una de las situaciones anteriores, escoja el número más alto)

Conteste **SÍ** o **No** a cada una de las siguientes preguntas.

("Él" se refiere a su marido, pareja, ex-marido, ex-pareja o quien actualmente esté agrediéndola físicamente)

- _____ 1. ¿ Ha aumentado la violencia física en severidad o frecuencia, en el último año?
- _____ 2. ¿ Tiene él algún arma?
- _____ 3. ¿ Le ha dejado usted, después de vivir juntos, en el último año?
3a. [Si nunca ha vivido con él, señálelo aquí _____]
- _____ 4. ¿ Está él en paro (desempleado, sin trabajo) actualmente?
- _____ 5. ¿ Ha usado algún arma contra usted o le ha amenazado con algún arma?
5a. [en caso afirmativo, ¿fue con una pistola? _____]
- _____ 6. ¿ Le ha amenazado con matarla?
- _____ 7. ¿ Ha evitado él ser arrestado por violencia doméstica?
- _____ 8. ¿ Tiene usted algún niño/hijo que no es de él?
- _____ 9. ¿ Le ha forzado a mantener relaciones sexuales cuando usted no lo deseaba?
- _____ 10. ¿ Ha intentado alguna vez estrangularla?
- _____ 11. ¿ Toma él drogas?, como por ejemplo anfetaminas, cocaína, heroína, crack u otras drogas.
- _____ 12. ¿ Es alcohólico o tiene problemas con el alcohol?
- _____ 13. ¿ Le controla él la mayoría de sus actividades diarias? Por ejemplo, le dice con quién puede hacer amistades, cuándo puede ver a su familia, cuánto dinero puede usar/ gastar, o cuándo puede coger el coche?
[Si lo intenta pero usted no le deja, señálelo aquí _____]
- _____ 14. ¿ Es celoso con usted constante y violentamente?
(Por ejemplo, dice "si no puedo tenerte, nadie podrá")
- _____ 15. ¿ Le ha golpeado alguna vez estando embarazada?
[Si no ha estado nunca embarazada de él, señálelo aquí _____]
- _____ 16. ¿ Alguna vez él ha amenazado con suicidarse o lo ha intentado?
- _____ 17. ¿ Amenaza él con hacer daño a sus hijos?
- _____ 18. ¿ Cree usted que es capaz de matarla?
- _____ 19. ¿ La persigue o espía, le deja notas amenazantes o mensajes en el contestador, destruye sus cosas o propiedades, o le llama cuando usted no quiere?
- _____ 20. ¿ Alguna vez ha amenazado usted con suicidarse o lo ha intentado?

Total de respuestas Sí

Gracias. Por favor, consulte con su enfermera o consejero las implicaciones que el Evaluación de Riesgo tiene para usted.