



JUDICIAL CHECKLIST FOR MOTIONS TO DISSOLVE PROTECTIVE ORDERS

PULASKI COUNTY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT BENCH CARD #2

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.

BACKGROUND

1. I have your affidavit from your original petition (*and affidavit from the criminal charge*).
 - a. Was that information correct?
 - b. During the arrest for (a) and (b), did the officer ask you a set of Lethality Assessment Protocol (LAP) questions? What was the result?
 - c. Did you call or meet with an advocate?
 - d. The bail checklist shows the following convictions: _____. Were you aware of those?
2. Why do you want to “drop” the Protective Order (PO)? 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? By the children (if shared in common)?
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 (PO)? An Emergency Protection Order (EPO)? How about a Personal Protection Order (PPO)?
7. Have you spoken to a Victim Witness or to the Witness Resource Center (WRC)?
 - a. Do you need more time to talk with them?
 - b. Do you want an opportunity to do so?
 - c. Did you watch the PO video? Would you like to?
* **COURT MUST GIVE ADVOCATE NOTICE TO APPEAR***
8. Do you realize that you can “drop” part of the PO while keeping some of it in place? That means that you have the option for the PO to stay in place, while allowing peaceful contact or contact by text message only. Have you considered that option?
9. Are there other PO's in place in other jurisdictions?
10. Do you have other cases pending, such as custody, divorce, visitation, support, 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 Domestic Violence Accountability Program (DVAP) or any other program? Did he do so? Has he had any treatment? If not, what makes you think that he will change without treatment?

CHILDREN

13. Were there children present/involved? Is he the father of all these children? Do you have a plan to keep them safe if this happens again? Did he threaten to harm or take away the children?
14. Is the Department of Social Services (DSS) involved? Is there a Criminal Protective Order (CPO) or Safety plan? Were the children placed outside the home?
15. Do the children support your motion to “drop” the PO?
16. You should know that girls who witness Domestic Violence (DV) are more likely to become victims and boys who witness DV are six times more likely to become abusers. **DV IS A LEARNED BEHAVIOR.** When he abuses you, he is abusing your children.

TBI/HEAD INJURY

17. Did he ever hit you in the head? With what? Did he slam your head into anything? Did he push you so that you hit your head?
18. Did you go the ER? Did the ER diagnose or suspect a concussion? What symptoms did you have?

WEAPONS/FIREARMS

19. Were weapons of any kind ever used or displayed? Has he threatened to use a weapon? Did you believe him?
20. Did he have a concealed weapons permit? Did he turn in?
21. 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?) The presence of a gun makes it five times more likely a victim will be killed.

STALKING/CONTROLLING BEHAVIOR/COERCIVE CONTROL

22. Is he controlling? Do you feel like a prisoner in your own home? Has he taken your phone, car, or keys? Has he disabled your car? Has he spread rumors on social media? Posted "bad" pictures of you? Did he ever stalk you? Did he ever stalk you on social media? Do you know that 76% of victims killed by intimate partners were stalked by that partner?

23. Does he check your phone or computer? Does he control your Internet use? Does he interrogate you? Does he make you explain where you have been? Has he ever come by your workplace unannounced?

24. Does he follow you or spy on you? Does he leave threatening notes, texts, or phone messages?

25. Has he destroyed your property? Has he burned or threatened to burn your property?

26. Has he threatened your friends or family? Does he try to stop you from seeing family or friends?

27. Is he very jealous? For example, has he ever said "if I can't have you, no one will?" Does he regularly accuse you of affairs or flirting?

28. Does he call you names? If you are comfortable saying, tell me which ones. Does he "put you down"?

29. Does he force you to work or prohibit you from working? Does he control the household money? Does he make you account for your spending?

30. Does he try to control how you dress? Does he tell you how you should wear your makeup or your hair?

31. Do you feel ashamed of things he does?

32. Do you try not to "rock the boat"?

33. What was the worst thing he has ever done to make you the most scared?

ADDITIONAL LETHALITY QUESTIONS

34. Was he ever violent during a pregnancy? Please describe.

35. Has he threatened to kill you? Did he tell you how/give you details or a plan? Did he ever begin that plan? Did he ever fantasize about killing you? Have you ever thought he might kill you? Can he scare you without saying anything?

36. Has he ever threatened to kill or harm himself? Has he attempted suicide?

37. Has he been violent outside of your relationship?

38. Have you ever had to seek medical attention as a result of his actions?

39. Did he ever abuse, torture, or kill any 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?

40. Have you sought outside help from Law Enforcement Officers (LEO), WRC, DSS, or Victim-Witness services? Have you ever called 911? Why?

41. Have you ever protected him from arrest or prosecution by not calling Law Enforcement Officers (LEO), lying for him, failing to appear at court, "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? Has he called you from jail? How many times?

42. Did he apologize after these incidents and promise to never do it again? (Gave you gifts, flowers?) Did he keep that promise? Are you familiar with term "honeymoon period?" Did you blame yourself?

43. 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?

44. Is he employed? Recently unemployed? Does he pay child support? Is there child support order in place? Have you been supporting him?

45. Does he abuse alcohol or drugs? What drugs and how often? Legal or illegal? Have you noticed any changes in use recently? Have you noticed recent changes in his behavior? Has he had mental health problems? (Neither substance abuse nor mental illness cause, or excuse DV.)

FINAL QUESTIONS

46. Has he done anything scary or frightening to you since the PO was entered?

47. At the last hearing I denied your request for contact. Do you think I made the right decision?

48. Do you have a Hope Card?

49. DO YOU NOW FEEL SAFE?

DO YOU HAVE ANY QUESTIONS FOR ME?