

**The Webster-Batchelder American Inn of Court
October 4, 2017**

Help!: The DOVE Project

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The Dynamics of Domestic Violence

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PRESENTATION OBJECTIVES

- o Define domestic violence
- o Understand the role of NH Crisis Centers

What is Domestic Violence?

A pattern of coercive behaviors used by **one** partner against another in an intimate/former intimate relationship to gain **control** over that person to maintain the **power** in the relationship

A FEW QUESTIONS FOR YOU...

- o Have you or anyone you know ever been a victim of domestic violence?
- o Describe the characteristics of that relationship
- o Were you confused by the actions of that victim/survivor?

SHARING STORIES/CASE STUDIES

Situations to think about.....

STATISTICS: THE BIG PICTURE

- o Nearly **20 people per minute** are physically abused by an intimate partner in the United States = **10 million individuals annually**
- Women **ages 20-24** are at greatest risk of becoming victims of domestic violence.
- Women are slightly more likely to be perpetrated by an intimate partner than men:
 - **1 in 3 women and 1 in 4 men** in New Hampshire have been the victim of physical assault by an intimate partner

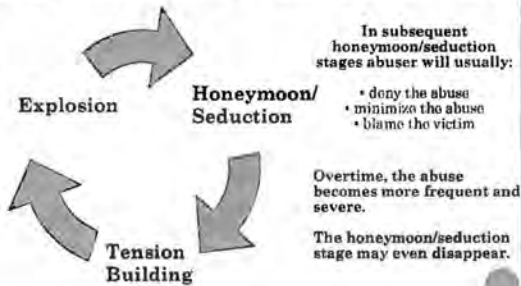
National Coalition Against Domestic and Sexual Violence, 2012 & NHSTATENY Violence Against Women Survey, 2010

WHAT DOES DV LOOK LIKE?

- o Coercion and Threats
- o Intimidation
- o Emotional Abuse
- o Isolation
- o Minimizing, Denying
- o Using Children
- o Using Male Privilege
- o Economic Abuse
- o Marital rape/sexual assault



CYCLE OF VIOLENCE ~ CYCLE OF CONTROL



Why does abuse happen?

- It is learned as normal behavior
- Many individuals still believe in traditional, rigid, hierarchical gender roles.
- Attitudes that objectify and devalue women are common
- Abusers learn to minimize, deny, and blame others for their actions
- Abusers do what they do because they can

ESCALATING DANGER:

WHAT ARE THE SIGNS?

- Increased **frequency** or severity of abuse
- High level of **substance abuse**
- Lack of concern that there are **witnesses**
- Threats of **suicide**
- Use of **weapons**
- Victim's plans/actions to leave
- Victim's fear of abuser's threats to kill
- Victim staying despite severe abuse

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WHY DOESN'T SHE JUST LEAVE?

- | | |
|------------------------------------|---|
| ◦ Financially dependent , | ◦ Threats to kill her or loved ones |
| ◦ Belief that he can change | ◦ Threats of suicide |
| ◦ Obligation, sense of duty | ◦ Isolation |
| ◦ Fear of losing custody | ◦ Threats to report her to authorities |
| ◦ No support system | ◦ Mental health issues |
| | ◦ Substance abuse |
| | ◦ LOVE |

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UNDERSTANDING VICTIM BEHAVIOR**Fear Responses:**

- | | |
|--|--|
| ◦ A victim's response to what has happened to them may not be consistent with your perception of how a "real victim" should act. | 1. Freeze: stopping, becoming alert, watchful, vigilant, and on guard |
| ◦ The victim's response to the trauma of sexual assault SHOULD NOT be used in any way to measure their credibility. | 2. Flight: rapidly fleeing or running away from the threat |
| | 3. Fight: attacking the source of the threat |

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CRISIS CENTER ADVOCACY

Roles, Response, Services

Bridges: Domestic and Sexual Violence Support
Nashua, NH

YWCA NH
Manchester, NH

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WHY CONTACT YOUR LOCAL CRISIS CENTER?

- To connect victims with trained professionals re: DV/SA
- To help victims safety plan or leave an abusive situation.
- To help victims feel supported and listened to
- To educate victims about DV/SA, court, DCYF, police processes
- To ensure victims are connected with appropriate agencies and services

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CRISIS CENTER SERVICES

Services Include:

- Emergency Shelter
- Court Support Services
- Domestic Violence/Sexual Assault Peer Support Groups
- Hospital Advocacy for Sexual Assault & Domestic Violence
 - DCYF Advocacy
- Legal & Community Agency Referrals
 - Educational Programs
 - 24 Hour Crisis Line

Our services are free and confidential

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TAKE-AWAYS & HOW YOU CAN HELP

Remember ...

- This coercive, insidious and complicated dynamic might need de-coding...
- "Things are different then they seem..."
- Abuse is an imbalance of *Power and Control*
- Learn more about sexual assault, domestic violence, and stalking
- Know your local resources & make referrals
- Volunteer Opportunities
- Board of Directors Opportunities

NHCADSV MEMBER AGENCIES




nh coalition
for domestic violence & sexual assault

2017

BRIDGES CONTACT INFORMATION



24-Hour Support Line
603.883.3044
www.bridgesnh.org

Nashua Office:
33 East Pearl Street
Nashua, NH 03061
603.889.0858
M-F 8:30-4:30
(Closed Wednesday 1:00-3:00)

Milford Office:
16 Elm Street, Suite 2
Milford, NH 03055
603.672.9833
M-F 8:30-4:30
(Closed Wednesday 12:00-4:30)

YWCA CONTACT INFORMATION

eliminating racism
empowering women

ywca

New Hampshire

24/7 Crisis Hotline
603-668-2299

ywcanh.org

72 Concord Street
Manchester, NH 03101


Monday-Friday
8:30-4:30PM

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**The Webster-Batchelder
American Inn of Court**

Puritan Conference Center
October 4, 2017



RSA 173-B
**PROTECTION FROM
DOMESTIC VIOLENCE
& RELATED CASE LAW**

Presented by:



GOALS

- To have a working knowledge about RSA 173-B, who qualifies and the protection it provides
- To learn how prepare your case and your client
- To learn how to conduct your trial in court

Who Does RSA 173-B Protect?

RSA 173-B:1

- Family or household member
- Current or Former Sexual or Intimate Partner
 - Spouses, ex-spouse, persons now or formerly cohabiting (includes LGBTQ relationships)
 - Child in common
 - Dating or have dated
 - No minor children living with the defendant *Sautert v. Sautert*

What is Covered under RSA 173-B?

RSA 173-B:1

NH defines abuse under NH's Criminal Code Abuse and includes:

- Assault or reckless conduct
- Criminal threatening
- Sexual Assault
- Interference with Freedom (Stalking)
- Destruction of Property
- Unauthorized Entry
- Harassment
- Cruelty to Animals

How is Relief Obtained?

RSA 173-B:5

- Emergency Orders - issued on weekends/holidays through the police department
 - Victim must apply at the court the next business day to get temporary orders

How is Relief Obtained?
RSA 173-B:3

- **Temporary Orders** - Issued immediately after filing a petition
- **Final Orders** – issued after hearing both sides testify to the allegations in the petition

When will the Court issue emergency or temporary orders?
RSA 173-B:4

- **Plaintiff alleges abuse by defendant**
- **Plaintiff must show immediate and present danger of abuse**
 - *Fillmore v. Fillmore* - NH Supreme Court found there was no immediate danger where the abuse occurred eleven and eight years ago.

When will the Court issue emergency or temporary orders?
RSA 173-B:4

- **Emergency or Temporary orders are issued ex parte to put a stop to abuse without the other party present to answer to the plaintiff's claims**

When Will The Court Issue Final Orders?

RSA 173-B:5

After final hearing where the Petitioner proves both:

- Abuse and
- That the Defendant poses a credible threat to the plaintiff's safety
- Burden is a preponderance of the evidence

When Will The Court Issue Final Orders?

RSA 173-B:5

CREDIBLE THREAT

- Recent acts of abuse
- Ongoing behavior
- Safety is at risk when petition is filed
- Context matters (statute supports considering past abuse)
- See NH Cases: IMO McArdle, Knight v. Maher, Walker v. Walker, Tojta v. Bulls and Alexander v. Evans

When Will The Court Issue Final Orders?

RSA 173-B:5

OTHER CONSIDERATIONS

- **Petition must give Defendant proper notice**
- Aldrich v. Gauthier – Court can only make an abuse finding based on facts included in the petition
- In the Matter of Sawyer – Petition does not have to specify dates of abuse, only that plaintiff is in immediate and present danger of abuse

When Will The Court Issue Final Orders?

RSA 173-B:5

OTHER CONSIDERATIONS

- Petition must give Defendant proper notice**
 - Desprese v. Hampsey – Specific dates not needed as long as defendant can respond to allegations (stalking case)
 - IMO McArdle – proper notice given when defendant received motion to amend the day before hearing

When Will The Court Issue Final Orders?

RSA 173-B:5

OTHER CONSIDERATIONS

- Defendant must be heard within 30 days or sooner upon request**
 - McCarthy v. Wheeler – temporary order is dismissed if not heard w/in 5 days upon request and petition is dismissed w/out prejudice if not heard within 30 days
 - Achille v. Achille – defendant has no constitutional right to stay a civil proceeding pending resolution of a criminal case. The legislature gave high priority to avoid delays in DV cases. Plaintiff is entitled to immediate protection and relief.

When Will The Court Issue Final Orders?

RSA 173-B:5

OTHER CONSIDERATIONS

- Court must have jurisdiction to issue the order against an out of state defendant**
 - McNair v. McNair – the act of abuse occurred in NH
 - Hemenway v. Hemenway – the court can issue a protective order even if the abuse occurred outside of NH as long as it doesn't require "affirmative action" on the part of the defendant (court has SMJ does not need PJ)

When Will The Court Issue Final Orders?
RSA 173-B:5

- Will the Court allow telephone testimony?
- Leone v. Leone – the court must apply specific criteria in determining whether to allow or deny telephone or remote testimony

Temporary orders: Relief Available
RSA 173-B:4

- Restrain the defendant from:
 - Abusing the plaintiff, plaintiff's relatives or household members in any way
 - Entering plaintiff's residence, employment, school or other specified place
 - Withholding plaintiff's specified property
 - Contacting the plaintiff
 - Taking, damaging or converting property
 - Acting such that utilities, etc., are discontinued
 - Abusing or destroying animals; stay away from animal

Temporary orders: Relief Available
RSA 173-B:4

- Awarding custody of minor children
 - Ordering visitation – not typically done on temporary basis
 - Fitchner v. Pittsley – can not modify or change an existing custody (parenting) order

**Temporary orders:
Relief Available**
RSA 173-B:4

- Directing the relinquishment of weapons, barring future acquisition
- Awarding exclusive use and possession of home, car, furnishings
 - If defendant has a legal duty to support the plaintiff
- Awarding exclusive care, custody and control of animals

**Final orders:
Relief Available**
RSA 173-B:5

- Includes all temporary relief mentioned above and may order defendant to:
 - Make payments (car, mortgage, utility)
 - Pay spousal or child support
 - Unless no duty to support or other existing order
 - Counseling or batterer's program
 - Pay compensation for plaintiff's losses (such as earnings, injuries, property damage)
 - Pay reasonable attorney's fees

**Final orders:
Relief Available**
RSA 173-B:5

- Final Orders – duration is up to one year and are renewable for good cause shown.

Available relief: summary

<p>Temporary</p> <ul style="list-style-type: none"> ■ Defendant restrained from: <ul style="list-style-type: none"> ■ Abusing plaintiff, plaintiff's household and relatives ■ Entering plaintiff's house, employment, etc. ■ Withholding plaintiff's property ■ Contacting plaintiff ■ Taking, damaging property ■ Abusing animals 	<p>Final</p> <ul style="list-style-type: none"> ○ Includes all relief available in Temp. Orders ○ Also: <ul style="list-style-type: none"> ■ Make payments (car, mortgage, etc.) ■ Pay child/spousal support (if duty to support) ■ Attend counseling or batterer's program ■ Pay compensation for plaintiff's losses ■ Pay reasonable attorney's fees ○ Duration up to 1 year
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Where to File

RSA 173-B:2

- Family Division
- Court where Defendant or Plaintiff are living
- Plaintiff can file where temporarily living
- Can be transferred if necessary

Questions and answers

Civil Relief Under RSA 633:3-a

Presented by:

Overview of RSA 633:3-a

- Located in the Criminal Code, RSA 633:3-a is the only New Hampshire stalking statute.
- It includes three provisions.
- Civil relief is provided by incorporating the procedures and relief Domestic Violence Statute RSA 173-B.

Overview of RSA 633:3-a

First two provisions

- 633:3-a, 1(a) - Purposely, knowingly, or **recklessly** engages in a course of conduct targeted at a specific person which would **cause a reasonable person to fear** for his or her personal safety or the safety of a member of that person's immediate family, and **the person is actually placed in such fear**.
- 633:3-a, 1(b) - Purposely or knowingly engages in a course of conduct targeted at a specific individual, **which the actor knows will place that individual in fear** for his or her personal safety or the safety of a member of that individual's immediate family.

Overview of RSA 633:3-a

Course of conduct - definition

- Two or more acts
- Targeted at a specific individual or family member
 - *Fisher v. Minichiello* – threats directed at the targeted person's co-workers may be considered as acts constituting a course of conduct.
- Over a period of time, however short
- With continuity of purpose

Overview of RSA 633:3-a

Course of conduct – definition, cont.

- Not constitutionally protected behavior
 - *Mallios v. Mallios* - Conduct may be sufficient to support an allegation of stalking even if presence was constitutionally protected and/or original purpose was legitimate. (3JN opinion)
 - *State v. Porelle* – court held that the statute was not unconstitutionally vague on its face or as-applied.

Overview of RSA 633:3-a

Course of conduct – definition, cont.

- Not conduct necessary to accomplish legitimate purpose
 - *Müller v. Blackden* – Defendant has the burden to prove conduct was for legitimate purpose.
 - *State v. Small* – legitimate purpose *may* be a defense to the crime of stalking.
 - See also: *Mallios v. Mallios*

Overview of RSA 633:3-a

Establishing Fear

- Do not need a direct threat of physical violence to meet the objective fear requirement.
- Testimony and demeanor on the witness stand can be used to infer a victim's actual fear.
 - *State v. Simone*

Overview of RSA 633:3-a

Immediate family member - definition

- Mother
- Father
- Stepparent
- Sibling
- Household member
- Intimate partner

Overview of RSA 633:3-a

Last provision

- After being served with a no-contact order under other statutes
 - (RSA 173-B, RSA 458:16, RSA 597:2)
- Purposely, knowingly, recklessly
- Engages in a single act of conduct that violates the provisions of that no-contact order and is a behavior listed in RSA 633:3-a, II(a)

Overview of RSA 633:3-a

Course of Conduct – Acts (non-exhaustive)

- Threatening safety of targeted person or immediate family member
- Following, approaching, confronting person or immediate family member
- Appearing in close proximity, entering residence, place of employment, school, or other place where person can be found
- Appearing in close proximity to the residence, place of employment or school of immediate family member

Overview of RSA 633:3-a

Course of Conduct – Acts, cont.

- Causing damage to the person's residence or property or that of the person's immediate family
- Placing an object on the person's property, directly or through a third person, or that of an immediate family member
- Causing injury to that person's pet, or a pet belonging to a member of that person's immediate family
- Any act of communication as defined in the criminal harassment statute (RSA 644:3, II.)
- Other

Creating a Civil Remedy Incorporating RSA 173-B

- RSA 633:3-a, III-a creates a civil remedy by incorporating the relief and procedures set forth in RSA 173-B
- Same burdens and requirements apply
- Same relief is available through both statutes

Creating a Civil Remedy Procedure

- Filed in District Division
- Filed where Plaintiff or Defendant live
 - If Plaintiff has fled can be filed where they are staying
- Hearing held within 30 days of filing
- Court is not strictly bound by rules of evidence – relevant and material
 - RSA 633:3-a, III-a

Creating a Civil Remedy Obtaining Relief

- Emergency Orders
- Temporary Orders
- Permanent Orders

Creating a Civil Remedy Emergency Orders

- Issued by the police department outside of court hours

Note: After receiving emergency orders, victims must apply for temporary orders at court on the next business day.

Creating a Civil Remedy Temporary Orders

- Issued ex parte – immediately after filing a petition
- File in jurisdiction where Defendant or Plaintiff live
 - Can file in jurisdiction where Plaintiff fled

Creating a Civil Remedy Final Orders

- Issued after hearing held within 30 days of issuance of temporary orders
- Duration up to one year – can be renewed for good cause

Creating a Civil Remedy

Temporary Orders

- Defendant restrained from:
 - Abusing plaintiff, plaintiff's household and relatives
 - Entering plaintiff's house, employment, etc.
 - Withholding plaintiff's property
 - Contacting plaintiff
 - Taking, damaging property
 - Abusing animals
 - Possessing firearms

Final Orders

- Includes all relief available in Temp. Orders as well as:
 - Make payments (car, mortgage, etc.)
 - Pay child/spousal support (if duty to support)
 - Attend counseling or batterer's program
 - Pay compensation for plaintiff's losses
 - Pay reasonable attorney's fees
 - Duration up to 1 year
 - Full Faith and Credit

Creating a Civil Remedy

Other Considerations

- Petition must give the defendant proper notice
 - *Aldrich v. Gauthier* – Finding must be based on facts included in the petition.
 - *South v. McCabe* – Petition can be supplemented or amended only if Defendant has an opportunity to respond to the additional facts prior to the hearing.
 - IMO Lisa McArdle and Patrick McArdle – Court held that Defendant had sufficient notice having received the amended petition the day prior to the hearing.
 - See also: *Conner v. Tracy*
 - *Despres v. Hamprey* – Specific dates are not needed as long as defendant can respond to allegations.

Creating a Civil Remedy

Other Considerations

Court can allow telephonic testimony at its discretion

- *Leone v. Leone* – Court must apply specific criteria in its decision.

RSA 633:3-a v. RSA 173-B

- | | |
|---|---|
| <ul style="list-style-type: none"> ▪ RSA 633:3-a ▪ Provides relief previously discussed ▪ Must prove course of conduct with continuity of purpose and element of fear ▪ Protects all victims of stalking ▪ Filed in district division ▪ Does NOT qualify for Brady Act | <ul style="list-style-type: none"> ▪ RSA 173-B ▪ Provides relief previously discussed ▪ Must prove credible threat to plaintiff ▪ Protects current/former intimate partners and household members from domestic violence including stalking behaviors ▪ Filed in family division ▪ Qualifies for Brady Act |
|---|---|

Team Bella:
Civil Relief Under RSA 633:3-a


Presented by Kerstin Cornell, Esq.

DOVE and Stalking

- Previously DOVE: only covered RSA 173-B hearings – could only help victims of stalking within the framework of domestic violence
- Could not assist clients being stalked by:
 - Strangers
 - Family members
 - Co-workers
 - Those with unrequited love
 - Others


the twilight saga
A Case Study

- Four books, five movies
- Box office gross of the five movies is \$2.5 billion
- Combined, the series has over 120 million copies sold
- Target audience is young women and teen girls




Plot Summary


- Werewolf Jacob and Vampire Edward compete for 17 year-old Bella's love.
- This competition causes a tension between werewolves and vampires – long-time mortal enemies – as they face various enemy plot points.
- Bella's relationship between both men is terribly unhealthy – yet the book is read as a love story.



Bella and Edward

- The series begins with Bella falling in love with Edward.
- Throughout the series she identifies him as either her boyfriend or husband.
- Early in their relationship Edward becomes obsessive.

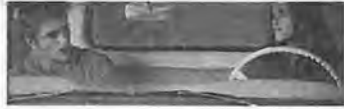




Bella and Edward

- He sneaks into her room after she goes to bed to watch her sleep. He tells her he finds it "fascinating."

Bella and Edward



- He takes apart her car to prevent her from going to see Jacob.



Bella and Edward

- He follows her and is constantly aware of where she is.

Bella and Jacob



- At the beginning of the series Jacob is introduced as Bella's childhood friend.
- During the second installment of the story he falls in love with her.
- Bella insists that she just wants to be his friend – Jacob won't believe her.



Bella and Jacob

- He waits for Bella at her school and her house and threatens Edward and his family.

Bella and Jacob

- When she doesn't come to see him for a while he leaves the motorcycle she had at his house in the middle of her drive way.



Bella and Jacob

- He confronts Bella over and over again about her assertion that she just wants to be friends. Insisting that she feels something more and stating that he won't stop fighting for her until her "heart stops beating"



Edward and the Law

Course of conduct

- Enters her residence without her knowledge or permission – RSA 633:3-a, II(a)(3)
- Causes damage to her property (car) – RSA 633:3-a, II(a)(5)
- Follows her – RSA 633:3-a, II(a)(2)

Purpose

- To control Bella and, *allegedly*, to prove his love



Jacob and the Law

Course of Conduct

- Appears in close proximity to her school – RSA 633:3-a, II(a)(3)
- Threatens her immediate family member (Edward) – RSA 633:3-a, II(a)(1)
- Places an object on her property – RSA 633:3-a, II(a)(5)
- Confronts her about her feelings for him – RSA 633:3-a, II(a)(2)

Purpose

- To convince her that Edward is dangerous, that she is in love with him, and that they should be together





Protecting Bella

Jacob

- Does not meet the relationship requirement of RSA 173-B
- Protection could be provided *only* through RSA 633:3-a
- Qualifies for assistance through the DOVU stalking expansion

Edward

- Meets the relationship requirement of RSA 173-B
- Protection could be provided through RSA 173-B or RSA 633:3-a
- Qualifies for assistance through traditional DOVU project

Conclusion

- In coordination with each other, RSA 633:3-a and RSA 173-B provide civil protective orders for victims of intimate partner and non-intimate partner stalking.
- By adding a stalking component to DOVE, we are able to provide services to a group of people who previously did not qualify because they did not meet the relationship requirement of RSA 173-B.



Updated June 2017

By Kerstin Cornell, Esq.

Regarding Stalking

Mallios v. Mallios
Case No. 2016-0474
February 22, 2017

Holding: Conduct may be sufficient to support an allegation of stalking even if presence was constitutionally protected and/or original purpose for presence was legitimate. Though Defendant's presence at his wife's church was constitutional, and his presence at the children's exchange location legitimate, his conduct while present at both locations was not constitutionally protected nor necessary to accomplish a legitimate purpose. (The court made other rulings, but this is the most relevant holding to this practice.)

Defendant appealed restraining order pursuant to RSA 173-B, which included an allegation that he stalked his wife. Defendant argued that there was insufficient evidence to show that he assaulted his wife, stalked his wife, and represented an ongoing threat to his wife's safety. The trial court found that he stalked his wife when he appeared and confronted her at church, and "aggressively confronted the wife's mother" in the presence of another police officer, when his wife refused to change the location for transferring the children. The court held that his presence at the church may be constitutionally protected, but his actions while there were not. Similarly, the court held that though he may have had a legitimate purpose in transferring the children, his conduct during the transfer was not necessary to accomplish that purpose.

Jessie Despres v. Kevin Hampsey
162 N.H. 398 (2011)

Holding: The trial court was within its discretion to issue a stalking order because it made specific findings that the defendant's behavior evidenced a "course of conduct" under RSA 633:3-a. It found that the plaintiff is not required to "allege or prove specific dates upon which the acts constituting a 'course of conduct' occurred." The alleged acts were not "too vague and nonspecific" because, in his testimony, the defendant specifically responded to and provided his own explanations for the incidents that the plaintiff described.

The plaintiff was a tenant living in an apartment with her three children. Defendant was the maintenance man for this apartment. Plaintiff described several incidents when defendant came to the apartment - sometimes unannounced - when he made several unwanted sexual comments and advances to her. She described a specific incident when he came to check on a flooded basement.

That day, she was in her pajamas and he commented that he wished he had caught her in less clothes, kissed her on the ear, slammed his body into hers and told her he wanted to have sex.

Plaintiff told the court she felt threatened and intimidated, couldn't sleep at night knowing he could access her apartment, and that her children were afraid of him and his "constant drive-bys," which were followed up by calls or him stopping in.

Defendant appealed arguing the trial court erred by: (1) failing to make findings on two or more specific acts that constitute stalking; (2) making findings that are unsupported by the record; (3) failing to weigh the credibility of the witnesses; and (4) issuing a stalking order where the allegations were "too vague and non-specific" for defendant to respond to.

The Court upheld the trial court's findings citing that attached to its order was a two-page single spaced narrative with findings and rulings summarizing the testimony and concluding that two or more incidents or a "course of conduct" occurred under the stalking statute. It found the record supported the court's conclusion even though the court may have "summarized" some of the plaintiff's testimony in its findings.

It rejected defendant's argument that the trial court did not weigh credibility and again cited to the court's findings which implied it found plaintiff to be more credible.

Finally, the Court found that while plaintiff could not be specific about when certain events occurred, defendant's testimony indicated he was able to respond to her allegations. For instance, plaintiff described two different occasions when defendant entered her apartment unannounced, one related to the water bill and another related to a visit by a code enforcement officer. In his testimony, defendant responded to each specific incident by claiming that on both those occasions he had knocked. Thus, the allegations were specific enough so that defendant could do more than provide a general denial.

By Velma McClure, Esq.

South v. McCabe (2008)

156 N.H. 797

In an appeal of a final stalking order, the Supreme Court vacated the order and remanded the case back to the trial court for further findings. The Court stated that when issuing a stalking order in response to a civil petition filed pursuant to RSA 633:3-a, III-a, the trial court must make findings on the record that a defendant engaged in two or more specific acts over a period of time, however short, which evidence a continuity of purpose.

The Defendant in this case also asserted that the trial court cannot base its finding on any facts not alleged in the petition. The Supreme Court stated that the holding of Aldrich v. Gauthier

is applicable to civil stalking proceedings. The Court indicated that the trial court should limit its findings to the factual allegations specifically cited in the stalking petition, despite its admission of other unnoticed allegations at the hearing on the petition. Notice of the facts alleged against a defendant must be given to the defendant. A petition may be supplemented or amended only if the defendant is provided an opportunity prior to the hearing to respond to the supplemental or amended petition.

By Kelly Dowd, Esq.

MacPherson v. Weiner
158 N.H. 6 (2008)

Plaintiff obtained a final stalking order pursuant to RSA 633:3-a. The defendant allegedly violated it on three separate occasions resulting in a conviction for a violation of a protective order. The protective order was renewed for one year without any further violations by the defendant. The protective order was subsequently renewed for five years, despite the passage of 15 months without a violation.

The defendant argued that the statute allowing extension for “good cause” was impermissibly void for vagueness. The defendant also argued the evidence was insufficient as a matter of law to show “good cause” to extend, and that the judge engaged in an unsustainable exercise of discretion in extending the order 5 years.

The Court held that the defendant’s conduct of 15 months prior, in driving past the plaintiff’s house several times, which culminated in his arrest and prosecution, when combined with the plaintiff’s reasonable fear for her safety, was sufficient good cause for extension of the order. The Court did note “we regard this as a close case.” The Court held that analysis from Tosta v. Bullis, (concerning 173-B) was applicable to the case. However, the Court distinguished the facts from Tosta, noting “the plaintiff here has refrained from intentional contact with the defendant” and that the link between the petition and the action in Tosta were “attenuated at best.” The Court rejected the constitutional claim.

By Velma McClure, Esq.

Comer v. Tracey
156 N.H. 241 (2007)

The parties lived together and were engaged until March 2005 when the plaintiff broke up with the defendant. After the breakup, the plaintiff made it clear to the defendant that she did not wish to have further contact with him. The defendant continued to call and email the plaintiff. The defendant showed up in the parking lot outside the plaintiff’s hairdresser’s salon on a day when he

knew she had an appointment. He then called her twice later that day and left messages. The messages were played for the police but were not part of the record.

The trial court found that the defendant did stalk the plaintiff and entered a final stalking order. The defendant filed a motion for reconsideration which was denied. The court found that the defendant engaged in the following course of conduct: he placed cigarette butts inside her car, probably while she was inside the hairdresser's; he called her twice later that day, leaving messages both times; and he entered her home without her knowledge or permission after he moved out.

The Supreme Court reversed the stalking judgment. The plaintiff failed to allege in her stalking petition that the defendant placed cigarette butts in her car. Therefore, the trial court erred as a matter of law by considering the cigarette butt allegation.

The plaintiff did not testify that she was placed in fear by the phone messages and the content of the messages was not in the record. Based on the evidence, the trial court erred in finding that a reasonable person would have been placed in fear for his or her personal safety by the parking lot encounter and the phone messages.

Fisher v. Minichiello
155 N.H. 188 (2007)

The plaintiff, an administrator of an assisted living facility in Hampton, filed a stalking petition against former residents' daughter, the Defendant. Plaintiff and her staff had difficulty dealing with Defendant, who called often and was allegedly abusive to the staff at the assisted living facility. After Defendant yelled at the kitchen staff, Plaintiff wrote Defendant a letter and prohibited her from coming on the property of the assisted living facility. Defendant appeals the protective order entered after hearing challenging the sufficiency of the evidence that she stalked Plaintiff and also that the court order is erroneous as a matter of law and public policy.

The Supreme Court said that a person must prove stalking by a preponderance of the evidence. The definition of stalking has three variants found in RSA 633:3-a, I(a),(b) and (c). Two variants apply in this case both of which require a course of conduct targeted at a specific individual. Defendant argued that the court found that Defendant engaged in a pattern of intimidation and that intimidation involved people other than the Plaintiff and that the statute requires a course of conduct directed at a specific person. The Court concluded, however, that threats directed at the targeted person's co-workers may be considered as acts constituting a course of conduct. The Defendant also argued that the Plaintiff did not prove two or more acts to prove stalking. The Court held, however, that the acts the defendant perpetrated against the Plaintiff's coworkers fall within the definition of course of conduct.

The Court instructed courts that, in order to avoid confusion, when issuing a stalking order, they must make findings on the record that the defendant engaged in two or more specified acts over a period of time, however short, that evidences a continuity of purpose.

Miller v. Blackden
154 N.H. 448 (2006)

Defendant, a private detective, appeals the entry of a final protective order based on a finding that he stalked the plaintiff. Plaintiff testified that Defendant had been hired by her former boyfriend and that Defendant began stalking her after her ex-boyfriend had been arrested for breaking into Plaintiff's home. Defendant testified that he followed Plaintiff on six occasions in his capacity as a private detective. When asked what the ex-boyfriend hired him to learn, Defendant stated that he could not disclose that information because of client privilege. The trial court entered a protective order after finding that Defendant engaged in stalking and that he was not immune from the statute because he is licensed private detective. Defendant appealed to the NH Supreme Court challenging, among other things, the constitutionality of the stalking statute and arguing that a private detective is exempt for the statute.

The Court upheld the constitutionality of the stalking statute. It also stated that New Hampshire's stalking statute does not exempt private detectives nor is an affirmative defense to a stalking petition. New Hampshire's statute, according to the Court, exempts only constitutionally protected conduct and conduct "that was necessary to accomplish a legitimate purpose independent of making contact with the targeted person." A defendant has the burden of proof of proving that his conduct was necessary to accomplish a legitimate purpose. The Court stated that Defendant had to do more to meet this burden than to merely testify that he was a detective hired to follow the plaintiff. He needed to show that the purpose for which he was hired was itself lawful. Defendant refused to testify as to why he was hired to follow Plaintiff and therefore failed to demonstrate that the purpose for which he was hired was lawful.

Relating to RSA 173-B

Achille v. Achille, Jr.
117 A.3d 1144 (2015)

Holding: 1. A judge's recusal from a divorce matter does not necessitate recusal from a domestic violence matter between the same parties scheduled for the same day when the conflict of interest resulting in the recusal existed only in the divorce case. 2. The court was within its discretion when it *sua sponte* vacated a previous motion to continue. The 30-day hearing requirement in RSA 173-B is meant to protect both the due process rights of the defendant *and* to provide domestic violence victims with immediate protection and relief. 3. The court did not err when it considered an incident that took place three days prior to

filing the petition. There is no bright line rule regarding when an incident becomes too stale to consider for the purposes of a domestic violence restraining order.

On the night of December 4th, 2012 respondent presented petitioner with a box containing a gun and threatened to use it. The respondent proceeded to pull petitioners hair, choke her, slam her into a door, throw her against a counter, and push her to the floor. Respondent had assaulted petitioner multiple times in the past including dislocating her jaw in June of that same year. The next day petitioner filed a police report about the incident but did not press criminal charges or seek a protective order. Later that night the parties ate dinner together and the following day they drove together to mediation pending their divorce. On December 7th, petitioner filed a domestic violence petition in which she described the incident from three days earlier. Criminal charges were filed against the respondent.

Over the course of the next year the respondent requested, and was granted, continuances for the 173-B hearing pending the conclusion of the criminal proceedings. On January 24, 2014 the court *sua sponte* vacated its earlier scheduled order and scheduled the matter be set for a final hearing.

First, respondent moved to have the judge recuse herself from both matters. The court held that the two matters were separate and that the accountant had absolutely no role in the domestic violence restraining order proceeding. The court declined to consider whether recusal of one portion of a case requires recusal from the remainder of the case because it concluded that DV matter and the divorce matter were separate cases.

Next, respondent argued that the court erred but *sua sponte* vacating the continuance it had previously granted. The court held that, “there is no constitutional right to a stay of a civil proceeding pending the conclusion of a criminal case” as it had decided in *In re Melissa M.*, 127 N.H. 710. Further, the court held that the 30-day requirement was not intended to *only* protect the rights of respondent. Rather, it promotes the overall purpose of RSA173-B, which is to provide victims of domestic violence to immediate and effective protection and judicial relief.

Finally, the court held that the three-day lapse of time between the triggering event and filing the 173-B petition did not prevent the court from considering the incident in its decision. Additionally, the court held that testimony about events that occurred 14 months prior to the hearing was not too stale to use at trial. The court stated that it had never suggested a bright-line rule as to when an incident has become too stale for the court to consider.

Hurley v. Hurley

82 A.3d 1290 (2013)

Holding: The trial court erred in entering a domestic violence final order of protection against the defendant. The single text message used as evidence failed to meet the elements of criminal threatening under RSA 631:4, I(d).

The defendant appealed an order from the 9th circuit, which granted a domestic violence final order of protection against him and in favor of his ex-wife, arguing that the evidence used against him was insufficient for the order. The defendant had texted his ex-wife about a death in his family, and asked the information not be shared with their minor child. After an exchange which became heated, the defendant texted his ex-wife, “Whatever. Wish you would die in a fiery crash.”

The ex-wife filed for a domestic violence petition the next day. The trial court “found that, by sending the message, the defendant committed criminal threatening...and that such conduct constituted a credible present threat to the plaintiff’s safety...because the defendant ‘has worked on [the] plaintiff’s car [and] know[s] where she live[s].’”

The Supreme Court reversed based on that the single text message did not constitute criminal threatening. Criminal threatening has three elements: 1) a defendant must threaten to commit a crime, 2) against a person of another, 3) with a purpose to terrorize any person. The Court concluded “that the plaintiff failed to establish, by a preponderance of the evidence, that the defendant threatened to commit a crime or sent the message with a purpose to terrorize her.” The Court also noted that its ruling was based on uncontested testimony that the ex-husband had never threatened or abused the ex-wife in the past, had never threatened to “tinker” with her car or to start a fire. Because the text was part of a heated exchange between the two the court considered it as “merely to express transitory anger.”

Linda Thompson v. Christopher D’Errico
163 N.H. 20 (2011)

Holding: The trial court was within its discretion to issue a restraining order after finding specific facts to support that defendant had harassed plaintiff and posed a credible threat to her safety. His text messages were not protected speech under the First Amendment to the U.S. Constitution. Defendant did not provide a transcript to the Court and absent such transcript, the Court assumed that the evidence was sufficient to support the decision reached.

Plaintiff filed for a restraining order because defendant was sending almost daily, “extraordinarily foul” text messages including one that said “bills asshole die bitch.” Just three months prior, defendant threatened to plaintiff that he had a loaded shot gun and she should not come near his house. Six months prior, a family friend stopped defendant from putting his hands around plaintiff’s neck.

Most of defendant’s arguments related to either the trial court’s findings of fact or whether the trial court properly ruled on evidence. Without a transcript, the Court could only rely on the final orders. Since the trial court made specific findings to support abuse and credible threat, defendant’s arguments were rejected.

Defendant argued that his messages were protected speech. The Court rejected this citing that it found the relevant portion of the harassment statute, 644:4, I(b) was “narrowly tailored to the illegal communications sought to be prevented.” Distinguishing State v. Gubitosi, 157 NH 720, 728 (2008) (finding other subsections of the harassment statute to be unconstitutionally overbroad).

IMO of Lisa McArdle and Patrick McArdle
162 N.H. 482 (2011)

Holding: The trial court was within its discretion to waive the application of the court rules because the waiver was not otherwise prohibited by law. There was no error when the trial court considered the unverified facts because it required plaintiff to verify them at the start of the hearing. Since defendant received the motion to amend the day before, he had proper notice even though the facts were not verified at that time. Prior incidents of violent behavior were relevant to the court’s abuse and credible threat findings and the court did not rely “too heavily” on these incidents in making its findings. Also, an abuse finding does not require evidence of actual violence toward the plaintiff.

Plaintiff filed for a domestic violence restraining order the day after the following incident: Defendant came into the parties’ kitchen and threw some papers at her. She was with their children and a friend. The papers were of notes and emails that plaintiff had written about their relationship. Defendant found them upsetting. Plaintiff put the papers in a bag.

Later that evening, plaintiff was putting one child to bed when defendant came into the room carrying an unlit propane torch demanding she give him the papers. She refused. Things escalated and defendant became increasingly angry following plaintiff from room to room while carrying the torch. Plaintiff called her counselor who suggested she burn the papers in the stove. She gave the papers to defendant who burned them in the stove. Defendant then locked himself in the bathroom. Plaintiff called the police and filed a restraining order the next day.

Plaintiff amended the restraining order the day before the final hearing. She discussed three prior incidents of violent behavior She did not attest to the new facts under oath. At the hearing, defendant objected to the amendment because there was no affidavit. The court had the plaintiff attest to the facts in response.

On appeal, defendant argued error for admitting evidence when he did not have proper notice, for basing its final order on that evidence and considering prior incidents that were “too remote in time.”

The Court found the trial court was within its discretion under Family Division Rule 1.2 to waive the attestation requirement and instead allow plaintiff to verify the facts in her motion to

amend at the hearing. Defendant argued that RSA 173-B:3 IV prohibited the court from waiving the attestation rule. That language requires that courts supply forms for petitions that contain these words: "I swear that the foregoing information is true and correct to the best of my knowledge..." The Court disagreed that this language was meant to prohibit such a waiver.

The Court disagreed with defendant's position that he lacked notice because the motion was unverified. The statute requires the facts be supplied in advance of the hearing and defendant received a copy of the motion the day before.

The Court disagreed that the trial court relied "heavily" on prior incidents in making its findings. The Court determined that the torch incident itself constituted criminal threatening and credible threat and past incidents were relevant to this finding. It also rejected defendant's argument that he posed no credible threat as he had never been violent to plaintiff. Defendant did not dispute that his behavior constituted criminal threatening and the evidence supported he was a credible threat.

Eric Lee Knight v. Cheryl Ann Maher
161 N.H. 742 (2011)

Holding: The evidence at trial did not support that the defendant posed a credible threat to plaintiff's safety. Plaintiff conceded that he did not feel defendant herself posed a risk and did not present any evidence to show she had threatened his safety at any time.

Plaintiff and Defendant were divorced. Plaintiff is a doctor and filed for a restraining order alleging that defendant sent numerous harassing emails and text messages, made false reports against him to police, DCYF, local and national media. In his petition, he alleged that he had concerns for the "safety of his person and property."

Defendant did not dispute that she sent the emails and made the reports, but, said the complaints were all true. She also said she was attempting for force plaintiff to take her to court because he did not listen to her when it came to her and the children's needs.

While these acts could have constituted a finding of harassment, the facts did not support that defendant posed a credible threat. Plaintiff did not feel defendant posed a risk to his safety and didn't present evidence she had threatened him in any way. Thus, the Court found that he did not demonstrate a need for protection from and ongoing, credible threat to his physical safety.

Cindy Leone v. Richard Leone
161 N.H. 566 (2011)

Holding: The trial court erred when it denied the defendant the opportunity to testify by telephone. The Court found this was “untenable and unreasonable to the prejudice of his case.” It found that given neither party contested the admissibility of telephone testimony, its blanket denial was an unsustainable exercise of discretion. The court set forth several criteria that the trial court could consider in determining whether to allow telephone testimony. It reversed and remanded the case.

This case involved a husband and wife where the wife fled to New Hampshire from Mississippi. The parties had two children, and she gave birth to their third child in NH. She left Mississippi because she was in fear for her life and her children’s lives. She filed a domestic violence petition shortly after arriving in NH.

The court held a hearing on the domestic violence petition. The respondent was on the telephone listening to the hearing. His lawyer moved to dismiss the domestic violence petition and the court denied that motion. The lawyer requested that the respondent testify by telephone. Ms. Leone did not object to the admissibility of the testimony.

The court denied the request and stated “I’m having a problem with that. I do not usually allow people to testify telephonically. I have to judge their demeanor, their credibility. If they’re not in front of me, how can I do that?” And, “I’m not going to allow it. I do not allow telephonic testimony. Never have, never will.”

The Supreme Court found that this “blanket denial, without considering other factors relevant to the case, was an unsustainable exercise of its discretion.” It found so because the trial court failed to consider any factors relevant to the respondent’s request to testify telephonically.

The court set criteria that a court could consider in determining whether to allow telephone testimony. They are as follows:

(1) The defendant’s ability to travel to New Hampshire; (2) the nature of the proceedings; (3) the consequences facing respondents; (4) whether the court has the technological capability to accommodate such a request; (5) whether the petitioner had any objection to the testimony; (6) whether there were other methods by which the respondent could provide his testimony, such as by videoconferencing, or whether the respondent’s attorney could provide evidence of the respondent’s testimony by an offer of proof.

IMO Robin Sawyer & Patrick Sawyer
161 N.H. 11 (2010)

Holding: A plaintiff seeking a protective order is not required to specify the dates of the alleged abuse in her petition for temporary protective orders. The defendant must show that his not knowing the specific dates of the alleged abuse caused actual prejudice in order to prevail on his due process claim. The trial court did not err when it denied defendant's motion to continue and consolidate because he failed to show how this prejudiced his case.

Plaintiff filed a domestic violence petition against her husband and in response to the pre-printed statement on the form that reads: "I am in immediate danger of abuse by the defendant. I based my request for protection from abuse on the following facts that occurred on the following dates, and ask the court to issue orders as noted below," she wrote several incidents alleging she was punched, choked, thrown to the floor, and threatened to kill her. She did not provide any dates when these incidents occurred. The court granted temporary protective orders.

The husband, through counsel, requested a motion to continue the final hearing and to consolidate the case with his petition for legal separation. The trial court denied the request. At the hearing, the attorney appeared without the husband, and filed a motion for reconsideration on this motion and also argued that the petition was "legally insufficient as a matter of law" because it didn't list the dates when the alleged events occurred.

The trial court denied the motion for reconsideration and went forward with the hearing.

After hearing the plaintiff's testimony, it issued a final protective order.

In summary, the husband appealed on three grounds: 1) the allegations in the petition were legally insufficient to issue a temporary order since there were no dates provided; 2) husband's due process rights were violated when the trial court failed to dismiss the petition; 3) the trial court erred when it denied the motion to continue and consolidate.

Husband argued that Fillmore and Tosta required the plaintiff provide specific dates so the court could determine that the alleged abuse was not too distant in time. The court disagreed since the pre-printed statement on the petition states "I am in immediate and present danger of abuse by the defendant." It went on to distinguish Fillmore and Tosta from the facts of this case.

The court also found that the defendant didn't provide any evidence that he was prejudiced by not knowing the dates of the alleged acts – or that he had a time-based defense that he would have presented had he known the dates ahead of time.

As to defendant's third argument, the court determined that the denial of the motion to continue was not an unsustainable exercise of discretion since the allegations in the petition were "sufficiently specific to enable the defendant to prepare for the hearing."

Finally, citing Supreme Court Rule 23, the Court awarded the plaintiff costs but not attorneys' fees since it found nothing to indicate that the defendant acted frivolously or in bad faith when filing the appeal.

By Mary Krueger, Esq., Carol Kunz, Esq. and Nancy Russell, Esq.

Michelle Hemenway v. Edmund J. Hemenway, Jr.
159 N.H. 680 (2010)

Holding: The plain language of 173-B and 490-D:2 grant New Hampshire's family division subject matter jurisdiction over domestic violence petitions regardless of whether the alleged acts occur outside New Hampshire's "geographic territory." Personal jurisdiction over a defendant is not necessary in order for a New Hampshire court to issue a domestic violence order of protection. A New Hampshire court can not, however, issue a domestic violence order requiring affirmative action on the part of the defendant if it lacks personal jurisdiction over that defendant.

Husband, wife and four children lived in Florida until July, 2008, when wife moved to NH with the kids. In August, 2008, wife petitioned and was granted temporary protective orders in the Derry Family Division. Her petition alleged two acts of criminal threatening, one occurring in Florida and one in Massachusetts.

The husband contested jurisdiction, and appeared through counsel who filed special appearance. The Derry Family Division rejected the jurisdiction arguments and issued a final protective order based on the wife's allegations.

First, the husband appealed to New Hampshire's Supreme Court and argued that the family division did not have subject matter jurisdiction over the case because the alleged acts occurred outside of New Hampshire. He based this on New Hampshire's criminal code because RSA 173-B:1 incorporates the definition of criminal threatening found in RSA 631:4. Under the criminal code, in order for a court to have subject matter jurisdiction over a case, the alleged crimes (including criminal threatening) must occur within the boundaries of the court's jurisdictional geographic territory.

The court rejected this argument because the plain language of RSA 173-B:2, IV and RSA 490-D:2, VI, grants subject matter jurisdiction to the family division over domestic violence cases. It also made a distinction between civil and criminal cases because the purpose of 173-B is "to

protect the victim from further abuse, and not to punish the abuser” and that a finding of abuse “results in a protective order” and “not necessarily a criminal prosecution.” Additionally, the Court determined that “[t]o read RSA 173-B to incorporate the territorial limitations of the Criminal Code would lead to unjust and absurd results.”

Second, the husband argued that the family division did not have personal jurisdiction over him under New Hampshire’s Long Arm Statute and federal Due Process requirements.

While the Court determined that the wife failed to meet her burden to show personal jurisdiction existed, it found that no personal jurisdiction was needed in order to issue a protective order. In so doing, the Court found that “[a] protective order prohibits acts of domestic violence, providing the victim with the very protection the law specifically allows, while preventing the defendant from engaging in behavior already specifically outlawed.” (internal citations and quotations omitted). It reiterated the purpose of RSA 173-B, mainly, the State’s “strong interest in providing protection to victims of domestic violence within this State.” And it spoke of the “unpalatable choice” that a victim under this scenario would have: to either return to the state where the abuse happened or wait for the abuser to come to this state to re-offend.

While, the Court affirmed the protective order, it did so only to the extent it served to protect the Wife from abuse. It reversed the order to the extent that it would require any affirmative action on the part of the defendant husband and remanded to allow the trial court to modify the order accordingly.

(It should be noted that the Court found that protective orders serve an analogous role to custody and marital decisions which don’t necessarily require personal jurisdiction over all of the parties.)

Walker v. Walker
158 N.H. 602 (2009)

Holding: 1. The trial court did not lack statutory authority when it transcribed additional facts to the domestic violence petition based on the Plaintiff’s clarifying statements in an ex parte hearing. Thus, it attributed the amendment to the petition the Plaintiff and not the court. 2. The court did not unsustainably exercise its discretion when it denied defendant’s motion to reconsider that alleged the plaintiff made false statements in her testimony. The court found that it was within the trial court’s discretion to weigh the credibility of witnesses and noted that the statements did not go directly to determining abuse or credible threat. 3. The acts of abuse did not occur too remotely in time and the fact that plaintiff spent weekends living with the defendant did not create an attenuated link between the misconduct and the domestic violence petition. Therefore, the Court distinguished this case from Tosta v. Bullis, 156 N.H. 769 (2008).

In her petition, the plaintiff alleged that after defendant found plaintiff's notes related to leaving the marriage and seeking custody of the kids, he told her that he would "take the children at whatever cost" and "not to get in his way." In the ex parte hearing on the petition, the plaintiff said that she took these statements as threats to her life because the defendant had recently and specifically threatened her life on more than one occasion. The court, with plaintiff's permission transcribed these statements into the petition: "He has threatened to kill her in the past and plaintiff takes 'at whatever cost' . . . to mean to kill her." It then granted the temporary order.

The defendant argued that the court overstepped its statutory authority by writing in additional statements to the petition. However, the Supreme Court found that the court's role was merely one of scrivener and it was the plaintiff, not the court, who amended the petition per the statutory requirements of 173-B:3, I.

The defendant next argued that the trial court unsustainably exercised its discretion when it denied defendant's motion to reconsider the final domestic violence order. In the motion to reconsider, the defendant claimed that plaintiff had lied about a material fact—in particular, about how he had gone through her purse and took her credit cards, debit card and check book. He produced a note from the plaintiff, given to him following the final hearing, telling him that she would send him the check book and debit card.

However, the Supreme Court found that the defendant failed to meet the burden to show she had lied in her testimony since it was unclear as to whether, between filing the initial petition and the final hearing, she came back into possession of these items. Additionally, the Court found, and the defendant conceded, these facts, if true, were not essential to the finding of abuse.

Finally, the defendant argued that there was insufficient evidence to support the finding of abuse. The defendant argued this was because he and the plaintiff had lived together on weekends during the times when plaintiff alleged he made threats to her life. He said that the alleged threats were therefore, "too distant in time" to constitute an ongoing, credible threat. (The defendant relied in part on Tosta where the Court found that nine months had passed between the criminal misconduct and the time the domestic violence petition was filed during which the parties lived together without any further incidents of physical violence.)

However, the Supreme Court distinguished this case from Tosta. It found that there were multiple threats made to the plaintiff within weeks of her filing the petition and that at least one such threat was made while the defendant was holding a firearm. Even though the plaintiff stated things were "okay" the weekend prior to her filing the petition, the Court found relevant that the weekend was spent at a campground with fifteen to twenty family members and that the plaintiff, therefore, did not feel in immediate danger and could wait until the weekend ended before filing for protection.

It reiterated that unlike Tosta, where the filing of the domestic violence petition was prompted by the defendant's sudden and unexplained decision to leave, here, the plaintiff decided to leave based on recent threats. It also noted that the plaintiff seized her first opportunity to file the petition as soon as the weekend ended and her husband had returned to Vermont.

By Velma McClure, Esq.

Tosta v. Bullis,
156 N.H. 769 (2008)

Plaintiff filed a domestic violence petition against her husband alleging that about nine months prior, he punched her in the head and caused her to bleed. She also alleged that she was afraid that he would hit her again. She stated that he was driving around her and her sister's house and said that he had a big long knife in his car.

At the hearing, Plaintiff testified about the punching incident and about being generally afraid of her husband. She did not testify about her husband possessing a knife while driving around her home. The trial court granted the Plaintiff's domestic violence petition noting the punching, tension and Defendant's driving around his wife and her sister's house.

Defendant appealed the restraining order to the New Hampshire Supreme Court. The Court said that although misconduct need not immediately precede the filing of a domestic violence petition, the threat posed by such conduct to the Plaintiff's safety must be ongoing since a finding of abuse means that the defendant represents a credible threat to the safety of the plaintiff. The Court stated that it requires that the misconduct prompting a domestic violence petition be neither too distant in time nor too non-specific.

The Court also requires the Plaintiff to show more than a generalized fear for personal safety based upon past physical violence and more recent non-violent harassment to support a finding that a credible threat to her safety exists. The Court held that there was insufficient evidence to support a finding that Defendant engaged in abuse warranting a protective order. The Court also held that there was insufficient evidence to support a finding that the defendant represented a credible threat to Plaintiff's safety at the time she filed the domestic violence petition. The Court reversed the trial court's decision granting Plaintiff's domestic violence petition.

In interesting dicta, the Court stated that the purpose of 173-B is to preserve and protect the safety of the family unit for all family members by entitling victims of domestic violence to immediate and effective police protection and judicial relief. The statutory objective of 173-B is to provide domestic violence protective orders when a victim has shown a need for protection from an ongoing, credible threat to her safety.

In re Aldrich
156 N.H. 33 (2007)

Plaintiff testified at her 173-B hearing that the Respondent threatened to kill her. Respondent's attorney objected, stating that this threat was not alleged in the domestic violence petition. The court overruled the objection and granted the petition on the basis of criminal threatening. Respondent filed a motion to reconsider, which was denied, and then filed an appeal to the NH Supreme Court.

The NH Supreme Court state that under the plain terms of 173-B, the "facts alleged against the defendant must be supplied in advance of the hearing on the petition. Should the need arise to supplement or amend the petition to modify the facts alleged, this, too, must be done prior to the hearing so that the defendant has an opportunity to respond." The trial court's power to admit evidence is limited by the notice requirements in 173-B:3, I. The Court held that the "trial court has broad discretion to admit evidence it deems 'relevant and material' pertaining to the facts alleged pursuant to RSA 173-B:3, I, but it should not admit evidence on unnoticed charges."

IMO Mannion & Mannion
155 N.H. 52 (2007)

Petitioner argued that it was legal error for the Marital Master (Portsmouth Family Court) in her divorce case to find that no assault occurred in light of the final domestic violence order entered by another Marital Master in a different court (Derry Family Court) that included a finding to the contrary. Petitioner argued that res judicata and collateral estoppel barred the divorce court from finding that no abuse occurred on the date in question. The NH Supreme Court found that no res judicata or collateral estoppels argument was raised at the final divorce hearing. Because Petitioner neither objected during the hearing nor raised her theory in a motion for reconsideration, the Supreme Court held that the issue is not preserved for its review.

Petitioner also objected to the award of sole decision making authority to Respondent saying that the Court should have awarded sole decision making authority to her because of the prior finding of abuse. The Supreme Court disagreed and said that the divorce court found that no abuse occurred and that the statute (RSA 461-A:5,III) is not triggered by a finding of another court that abuse occurred. The statute applies only when the Court responsible for allocating parental rights finds that abuse has occurred. The Court making orders for the allocation of parental rights must be the same court, according the Supreme Court, that makes the finding of abuse. The divorce court in this case found that no abuse occurred.

McCarthy v. Wheeler
152 N.H. 643 (2005)

Plaintiff filed a DVP and was granted a temporary restraining order by the Lebanon Family Division on August 13, 2004. The case was transferred to the Plymouth Family Division. The hearing on the DVP had to be rescheduled, however, because the judge recused himself due to a conflict. The final hearing was eventually scheduled for October 12, 2004. On August 30, 2004, the court received defendant's request for an immediate hearing. At the final hearing, Defendant moved to dismiss the DVP on the basis that the trial court failed to hold a hearing within the time mandated by RSA 173-B:4.

The New Hampshire Supreme Court cited RSA 173-B:4, I, which provides that if temporary orders are made ex parte, the party against whom such relief is issued may file a written request for a hearing on such orders, which shall be held no less than three business days and no more than five business days after the request is received by the Court. The Court determined that the hearing on the temporary restraining order should have occurred within five days of August 30, 2004. The hearing on the DVP should have occurred within thirty days of August 13, 2004 pursuant to RSA 173-B:3, VII.

The NH Supreme Court in Wheeler stated that a restraining order restrains one's liberty. In order for liberty interests to be adequately protected, a defendant must have access to a hearing. The trial court's failure to hold the hearings within the mandated time limits must result in dismissal of the domestic violence petition, according to the Supreme Court, unless the delay was caused or requested by the defendant. The Supreme Court noted that nothing in RSA 173-B precludes the refiling of a domestic violence petition based upon the same or similar allegations after a petition has been dismissed for a violation of RSA 173-B:4, I or RSA 173-B:3, VII.

McNair v. McNair
151 N.H. 343 (2004)

Plaintiff filed a DVP against Defendant, who resided in Texas. Defendant filed a motion to dismiss arguing that the court lacked personal jurisdiction over him. The Plymouth Family Court denied his motion stating that the Plaintiff and the minor children reside in the state, the abuse occurred in the state and that the only other court involved with this family, the Texas divorce court, issued temporary orders stating that NH DCYF could issue restrictions on Defendant's behavior.

The NH Supreme Court found that defendant's alleged conduct is within the scope of New Hampshire's long-arm statute, RSA 510:4, I. The Court stated it must now determine whether personal jurisdiction over defendant is consistent with the requirements of due process, i.e. whether the defendant has certain minimum contacts with the forum state such that the maintenance of a suit against him does not offend traditional notions of fair play and substantial justice.

The Supreme Court stated that when personal jurisdiction is based upon contacts with the forum state, whether those contacts are constitutionally sufficient requires an analysis of the relationship between the defendant, the forum and the litigation. The Court examined therefore whether the defendant's contacts relate to the cause of action, whether the defendant availed himself of the protections of New Hampshire law and it would be fair and reasonable to require the defendant to defend a suit in New Hampshire.

The Court found that in this case, the alleged minimum contacts, i.e. the defendant's threatening telephone calls, are the same acts upon which the domestic violence petition was based and thus related to the cause of action. The defendant's harassing phone calls were voluntary, numerous and purposely directed toward a New Hampshire resident and thus defendant purposefully availed himself of the protections and privileges of New Hampshire law.

The defendant's burden in defending this case in New Hampshire is outweighed by the plaintiff's interest in obtaining and the State's interest in providing relief and protection in New Hampshire, according the Court. The Court therefore affirmed the trial court's determination that its exercise of personal jurisdiction was fair and reasonable.

IMO Alexander & Evans

147 N.H. 441 (2002)

Petitioner filed a DVP against Respondent alleging that he had shown violence in the past and that she feared for her personal safety because he owned weapons. She also alleged that Respondent made direct contact with her in violation of the permanent restraining order in the parties' divorce. The Respondent appealed from an order granting a final domestic violence protective order to Petitioner. The court found that Respondent engaged in harassment as defined in RSA 644:4, I(f).

The Supreme Court, citing RSA 173-B:1, I, stated that to justify a final domestic violence order, however, the trial court must also find that the evidence supported a finding that the conduct constituted a threat to the petitioner's safety. Petitioner testified that Respondent sent her cards and notes, called her on the telephone and showed up at her place of work and her home. These incidents were sufficient to support a finding of harassment but not a finding that the harassment constituted a credible threat to Petitioner's safety. The Supreme Court held that it was error for the trial court to enter the restraining order based on the evidence presented.

Fillmore v. Fillmore

147 N.H. 283 (2001)

Defendant appealed from an order granting Petitioner's DVP arguing that there were insufficient allegations to support an ex parte temporary protective order and that the court erred in

concluding that the Plaintiff was abused within the meaning of RSA 173-B. The NH Supreme Court vacated the protective orders.

At the final restraining order hearing, Petitioner testified to two incidents of physical abuse in the past. The first occurred eleven years and the second incident allegedly occurred eight years prior to filing of the DVP. Petitioner testified that Respondent threatened several months prior to the filing of the DVP, to make her life a living hell if she did not do what he wanted her to do. Defendant left for a weeklong vacation in Canada and when he did, plaintiff filed for and obtained an ex parte temporary restraining order. The DVP alleged that Respondent emotionally and mentally abused the Petitioner, that Respondent screams at Petitioner, that Petitioner is in fear of Respondent hurting her or her children and that Respondent hit her many years ago.

The NH Supreme Court held that the allegations contained in plaintiff's DVP were insufficient to support the issuance of a temporary protective order. The Court determined that RSA 173-B: 4, I requires petitioner to demonstrate that she is in "immediate and present danger of abuse" in order for the trial court to issue a temporary protective order. The Supreme Court noted that Respondent was in Canada when Petitioner the court entered the temporary protective order, which could be a factor in determining whether Petitioner was in immediate and present danger of abuse. The Supreme Court concluded that the DVP contained insufficient allegations of fact to support the issuance of an ex parte temporary domestic violence protective order.

The Supreme Court also held that the district court's finding of abuse was unsupported by the evidence presented at hearing. The Court stated that RSA 173-B: 1 defines "abuse" as "the commission or attempted commission of one or more of the following acts by a family or household member or current or former sexual or intimate partner and where such conduct constitutes a credible threat to the plaintiff's safety." Criminal threatening and harassment were the two acts at issue in this proceeding. The Court stated that because the trial court made no findings that Respondent engaged in conduct criminal in nature and had insufficient evidence before it to do so, the court erred in issuing a final domestic violence protective order. The acts that Petitioner testified to were too distant in time and non-specific to rise to the level of misconduct required to satisfy the threshold for either criminal threatening order harassment.

Rogowicz v. O'Connell
147 N.H. 270 (2001)

Defendant appealed his conviction for criminal contempt. The County prosecutor declined to prosecute the contempt and therefore Plaintiff's attorney, Suzy Colt, entered an appearance for Plaintiff in the contempt action to prosecute the Defendant for criminal contempt. The Supreme Court stated that it is not clear how Colt assumed the role of prosecutor. When a private prosecutor represents a party involved in the prosecution, as did Colt, the prosecutor's public duty to pursue justice may be compromised, according to the Supreme Court, by the duty to zealously represent the

interests of a client. The appearance of impropriety and the potential for conflicts of interest are inherent in such a situation. The Supreme Court held that the private interest of Plaintiff to influence the discharge of Colt's prosecutorial duties was readily apparent and accordingly, Colt should have been disqualified. The Supreme Court reversed the conviction and remanded the case back to the trial court.

IMO Morrill & Morrill
147 N.H. 116 (2001)

Over Defendant's objection, the superior court granted Plaintiff's motion in limini to preclude the parties' two children from testifying in the 173-B action she filed against her husband. The defendant argued on appeal that the superior court abused its discretion and violated his due process rights.

The Supreme Court said that RSA 173-B:3, VIII provides the standard of evidence, i.e. that the court is not bound by the technical rules of evidence and may admit evidence that it considers relevant and material, for 173-B proceedings. This standard, according to the Court, gives a trial court broad discretion in determining the admissibility of evidence. The parties' children provided detailed written statements. Their testimony would have been largely cumulative. The Supreme Court therefore concluded that the trial court did not abuse its discretion in deciding not to let the parties' children testify in their parents' 173-B protective order hearing.

Regarding Defendant's due process rights, the Court cited *Goldberg v. Kelly*, which held that the fundamental requisite of due process is the opportunity to be heard. The Court found that Defendant had the right to present his case through his own testimony, he was permitted to cross-examine the Plaintiff and the Plaintiff's witnesses and he was permitted to present the children's written statements. He therefore had an adequate opportunity to present his case. The Court found no due process violation resulting from the exclusion of the children's testimony.

Fichtner v. Pittsley, Jr.
146 N.H. 512 (2001)

The parties were divorced in 1999. In 2000, Plaintiff filed an ex parte DVP in district court. Plaintiff requested custody of her daughter in addition to a protective order, which the district court granted Plaintiff's requests and scheduled a hearing. After hearing, the district court found that Plaintiff had been abused, awarded her custody of the parties' daughter and transferred the custody issue for review to the superior court. Defendant filed a motion for reconsideration, which stated that the district court exceeded its authority regarding the custody issue because the superior court had already made a custody determination in the parties' divorce. Defendant's motion for reconsideration was denied and he appealed to the New Hampshire Supreme Court.

The Supreme Court vacated the custody order. The Court said that in appropriate situations, the district court, pursuant to RSA 173-B:5, I, (b)(5), may award temporary custody. The Court stated further, however, that this section is limited and RSA 173-B:5, IV states that no “order made under this section shall supersede or affect any court order pertaining to...custody of children pursuant to RSA 169-B, 169-C or 169-D; support or custody made under RSA 458; or custody of children of unwed parents as determined by a superior court, probate court or family division court...” The Court determined that the district court is prohibited from modifying custody orders that have been entered in any of the enumerated proceedings. Since it has no authority to modify custody orders, the Court vacated the district court’s custody order. The Court affirmed the district court’s finding of abuse holding that the trial court could reasonably conclude the Defendant’s statement to Plaintiff’s father (if I catch your daughter after dark, you won’t recognize her) constituted criminal threatening and the threat constituted a credible threat to plaintiff’s safety.

Seufert v. Seufert
141 N.H. 766 (1997)

Plaintiff filed a DVP in superior court alleging that her husband hit her son and demonstrated other outbursts of anger such that she feared for her safety and the safety of her children. The court entered an ex parte temporary order. Following hearing, the court found that defendant had not harmed plaintiff but that he struck her son and, which constituted domestic abuse. The court issued an order barring contact between Defendant and Plaintiff or her son. Defendant appealed arguing that the court erred in granting Plaintiff relief in the absence of a finding that he abused her.

The Supreme Court said that the domestic violence statute authorizes a court to grant relief, in accordance with RSA 173-B:4, I, upon a showing of abuse of the plaintiff by a preponderance of the evidence. Abuse is specifically defined by RSA 173-B:1, I as the occurrence of one or more of enumerated acts between family or household members. The definition of family or household members found in RSA 173-B:1, I(b) specifically excludes minor children who reside with the defendant. In this case, therefore, Plaintiff’s son is specifically excluded from the class protected by the statute and therefore Defendant’s acts against the child do not constitute abuse under the statute. Since the Court found that Defendant had not abused Plaintiff, she failed to carry her statutory burden and her petition should have been denied.

Related Criminal Cases

State v. Craig
112 A.3d 559 (2015)

Holding: 1. A defendant need not send messages directly to a plaintiff in order for contact to be established under RSA 633:3-a. 2. A finding that a defendant contacted and

communicated with a victim is not precluded because a victim searched for and read the messages on a public Facebook page.

In the spring of 2012 defendant became infatuated with the victim. He frequently went alone to the bar where she worked and told her that he was there just to see her and began posting about her on his Facebook page and sending alarming letters to her at the restaurant. The victim notified the police who served him with a stalking warning and a no-trespass order from her employer. His conduct continued and the victim filed a petition for a stalking restraining order. After Defendant was served with the restraining order he continued to post threatening comments and messages about/toward her on his Facebook page. In these comments he stated that since he was not sending the messages directly to her he was not violating the order. The trial court disagreed.

Defendant appealed convictions for stalking based on messages he posted on his public Facebook page in violation of a civil restraining order pursuant to RSA 633:3-a. On appeal, the defendant argued that that his conduct had not violated the terms of the restraining order because he had not sent the victim the messages directly and because she had taken the affirmative action to look at them on his page. The court held that Defendant's behavior fit squarely within the statutory definition of contact that includes "any action to communicate with another either directly or indirectly, including, but not limited to, using any form of electronic communication..." The court also noted that there was no precedent that suggested an affirmative action on the part of a victim would impact a finding regarding contact by the defendant. Defendant also appealed a witness tampering conviction that is not pertinent for the purpose of this summary.

State v. Moussa
164 N.H. 108 (2012)

Holding: The trial court did not err in imposing felony sentences against defendant. RSA 173-B:9, IV, which allows for enhanced penalties under certain circumstances, controls over RSA 633:3-a, VI which would otherwise prohibit felony sentencing. RSA 173-B:9, IV is the more specific statute and was enacted after RSA 633:3-a. (the court made other rulings in this case, but, this was the most relevant holding to this practice.)

The defendant appealed his convictions and sentences from his charge of three counts of stalking based on several theories including that the trial court erred when they imposed felony sentences in contradiction of RSA 633:3-a, VI, (b) which only allowed misdemeanor sentencing. The enhanced penalties applied because defendant was convicted of violating a prior domestic violence order.

The court underwent statutory construction analysis finding that, "where one statute deals with a subject in general terms, and another deals with a part of the same subject in a more detailed

way, the latter will be regarded as an exception to the general enactment where the two conflict.” Here, the Court found that RSA 173:B is the more specific statute whereas the stalking statute is more general in nature. The Court also determined that “when a conflict exists between two statutes, the later statute will control, especially when the later statute deals with a subject in a specific way and the earlier enactment treats that subject in a general fashion.” Here, RSA 173:B:9, IV was enacted six years after the stalking statute was.

By Mary Krueger, Esq.

State v. Simone
152 N.H. 755 (2005)

Holding: An explicit verbal threat of physical violence is not necessary to meet the fear element of RSA 633:3-a. A victim’s testimony and demeanor on the witness stand can be used to prove actual fear.

Defendant was a census worker who came to know the victim through the process of collecting data. After his job with the census ended he continued to call the victim despite consistently being asked to stop. His behavior led the victim to obtain a protective order pursuant to RSA 633:3-a, which he violated many times. Two years after the restraining order was issued he began sending the victim packages and left dozens of messages on her voicemail in which he professed love, admitted to obtaining personal information about her by misrepresenting himself to her husband, and stated that he was willing to die for her in jail. The victim made police reports many times. The defendant was convicted of stalking the victim.

On appeal, Defendant argued that there was insufficient evidence to prove the fear element of RSA 633:3-a because he never made any direct threats to physically harm the victim. The court did note that the Defendant was asking them to decide whether the statute required a showing of *physical* violence in order to meet the fear element. However, the court declined to consider the question because it held that the State had provided sufficient evidence to show a jury could find beyond a reasonable doubt that Defendant’s actions could, in fact, cause fear for physical harm.

State v. Pierce
152 N.H. 790 (2005)

New Hampshire Supreme Court found that RSA 644:4, I(f) was unconstitutionally overbroad. The specific section was the following:

I. A person is guilty of a misdemeanor, and subject to prosecution in the jurisdiction where the communication originated or was received, if such person:

(f) With the purpose to annoy or alarm another, having been previously notified that the

recipient does not desire further communication, communicates with such person, when the communication is not for a lawful purpose or constitutionally protected.

At issue was whether section (f) should be read as an affirmative defense placing the burden on the defendant to prove or whether it should be read as an element of the harassment crime giving the state the burden. The Court determined that if section (f) were read as an affirmative defense (savings clause), the statute would be rendered unconstitutionally overbroad. It cites to prior case law striking down similar language in other parts of the criminal code. *State v. Bell*, 125 N.H. 425, 432, 480 A.2d 906 (1984); *State v. Brobst*, 151 N.H. 420, 425, 857 A.2d 1253 (2004).

State of New Hampshire v. Merriam
150 N.H. 548 (2004)

Defendant assaulted his ex-girlfriend in the town of Campton. The Campton police department issued a be on the lookout notification for defendant, which was received by the town of Sanbornton Police Department. The Sanbornton Police Department arrested defendant at his home in Sanbornton without a warrant pursuant to RSA 594:10, I (b). Defendant was charged with simple assault and criminal mischief. Defendant filed a motion to dismiss arguing that Sanbornton did not have authority over events occurring within Campton. The District Court ruled that Sanbornton police could not have legally arrested Defendant without a warrant for offenses that were committed within Campton since they did not have territorial jurisdiction to do so and that RSA 594:10 exceptions to the warrant requirements to not extend to the powers of the Sanbornton Police to arrest Defendant.

The New Hampshire Supreme Court reversed the trial court's ruling and remanded the case back to the District Court. The Supreme Court stated that RSA 105:4 does not indicate that local police officers have territorial jurisdiction to make arrests only when the criminal conduct is alleged to have occurred in their town, it merely limits the territorial jurisdiction of the officers to the territorial borders of the town that employs them. The Court also indicated that the plain language of RSA 594:10, I permits a warrantless arrest when the officer has probable cause to believe that the person to be arrested has committed abuse as defined in RSA 173-B:1, I against a person eligible for protection from domestic violence within the past 6 hours. The Court held that the district court erred by granting the defendant's motion to dismiss the charges against him.

State v. Kidder
150 N.H. 600 (2004)

The Hillsborough District Court certified the following question to the New Hampshire Supreme Court: Does the defendant in this case, who is subject to a protective order, violate the

order when the defendant's attorney contacts the unrepresented protected person on behalf of the defendant? The New Hampshire Supreme Court answered this question in the affirmative.

Defendant's attorney contacted the plaintiff in a domestic violence matter to organize a settlement meeting with all three parties, i.e. Swope, the defendant and the plaintiff, present. The plaintiff called the police. The State filed a complaint against defendant alleging that he violated the restraining order by his third party contact (Swope's call for a settlement conference) with plaintiff. The New Hampshire Supreme held that a trier of fact can find that the defendant violated the protective order if the trier of fact finds that the defendant knowingly contacted the unrepresented protected person through his attorney. The Court said that if a defendant has a legitimate reason to contact the defendant, he can petition the court for an exception to the restraining order.

State v. Daniel Small
150 N.H. 457 (2004)

The Defendant appealed his convictions on six felony counts of stalking. The Supreme Court affirmed the convictions. Defendant argued that the indictments should be dismissed on the grounds that the temporary restraining order against him had or should have expired by the time the charged incidents occurred. Defendant argued that because final orders expire after one year, that a temporary order must have a shorter duration than a final order.

The Court found that the Defendant never appealed the temporary order or moved to have it terminated. The Supreme Court held that a court trying a charge of a violation of a protective order is justified in refusing to entertain a defense in the form of a collateral attack on the order, the subject of which could have been raised and litigated through the judicial process prior to the violation charged.

Defendant also argued that the trial court failed to instruct the jury on his legitimate purpose defense. The Court held that Defendant was charged under RSA 633:3-a, I (c), which requires only a specified single act of conduct for its violation. Legitimate purpose *could* be a defense to the crime of stalking – court assumes without deciding for the purpose of the opinion. The jury weighed Defendant's credibility in his denials of his wife's allegations of his stalking. The Court stated that Defendant presented the jury with a credibility issue not a legal defense. The trial court instructed the jury on the credibility of witnesses. The jury charge was therefore appropriate; the trial court did not unsustainably exercise its discretion in refusing to give a legitimate purpose defense.

State v. Porelle
149 N.H. 420 (2003)

Holding: RSA 633:3-a not unconstitutionally vague on its face or as-applied. A person of ordinary intelligence can understand what "follow from place to place," and "for no

legitimate purpose” mean within the context of the statute and would not have to guess about the application of the law.

Defendant was convicted on two counts of stalking after waiting for the victim to arrive at a location and then following directly behind her car for some distance on two occasions. He collaterally attacked the constitutionality of portions of the statute both on its face and as-applied.

Defendant first argued that the statute is unconstitutionally vague because it does not define “follow” or “place to place.” The court held that the language was sufficient to allow a person of ordinary intelligence, as well as the defendant, to understand that the acts take by Defendant were proscribed by the law. Therefore, the terms “follow” and “from place to place” were not unconstitutionally vague.

Defendant next argued that the phrase “no legitimate purpose” is undefined and vague because police officers could have varying understandings of what conduct is prohibited. The court stated that a “legitimate purpose” is one “accordant with law.” The court explained that the statute uses an objective standard to measure the defendant’s actions and defines the term “no legitimate purpose” within the context of the statute. The court explained that doing so prevents too much discretion being left to police officers. Therefore, it concluded, the phrase “no legitimate purpose” is not facially unconstitutionally vague within the context of the statute nor is it unconstitutional as-applied to the defendant.

State of New Hampshire v. Mark Nott
149 N.H. 280 (2003)

The Defendant appealed an order finding him in criminal contempt for violating a bail order. The Supreme Court affirmed. The bail order prohibited Defendant from having any contact with the victim and required him to not go within one hundred yards of her. The State alleged that Defendant went within one hundred yards of the victim and spoke to her.

The NH Supreme Court stated that the elements of criminal contempt are the existence of a valid order, defendant’s knowledge of the order and a defendant’s intentional failure to comply with it. The purpose of criminal contempt, according to the Court, is to protect the authority and vindicate the dignity of the court. Civil contempt is remedial and its purpose is to coerce the defendant into complying with a court order.

Defendant argued that contempt proceedings are not a proper enforcement mechanism for violation of a bail commissioner’s order. The Supreme Court disagreed and stated that the purpose of criminal contempt is to punish a defendant for violating an order not to coerce him into complying with it. Bail commissioners are subordinate officers of the court. A contempt against a subordinate officer is regarded as contempt of the authority of the appointing court and the

appointing court has the power to punish such contempt. The Court therefore held that the district court had the power to punish defendant's violation of the bail commissioner's order as criminal contempt.

Regarding Attorney's fees

In the Matter of Susan Martel and Robert Martel 157 N.H. 53 (2008)

The petitioner was awarded a domestic violence final order, but the issue of attorney's fees was deferred to the divorce proceedings. In the divorce proceedings, the court denied the petitioner's request for attorney fees holding that it "cannot find an adequate basis on which to make such an award under the facts presented." The court held that under 173-B:5, the award of attorney's fees is permissive, but not required.

Appeal of NH Dept. of Transportation 143 N.H. 358 (1999)

The Department of Transportation appealed a decision of the Workers' Compensation Board awarding attorney's fees to Respondent. Respondent was represented in his claim for workers' compensation benefits by a union-provided attorney. The Respondent incurred no legal expenses.

The New Hampshire Supreme Court affirmed the award of attorneys fees citing Blum v. Stenson, 465 U.S. 886 (1984), a United States Supreme Court case, which held that awarding attorneys fees under a federal civil rights statute was appropriate regardless of whether the plaintiff was represented by private or non-profit counsel. The NH Supreme Court held that as a general matter, awards of attorney's fees are not obviated by the fact that the individual plaintiffs are not obligated to compensate their counsel.

Blum v. Stenson 465 U.S. 886 (1984)

The Supreme Court held that in federal civil rights actions, Title 42 U.S.C. sec. 1988 provides that the court may allow the prevailing party a reasonable attorney's fee as part of the costs. The statute and its history establish that "reasonable fees" are to be calculated according to the prevailing market rates in the relevant community, not according to the cost of providing legal services, regardless of whether the prevailing party is represented by private profit-making attorneys or nonprofit legal aid organizations.

10 (with subparts because we are lawyers) DOVE ATTORNEY TIPS

By Kirk Charles Simoneau¹

1. Remember, these are the most vulnerable clients you will likely ever deal with; don't act like a lawyer. Lawyers can be, to put it simply, a bit tone deaf.
 - a. Perhaps this is stupid to say, but a victim of domestic violence needs you to be more caring, more empathetic and to take more time. So, when you schedule the appointment, make sure you have time for it. You'll also want tissues nearby, for both of you.
 - b. Use small words and repeat yourself. No, I'm not suggesting your DOVE client isn't smart, but she is under tremendous stress and study after study shows that stress will reduce her ability to understand. Also, you may well be working through an interpreter (ask Pam how the DOVE project pays for those, but know that it costs you nothing.)
 - c. Repeat yourself, yes, again, but this time in writing. Make sure you send a follow up email or letter explaining, again, what you've discussed. In addition to recapturing the facts, re-explaining the law, be an encouragement and let your client know you're proud, she's doing something brave.
 - d. Bear in mind, your client may not have an address at the moment. So, make sure you get good contact information. If that address is at a shelter, don't share it.
 - e. Don't try to "lighten" the moment with humor. I got paid to write and tell jokes once upon a time, and I never joke with a DOVE client, not, at least, until much later in the process.
 - f. You set a DOVE client at ease by demonstrating a willingness to help and protect. More than your "regular" client, a DOVE client

¹ As taught to him by Attorney David L. Nixon.

needs to know and believe you are in her corner. So, be an encouragement, not just a facts and law lawyer.

2. If you are a male attorney, and the client is female, which is the more typical case, consider having a female partner, associate, paralegal or secretary join you for part, if not all, of the initial intake meeting.
 - a. Dave Nixon, who I believe is the record holder for the highest number of DOVE cases taken, would often start a new DOVE client meeting by explaining the courtroom. He'd describe the room, the wood paneling, the paint color, how crowded it would be, who sat where, the role of the clerk, the bailiff and the judge. He'd talk about the actual order and process of the proceeding, all before asking a single question about the facts of the case.
 - b. After walking a client through the entire hearing, Dave would often then say something like, "I bet this is going to be tough on you, telling some old man about that bastard hitting you, raping you, all that he did. I want to make this easier; Deb here is going to talk to you for a while." Then Dave would leave the room. This is a judgment call. I stay in the room, but I have someone with me.
 - c. I often start with the worst thing in the petition. Pull the Band-Aid. You aren't doing your client any favors if she isn't ready for a tough cross. After all, most likely, the respondent is pro se. He'll be doing the cross himself. Your client needs to know this and needs to be prepared to, literally, face her abuser.
 - d. To me, the biggest obstacle in a DOVE case is, often, the client's own self-limiting beliefs. I've heard it so many times; "why would anyone believe me, I don't have any proof?" Many of these victims' self-esteem is so badly damaged, they don't realize their word is proof. You need to make this clear.
3. To amend or not amend.
 - a. If the petition, which you often receive close to the hearing to change, doesn't have enough facts to make out the three elements, you can amend. If you have time.

- b. If you don't have time, make sure you flesh out, during testimony all the vague words in the petition. Often, this gets you beyond the need to be concerned about the four corners of the document.
- 4. Make clear you only are involved in the DOVE hearing.
 - a. Often, not always, but often, there are companion custody or divorce cases and you have to be clear from day one you are in for the DV hearing only or you can get sucked into a lifetime's worth of legal work.
- 5. Let the clerk know you are with the DOVE project.
 - a. Many of the wonderful clients in our courts will help get the pro bono lawyers back to their paid gig as fast as they can.
- 6. Inform the bailiff if you have any reason to believe your defendant is likely to be dangerous. I've only had to do this once in nearly 10 years.
 - a. It can happen. Be smart. These are tense hearings.
- 7. Your client may not show up.
 - a. Some clients need several tries to get up the courage to make it to court, don't take it personally; you did your part.
- 8. Testimony or offers of proof?
 - a. Some judges will allow you to proceed on offers of proof. While this can protect your client from an ugly cross, it may not be the best plan. Use your judgment and remember, you won't be able to cross anyone either.
 - b. Either way, remember, the rules of evidence do not apply.
 - c. And, don't object to some pro se respondent going on and on. Judge Thomas T. Barry has told every Daniel Webster Scholar Class we have taught together over the past few years, that, every time, when these guys just talk and talk, they "hang themselves." So, unless it is getting really bad in there, let that respondent have the rope, tie the knot and do the rest.
- 9. Did you win? Almost every judge will take these matters under advisement, but you likely know if you didn't get the order. Be honest with the client and tell her you are fairly certain she lost because she needs to do some safety

planning. Don't wait until you get the order leaving her no time to find a safe place.

10. Truth is, there are a million little nuances to these types of cases. Each one, though, is unique. One thing that isn't unique is when you succeed and help someone get the protection they so badly need, you feel like you've done something.

- a. And, there's a selfish reason to do a DOVE case. Most civil trial lawyers don't get into court very often. We don't get to question or cross witnesses. I do as a DOVE attorney as often as I want. Dave Nixon encouraged me to be involved in the project because he believed in the mission, but he also believed in staying sharp.

THE DOVE PROJECT DOMESTIC VIOLENCE CASE INTAKE

Instructions to staff: fax, email or mail this form, the Agreement of Retainer, the Referral Confirmation/Case Disposition Form, and restraining order petition to the DOVE attorney immediately upon making the referral. Send a copy this form, the DOVE Project Financial Intake, court documents and the Attorney Contact Log to the DOVE Coordinator, NH Bar Association, 2 Pillsbury Street, Suite300, Concord, NH 03301-3502, by fax 603-715-3295 or email pdodge@nhbar.org.

CLIENT INFORMATION:

Date of Intake

Name		Marital Status	Date of Birth
Safe mailing address		City/Town	Zip Code
Home number (Safe)		Cell number (safe)	Work number
Employer			City/Town
Race/Ethnicity: <input type="checkbox"/> American Indian/Native-American or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Non-Latino White or Caucasian <input type="checkbox"/> Biracial/Multiracial <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to disclose	Citizenship/Immigration Status: <input type="checkbox"/> Citizen <input type="checkbox"/> Permanent resident <input type="checkbox"/> Refugee <input type="checkbox"/> Non-Immigrant VISA <input type="checkbox"/> Other <small>PLEASE NOTE: This information is being gathered for demographic reporting only. Your answer will not be associated with your name and we will NOT contact any immigration officials.</small>	Social group/identity: <input type="checkbox"/> Deaf/Hard of Hearing <input type="checkbox"/> Homeless <input type="checkbox"/> Immigrant/Refugee/Asylum Seeker <input type="checkbox"/> LGBTQIA <input type="checkbox"/> Veteran <input type="checkbox"/> Disabled: Cognitive/Physical/Mental/Emotional <input type="checkbox"/> Limited English Proficiency <input type="checkbox"/> Other: Please explain _____	
Gender Identity: <input type="checkbox"/> Woman <input type="checkbox"/> Man <input type="checkbox"/> Transmasculine <input type="checkbox"/> Transfeminine <input type="checkbox"/> Non-binary/non-conforming <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to disclose	Party to the case: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Do you have a criminal or arrest record? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____ _____	Is English your primary language? <input type="checkbox"/> Yes <input type="checkbox"/> No Primary Language? _____ Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	

OPPOSING PARTY INFORMATION:

Name		Date of Birth
Address		
Home telephone #	Cell number	Work number
Employer		City/Town
Does this person have a criminal or arrest record? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____ Does this person have access to weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____		Citizenship/Immigration status: <input type="checkbox"/> Citizen <input type="checkbox"/> Permanent resident <input type="checkbox"/> Refugee <input type="checkbox"/> Non-Immigrant VISA <input type="checkbox"/> Other

"Abuse" means the commission or attempted commission of one or more of the following acts by a family or household member or by a current or former sexual or intimate partner, where such conduct is determined to constitute a credible present threat to the petitioner's safety. The court may consider evidence of such acts, regardless of their proximity in time to the filing of the petition, which, in combination with recent conduct, reflects an ongoing pattern of behavior which reasonably causes or has caused the petitioner to fear for his or her safety or well-being: *(please check the behavior that the defendant exhibits towards the plaintiff):*

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Assault or reckless conduct | <input type="checkbox"/> Criminal threatening | <input type="checkbox"/> Sexual assault | <input type="checkbox"/> Interference with freedom |
| <input type="checkbox"/> Destruction of property | <input type="checkbox"/> Unauthorized entry | <input type="checkbox"/> Harassment | <input type="checkbox"/> Cruelty to animals |

The behavior identified above constitutes a credible threat to the plaintiff's safety because _____

(If this is a referral for defending against a PRO, please explain the situation) _____

Hearing is scheduled for: Date _____ Time _____ Court _____

Opposing Party's Attorney (Name and Firm if possible): _____

OTHER CASE INVOLVEMENT:

I am currently involved in or have received orders in the following *(List the court(s) handling the case(s) and dates orders were issued.)*

- ☐ Other PRO's _____
- ☐ Divorce _____
- ☐ Parenting Rights & Responsibilities/Visitation/Support _____
- ☐ Other cases? _____

Do you have a lawyer for these, or any other legal actions? *(name of lawyer (s))* _____

Does the opposing party have a lawyer for these or any other legal actions?

(name of lawyer(s)) _____

Is there a GAL appointed for the children? If so, name _____

Instructions: Give a copy of this page (3) to the client. The DOVE client should use this as a reference to bring the materials and information checked below to the first interview with the lawyer.

CHECKLIST FOR ATTORNEY REFERRAL: (please check all that apply)

I will bring this information to my lawyer

Copy of DV Petition and temporary order	<input type="checkbox"/>
Records of hospital/medical treatment required from abuse	<input type="checkbox"/>
Police reports of incidents of violence	<input type="checkbox"/>
Photographs of bruises/cuts from abuse	<input type="checkbox"/>
A detailed list of incidents of abuse (past and current)	<input type="checkbox"/>
List of witnesses to abuse or injuries(include addresses and phone numbers)	<input type="checkbox"/>
Letters, email copies, answering machine messages containing confirmation of abuse and threats left by opposing party	<input type="checkbox"/>
Copies of bills to document compensatory damages (medical, repairs to property, etc.)	<input type="checkbox"/>
Copies of opposing party's pay stubs	<input type="checkbox"/>
Info on defendant's financial situation (i.e. bank account info)	<input type="checkbox"/>
List of weapons possessed by defendant	<input type="checkbox"/>
Copies of joint bills to be addressed by the court	<input type="checkbox"/>
Description of client's wishes regarding use of personal property (i.e. vehicles, furnishings etc)	<input type="checkbox"/>
Description of client's wishes regarding use of real property (who stays in the residence)	<input type="checkbox"/>
Description of client's wishes regarding custody of children	<input type="checkbox"/>
Description of client's wishes regarding visitation (place of exchange, name of supervisors if appropriate)	<input type="checkbox"/>
Court's Financial Affidavit	<input type="checkbox"/>
Safety Plan completed and reviewed with the crisis center advocate (Please include a copy of the safety plan with the documents provided to the DOVE attorney and DOVE coordinator)	<input type="checkbox"/>

Comments: _____

REFERRED TO:

Attorney Name

Phone Number

Street

City/Town

State

Name of Staff Person

Date

Crisis Center Phone Number

Section One - Household Income - Please list below each person, including children, who currently lives with the client. This does not include the abuser. If the client has zero income, explain how s/he is paying for shelter and food.

Name	DOB	Relationship to client	Wage x Hours	Gross Weekly Income
		SELF		

Other Income: Includes, but is not limited to, the following. NOTE: Child support and alimony are income, food stamps/WIC are not.

Source	Who Receives?	Amount Received?	How often? (weekly/monthly)
TANF			
Child Support			
SSI			
SSDI			
Retirement			
VA Benefits			
Other:			

A. TOTAL GROSS ANNUAL INCOME = _____

Compare the Gross Annual Income to the Guidelines Table. If it is at or below the guideline amount, proceed with the rest of the application. If it is above the guideline amount, the client is **NOT** eligible for DOVE.

Section Two – Assets of all household members listed above.

Asset	Name of the person(s) who has the account(s)	Current balance
Savings accounts		
Checking accounts		
IRA's, CD's, other accounts		

Compare the asset totals to the Guidelines Table. If they are above the allowed totals, the client is **NOT** eligible for DOVE.

THE DOVE PROJECT STALKING CASE INTAKE

Instructions to staff: fax, email or mail this form, the Agreement of Retainer, the Referral Confirmation/Case Disposition Form, and restraining order petition to the DOVE attorney immediately upon making the referral. Send a copy this form, the DOVE Project Financial Intake, court documents and the Attorney Contact Log to the DOVE Coordinator, NH Bar Association, 2 Pillsbury Street, Suite300, Concord, NH 03301-3502, by fax 603-715-3295 or email pdodge@nhbar.org.

CLIENT INFORMATION:

Date of Intake

Name		Marital Status	Date of Birth
Safe mailing address	City/Town	Zip Code	Safe email
Home number (Safe)	Cell number (safe)		Work number
Employer			City/Town
Race/Ethnicity: <input type="checkbox"/> American Indian/Native-American or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Non-Latino White or Caucasian <input type="checkbox"/> Biracial/Multiracial <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to disclose		Citizenship/Immigration Status: <input type="checkbox"/> Citizen <input type="checkbox"/> Permanent resident <input type="checkbox"/> Refugee <input type="checkbox"/> Non-Immigrant VISA <input type="checkbox"/> Other PLEASE NOTE: This information is being gathered for demographic reporting only. Your answer will not be associated with your name and we will NOT contact any immigration officials.	
Gender Identity: <input type="checkbox"/> Woman <input type="checkbox"/> Man <input type="checkbox"/> Transmasculine <input type="checkbox"/> Transfeminine <input type="checkbox"/> Non-binary/non-conforming <input type="checkbox"/> Other <input type="checkbox"/> Prefer not to disclose		Party to the case: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Do you have a criminal or arrest record? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____ _____	
Social group/identity: <input type="checkbox"/> Deaf/Hard of Hearing <input type="checkbox"/> Homeless <input type="checkbox"/> Immigrant/Refugee/Asylum Seeker <input type="checkbox"/> LGBTQIA <input type="checkbox"/> Veteran <input type="checkbox"/> Disabled: Cognitive/Physical/Mental/Emotional <input type="checkbox"/> Limited English Proficiency <input type="checkbox"/> Other: Please explain _____ Is English your primary language? <input type="checkbox"/> Yes <input type="checkbox"/> No Primary Language? _____ Interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No			

OPPOSING PARTY INFORMATION:

Name		Date of Birth
Address		
Home telephone #	Cell number	Work number
Employer		City/Town
Does this person have a criminal or arrest record? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____ Does this person have access to weapons? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, explain: _____		Citizenship/Immigration status: <input type="checkbox"/> Citizen <input type="checkbox"/> Permanent resident <input type="checkbox"/> Refugee <input type="checkbox"/> Non-Immigrant VISA <input type="checkbox"/> Other

THE DOVE PROJECT STALKING CASE INTAKE

HISTORY OF RELATIONSHIP:

<i>(Check <u>all</u> that apply)</i>			
<input type="checkbox"/> Lived together <input type="checkbox"/> Married (date) _____ <input type="checkbox"/> Child(ren) in common <input type="checkbox"/> Co-worker	<input type="checkbox"/> Current Household member <input type="checkbox"/> Divorced (date) _____ <input type="checkbox"/> Friend/Acquaintance <input type="checkbox"/> Other (explain) _____	<input type="checkbox"/> Family member <input type="checkbox"/> Dating relationship (previous or current) <input type="checkbox"/> Stranger	
List children (if any) from this relationship:			
Name	DOB	Name	DOB

STALKING RESTRAINING ORDERS: RSA 633:3-A

What behaviors have you experienced? Stalking behaviors include: <input type="checkbox"/> Being followed <input type="checkbox"/> Being threatened (online or in person) <input type="checkbox"/> Property damage <input type="checkbox"/> Unwanted/excessive communication <input type="checkbox"/> Interference with use of technology <input type="checkbox"/> Other _____	Hearing is scheduled for: Date: _____ Time: _____ Court: _____ Opposing Party's Attorney (Name and Firm if possible): _____
Please explain why you fear for your safety or the safety of someone in your immediate family: _____ _____ _____	

OTHER CASE INVOLVEMENT:

I am currently involved in or have received orders in the following <i>(List the court(s) handling the case(s) and dates orders were issued.)</i> <input type="checkbox"/> Other PRO's _____ <input type="checkbox"/> Divorce _____ <input type="checkbox"/> Parenting Rights & Responsibilities/Visitation/Support _____ <input type="checkbox"/> Other cases _____
Do you have a lawyer for these, or any other legal actions? <i>(name of lawyer (s))</i> _____ Does the opposing party have a lawyer for these or any other legal actions? <i>(name of lawyer(s))</i> _____ Is there a GAL appointed for the children? If so, name _____

THE DOVE PROJECT STALKING CASE INTAKE

Instructions: Give a copy of this page (3) to the client. The DOVE client should use this as a reference to bring the materials and information checked below to the first interview with the lawyer.

CHECKLIST FOR ATTORNEY REFERRAL: *(please check all that apply)*

I will bring this information to my lawyer

Copy of Stalking Petition and temporary order	<input type="checkbox"/>
Records of hospital/medical treatment required from abuse	<input type="checkbox"/>
Police reports of incidents of stalking or violence	<input type="checkbox"/>
Photographs of bruises/cuts from abuse	<input type="checkbox"/>
A detailed list of incidents of abuse (past and current)	<input type="checkbox"/>
List of witnesses to abuse or injuries(include addresses and phone numbers)	<input type="checkbox"/>
Letters, email copies, answering machine, cell phone or Facebook messages containing confirmation of abuse and threats left by opposing party	<input type="checkbox"/>
Copies of bills to document compensatory damages (medical, repairs to property, etc.)	<input type="checkbox"/>
Copies of opposing party's pay stubs if current or former intimate partner	<input type="checkbox"/>
Info on defendant's financial situation (i.e. bank account info) if current or former intimate partner	<input type="checkbox"/>
List of weapons possessed by defendant	<input type="checkbox"/>
Copies of joint bills to be addressed by the court	<input type="checkbox"/>
Description of client's wishes regarding use of personal property (i.e. vehicles, furnishings etc)	<input type="checkbox"/>
Description of client's wishes regarding use of real property (who stays in the residence)	<input type="checkbox"/>
Description of client's wishes regarding custody of children	<input type="checkbox"/>
Description of client's wishes regarding visitation (place of exchange, name of supervisors if appropriate)	<input type="checkbox"/>
Court's Financial Affidavit	<input type="checkbox"/>
Safety Plan completed and reviewed with the crisis center advocate (Please include a copy of the safety plan with the documents provided to the DOVE attorney and DOVE coordinator)	<input type="checkbox"/>

Comments: _____

REFERRED TO:

<u>Attorney Name</u>	<u>Phone Number</u>
----------------------	---------------------

Street	City/Town	State
--------	-----------	-------

Name of Staff Person	Date	Crisis Center Phone Number
----------------------	------	----------------------------

**DOVE PROJECT
FINANCIAL INTAKE FORM**

*Fax, email or mail a copy of this form with the DOVE Project Case Intake and the Attorney Contact Log to:
DOVE Coordinator, NH Bar Association, 2 Pillsbury St., Suite 300, Concord NH 03301-3502
Fax: 603-715-3295, email: pdodge@nhbar.org*

Section One - Household Income - Please list below each person, including children, who currently lives with the client. This does not include the abuser. If the client has zero income, explain how s/he is paying for shelter and food.

Name	DOB	Relationship to client	Wage x Hours	Gross Weekly Income
		SELF		

Other Income: Includes, but is not limited to, the following. NOTE: Child support and alimony are income, food stamps/WIC are not.

Source	Who Receives?	Amount Received?	How often? (weekly/monthly)
TANF			
Child Support			
SSI			
SSDI			
Retirement			
VA Benefits			
Other:			

A. TOTAL GROSS ANNUAL INCOME = _____

Compare the Gross Annual Income to the Guidelines Table. If it is at or below the guideline amount, proceed with the rest of the application. If it is above the guideline amount, the client is NOT eligible for DOVE.

Section Two – Assets of all household members listed above.

Asset	Name of the person(s) who has the account(s)	Current balance
Savings accounts		
Checking accounts		
IRA's, CD's, other accounts		

Compare the asset totals to the Guidelines Table. If they are above the allowed totals, the client is NOT eligible for DOVE.

Procedures

Step 1.

Complete the intake form with the client. We prefer that staff actually completes the intake. If not, Staff should review very carefully the information on the application BEFORE making a referral.

Step 2.

Determine Financial Eligibility: Staff should make the determination of eligibility based on the information on the intake. The financial guidelines and this narrative ARE NOT to be given to the client. Financial eligibility determinations are based on household size. All residents are members of the household, and their incomes included, if they pool their resources with the other residents and function as an economic unit. If a resident is not part of the economic unit, then only such income as is actually received from him or her should be counted in determining the applicant's financial eligibility.

- Gross Annual Income Test: Add up the household's gross ANNUAL income. No person whose gross annual income is over the limits shown on the guidelines table is eligible for legal assistance from the DOVE Project. If the client is over the top level, stop. You may refer them to the Lawyer Referral Service or Reduced Fee Program at (603) 229-0002.
- Asset Test: The DOVE Project does not include "non-liquid assets" in determining eligibility. Add the total amount of liquid assets and compare the total to the guidelines. If the assets are less than or equal to the amount listed, and the client meets the income guidelines, then the client is eligible for DOVE. If the client is over the asset guidelines, the client is not eligible.

If the client has met (1) the Gross Annual Income, and (2) the assets tests, and you consider her situation to be eligible for DOVE, then she is eligible and you may refer her to an attorney.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

2nd Circuit-Family Division-Haverhill
3785 Dartmouth College Highway - Box 9
North Haverhill, NH 03774

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

DOMESTIC VIOLENCE PETITION

Pursuant to RSA 173-B

Case Number: _____ PNO _____

Plaintiff _____ v. Defendant _____
Plf Date of Birth _____ Def Date of Birth _____

Sex: ☐ M ☐ F
Race: ☐ Asian ☐ Other ☐ Black
☐ Unavailable ☐ Indian ☐ White
☐ Multiracial ☐ Native Hawaiian or Other
Pacific Islander.
Ethnicity: ☐ Hispanic ☐ Non-Hispanic ☐ Refused

Sex: ☐ M ☐ F

Street Address _____

City / State / Zip _____

RELATIONSHIP to DEFENDANT

☐ Married ☐ Household member
☐ Divorced ☐ Other _____
☐ Separated
☐ Cohabit / cohabited
☐ Child in common

TO THE JUSTICE OF THE COURT: I am in immediate danger of abuse by the defendant. I base my request for protection from abuse on the following facts that occurred on the following dates, and ask the court to issue orders as noted below:

☐ SEE ATTACHED ADDITIONAL PAGE(S)

The defendant and I are currently involved in or have received orders in the following court actions:

☐ divorce ☐ custody ☐ protective order ☐ none ☐ other _____

Please list the court(s) handling the case(s): _____

Are you represented by a lawyer in any of these matters? ☐ Yes ☐ No

Residence: ☐ own ☐ rent ☐ in whose name? _____

Children living in household:

NAME	DOB	BIRTH PARENTS	WHO HAS CUSTODY
_____	_____	_____	_____
_____	_____	_____	_____

Note: If you have minor children born to or adopted by you and the defendant, you must submit a UCCJEA Affidavit (Form NHJB-2660-FP)

I have suffered the following financial losses as a result of the abuse: ☐ medical/dental/optical expenses
☐ loss of wages ☐ loss of personal property ☐ other (explain) _____

Case Name: v
Case Number: PNO:
DOMESTIC VIOLENCE PETITION

SAMPLE

THIS PETITION MUST BE SIGNED BY THE PETITIONER WHILE AT COURT.

THIS PETITION WILL NOT BE ACCEPTED BY FAX, E-MAIL, OR U.S. MAIL.

I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

Date Signature of Plaintiff
State of , County of

This instrument was acknowledged before me on by

My Commission Expires
Affix Seal, if any Clerk of Court/Deputy Clerk/Justice of Peace/Notarial Officer

THE STATE OF NEW HAMPSHIRE

JUDICIAL BRANCH

NH CIRCUIT COURT

DOMESTIC VIOLENCE TEMPORARY ORDER OF PROTECTION

Case Number: _____ PNO Number: _____

Court: 2nd Circuit-Family Division-Haverhill

Court ORI: NH005261J

County: Grafton

Address: 3785 Dartmouth College Highway - Box 9 North Haverhill, NH 03774

PLAINTIFF

PLAINTIFF IDENTIFIERS

First	Middle	Last	Date of Birth	Sex	Race
				<input type="checkbox"/> M <input type="checkbox"/> F	

V.

DEFENDANT'S NAME First Middle Last		DEFENDANT IDENTIFIERS DOB <input type="text"/> HEIGHT <input type="text"/> SEX <input type="checkbox"/> M <input type="checkbox"/> F WEIGHT <input type="text"/> RACE <input type="text"/> EYES <input type="text"/> State/Birth <input type="text"/> HAIR <input type="text"/> ETHNICITY <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused	
DEFENDANT'S ADDRESS: <input type="text"/> <input type="text"/> <input type="text"/>		DISTINGUISHING FEATURES: SKIN TONE <input type="text"/> SCARS, MARKS, TATTOOS: <input type="text"/> Location and description <input type="text"/>	
RELATIONSHIP to PLAINTIFF <input type="checkbox"/> Married <input type="checkbox"/> Household member <input type="checkbox"/> Divorced <input type="checkbox"/> Other <input type="text"/> <input type="checkbox"/> Separated <input type="checkbox"/> Cohabit / cohabited <input type="checkbox"/> Child in common		CAUTION <input type="checkbox"/> Weapon involved <input type="checkbox"/> Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B	
LICENSE INFO: DRIVER'S LICENSE# <input type="text"/> STATE <input type="text"/> VEHICLE INFO: YEAR <input type="text"/> MAKE <input type="text"/> MODEL <input type="text"/>		EXP DATE <input type="text"/> STYLE <input type="text"/> COLOR <input type="text"/> VIN # <input type="text"/>	

WARNING: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262).

The court has found as evidenced by this order:

That it has jurisdiction over the parties and subject matter, and the defendant, upon service, will be given reasonable notice and opportunity to be heard.

- ☒ The above named defendant is restrained from committing further acts of abuse or threats of abuse.
- ☒ The above named defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. The defendant is prohibited from coming within _____ feet of the plaintiff.

Case Number: _____ PNO: _____

The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 173-B (Protection of Persons from Domestic Violence), and having considered the plaintiff's Domestic Violence Petition dated _____, hereby finds that the plaintiff is in immediate and present danger of abuse as defined in RSA 173-B and makes the following **TEMPORARY ORDERS OF PROTECTION**:

- NHJB-2000-DF (01/01/2015)

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

2nd Circuit-Family Division-Haverhill
3785 Dartmouth College Highway - Box 9
North Haverhill, NH 03774

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

**DOMESTIC VIOLENCE TEMPORARY ORDER AND NOTICE OF HEARING
PURSUANT TO RSA 173-B**

Case Number:

PNC

_____, V. _____
Plaintiff Defendant Def Date of Birth

NOTICE OF HEARING

The plaintiff and defendant are summoned to appear at 2nd Circuit-Family Division-Haverhill on _____ (date) at _____ ☐ a.m. ☐ p.m. The court will hear testimony from both parties. **One half hour will be allotted for this hearing.** FINAL ORDERS may be issued at that time.

Date Pamela C. Kozlowski
Clerk of Court

NOTICE TO DEFENDANT

PURSUANT TO RSA 173-B:4, you have a right to a hearing on these temporary orders within five business days, but not earlier than three business days, after you file a written request with the court. Unless you request this hearing in writing, the case will be heard on the date shown above.

**NOTICE OF INTERSTATE ENFORCEMENT AND
COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

1. This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. sec. 2265 (1994). This Court has jurisdiction of the parties and the subject matter; the defendant is afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of that jurisdiction.
2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
3. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party (the plaintiff) to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. sec. 2262(a)(1) or (2) (1994).
4. The National Domestic Violence Hotline provides information on a 24-hour basis on interstate enforcement of protection orders, how to reach an advocate, and the location of shelters. The Hotline number is: 1-800-799-7233.

REPORTING A VIOLATION OF THIS ORDER: If the defendant violates any portion of this order, the plaintiff may report the violation to the local law enforcement agency and file a written notice in the form of a petition for contempt requesting a further hearing on the matter. Forms are available at the court or on the court website www.courts.state.nh.us.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

2nd Circuit-Family Division-Haverhill
3785 Dartmouth College Highway - Box 9
North Haverhill, NH 03774

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

DOMESTIC VIOLENCE OR STALKING RETURN OF SERVICE

Pursuant to RSA 633:3-a or 173-B

Case Number: _____ PNO _____

Plaintiff V. Defendant Def Date of Birth _____

DEFENDANT IDENTIFIERS (<input type="checkbox"/> to be obtained or verified by serving officer)							
Race: <input type="checkbox"/> Asian <input type="checkbox"/> Unavailable <input type="checkbox"/> Multiracial	<input type="checkbox"/> Other <input type="checkbox"/> Indian <input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> Black <input type="checkbox"/> White	DOB		HEIGHT		
			SEX		WEIGHT		
			State/Birth		EYES		
Ethnicity: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused					HAIR		

Service was completed on the within named _____

by giving in hand on _____ at _____ a.m./p.m. an attested copy of the attached order. Identity of the defendant was verified by means of:

- ☐ Driver's License ☐ Birth Certificate ☐ Other identification _____
- ☐ Firearms and ammunition were relinquished: (specify) _____
- ☐ Deadly weapons were relinquished: (specify) _____
- ☐ Concealed Weapons Permits were relinquished (specify) _____
- ☐ Hunting Licenses were relinquished (specify) _____

Date

Current Street Address of Defendant

Current City/State/Zip of Defendant

(603) 787-6817

Court Fax Number

Law Enforcement Official and Agency Name

Law Enforcement Agency Address

Court Official

- ☐ Petition ☐ Temporary Order ☐ Final Order ☐ Other _____
- ☐ Notice of Interstate Enforcement and Compliance with VAWA for Use with Temporary Order ☐ Notice of Interstate Enforcement and Compliance with VAWA for Use with Final Order
- ☐ UCCJEA Affidavit

DOMESTIC VIOLENCE ORDER TRANSMISSION COVER SHEET

Date: December 29, 2014

Staff Person's Name: _____

☒ FAXED TO:

_____ POLICE DEPARTMENT

☐ MAILED TO:

FAX #: _____

Number of pages: (Including Transmission Cover Sheet): _____

COURT NAME: 2nd Circuit-Family Division-Haverhill

CASE NUMBER: _____

COURT PHONE #: 1-855-212-1234

ORDER TYPE:

- ☐ Petition and Temporary Order
- ☐ Final Order of Protection for 1 Year
- ☐ Final Order Extended for 1 Year
- ☐ Final Order Extended for 5 Years
- ☐ Modification of Orders
- ☐ Addition or Change in Defendant ID Info (see below)
- ☐ Case Dismissed or Withdrawn

DEFENDANT ID INFORMATION:

NAME:

MISCELLANEOUS INFORMATION:

DOB:

HEIGHT:

WEIGHT:

EYE COLOR:

HAIR COLOR:

RACE:

GENDER:

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

2nd Circuit-District Division-Haverhill
3785 Dartmouth College Highway - Box 10
North Haverhill, NH 03774

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

STALKING PETITION

Pursuant to 633:3-a

Case Number: _____ PNO _____

Plaintiff	Plf Date of Birth	v.	Defendant	Def Date of Birth
Sex: <input type="checkbox"/> M <input type="checkbox"/> F			Sex: <input type="checkbox"/> M <input type="checkbox"/> F	
Race: <input type="checkbox"/> Asian <input type="checkbox"/> Other <input type="checkbox"/> Black <input type="checkbox"/> Unavailable <input type="checkbox"/> Indian <input type="checkbox"/> White <input type="checkbox"/> Multiracial <input type="checkbox"/> Native Hawaiian or Other Pacific Islander.			Street Address	
Ethnicity: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused			City / State / Zip	
RELATIONSHIP to DEFENDANT				
<input type="checkbox"/> Married			<input type="checkbox"/> Household member	
<input type="checkbox"/> Divorced			<input type="checkbox"/> Other _____	
<input type="checkbox"/> Separated				
<input type="checkbox"/> Cohabit / cohabited				
<input type="checkbox"/> Child in common				

TO THE JUSTICE OF THE COURT: I believe I am being stalked by the defendant. I base my request for protection from stalking on the following facts which occurred on the following dates, and ask the court to issue orders as noted below:

☐ SEE ATTACHED ADDITIONAL PAGE(S)

The defendant and I are currently involved in or have received orders in the following court actions:

☐ divorce ☐ custody ☐ protective order ☐ none ☐ other _____

Please list the court(s) handling the case(s): _____

Are you represented by a lawyer in any of these matters? ☐ Yes ☐ No

Residence: ☐ own ☐ rent ☐ in whose name? _____

Children living in household:

NAME	DOB	BIRTH PARENTS	WHO HAS CUSTODY
------	-----	---------------	-----------------

_____ _____	_____ _____	_____ _____	_____ _____
----------------	----------------	----------------	----------------

Note: If you have minor children born to or adopted by you and the defendant, you must submit a UCCJEA Affidavit (Form NHJB-2660-FS)

Case Number: _____ **PNO:** _____

STALKING PETITION

I have suffered the following financial losses as a result of the stalking: ☐ medical / dental / optical expenses
☐ loss of wages ☐ loss of personal property ☐ other (explain) _____

REQUEST FOR PROTECTIVE ORDERS:

1. ☐ Restrain the defendant from stalking and/or abusing me, having any contact with me, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, e-mail, the sending or delivery of gifts or any other method, unless specifically authorized by the court.
2. ☐ Restrain the defendant from following me or appearing in proximity to my residence, place of employment or school, or following or appearing at any other place where I may be.
3. ☐ Restrain the defendant from entering in or on the premises (including curtilage) where I reside except with a peace officer for the purpose of removing defendant's personal possessions.
4. ☐ Restrain the defendant from stalking or abusing my relatives or members of my household
5. ☐ Restrain the defendant from taking, converting or damaging property in which I have a legal or equitable interest.
6. ☐ Direct the defendant to temporarily relinquish to a peace officer any firearms or other deadly weapons, including _____
7. ☐ Award temporary custody of our minor child(ren) to me.

REQUEST FOR ADDITIONAL ORDERS AT THE TIME OF THE FINAL HEARING:

8. ☐ Direct the defendant to make child support payments to me for the care of our minor child(ren).
9. ☐ Direct the defendant to follow a court approved visitation plan if defendant wishes to exercise child visitation rights.
10. ☐ Award me the exclusive right of use and possession of our residence and household furnishings.
11. ☐ Award me the exclusive right of use and possession of the following vehicle: _____
12. ☐ Order the defendant to pay me for financial losses suffered as a direct result of the stalking.
13. ☐ Direct the defendant to attend an approved batterers treatment program or personal counseling.
14. ☐ Other relief: _____

Additional Space for Statement of Facts

STALKING PETITION

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**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Grafton Superior Court
3785 Dartmouth College Highway
North Haverhill, NH 03774

Telephone: (603) 787-6961
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

**DEFENDANT INFORMATION SHEET FOR LAW ENFORCEMENT
Pursuant to Stalking RSA 633:3-a or Domestic Violence 173-B**

Case Number: _____

PNO: _____

Plaintiff _____ Plf Date of Birth _____ V. Defendant _____ Def Date of Birth _____

DEFENDANT'S NAME			DEFENDANT IDENTIFIERS		
First	Middle	Last	DOB		HEIGHT
			SEX	<input type="checkbox"/> M <input type="checkbox"/> F	WEIGHT
DEFENDANT'S ADDRESS:			RACE		EYES
			State/Birth		HAIR
			ETHNICITY		
			<input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused		
RELATIONSHIP to PLAINTIFF					
<input type="checkbox"/> Married <input type="checkbox"/> Household member					
<input type="checkbox"/> Divorced <input type="checkbox"/> Other _____					
<input type="checkbox"/> Separated					
<input type="checkbox"/> Cohabit / cohabited					
<input type="checkbox"/> Child in common					
CAUTION					
<input type="checkbox"/> Weapon involved					
<input type="checkbox"/> Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 173-B					
VEHICLE INFO:			LICENSE DRIVER'S LICENSE#		
			STATE		EXP DATE
			YEAR		STYLE
			MAKE		COLOR
			MODEL	VIN #	
DISTINGUISHING FEATURES:					
SKIN TONE _____					
SCARS, MARKS, TATTOOS: _____					
Location and description _____					

Defendant's phone no. _____

When is defendant usually home? _____

Other than home and work, are there regular places defendant spends time or may go if avoiding service? _____

Defendant's employer _____ Telephone No. _____

Address _____ Hours at work _____

FIREARMS/WEAPONS/CONCEALED WEAPONS PERMITS/HUNTING LICENSES

Does the defendant have access to any firearms or weapons? ☐ Yes ☐ No ☐ Unknown

How many and what type of firearms or weapons? _____

Where are they usually located? _____

Does the defendant have a concealed weapons permit? ☐ Yes ☐ No ☐ Unknown

If so, what town/city issued the permit _____

Does the defendant have any hunting licenses? ☐ Yes ☐ No ☐ Unknown

Do any of the following apply to the defendant?

History of assault on police? ☐ Yes ☐ No ☐ Unknown

Case Name: v

Case Number: _____ PNO: _____

DEFENDANT INFORMATION SHEET FOR LAW ENFORCEMENT

History of violence or violent tendencies? ☐ Yes ☐ No ☐ Unknown

History of attempted suicide? ☐ Yes ☐ No ☐ Unknown

History of drug abuse? ☐ Yes ☐ No ☐ Unknown

History of alcohol abuse? ☐ Yes ☐ No ☐ Unknown

Taking medication for ☐ heart condition ☐ epilepsy ☐ hemophilia ☐ diabetes
☐ other _____ ☐ Unknown

Currently on probation/parole? ☐ Yes ☐ No ☐ Unknown

Name of probation/parole officer _____

Is defendant expecting Temporary Restraining Order? ☐ Yes ☐ No ☐ Unknown

Will children be living with plaintiff? ☐ Yes ☐ No ☐ Unknown

If no, where? _____

If children are in school during the day, where? _____

I swear that the foregoing information is true and correct to the best of my knowledge. I understand that making a false statement on this petition will subject me to criminal penalties.

Date

Plaintiff Signature

State of _____, County of _____

This instrument was acknowledged before me on _____ by _____

My Commission Expires _____

Affix Seal, if any

Clerk of Court/Deputy Clerk/Justice of Peace/Notarial Officer

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____
Case Name: _____
Case Number: _____
(if known)

**UNIFORM CHILD CUSTODY JURISDICTION
AND ENFORCEMENT ACT (UCCJEA) AFFIDAVIT**
RSA 458-A

It is important that you answer these questions with as much detail and accuracy as possible. Lack of adequate information could significantly delay orders being issued in your case.

There are several situations that might result in New Hampshire exercising jurisdiction over child/ren. The continuous presence of the child/ren in New Hampshire for six (6) months is not the only basis for jurisdiction. In some emergency situations, the court may be able to exercise jurisdiction on a temporary basis.

1. List minor children born to or adopted by the parties:

Name	Date of Birth	Current Address

2 List the places where the minor child/ren of the parties has/have lived in the last five (5) years and the names of the people they lived with at that time, if you know. Start with where the child lives now and work backward in time.

Dates From/To	Town/City, State	Parent(s)/Caretaker	Current Address/Contact Address of Parent/Caretaker	Which Child/ren

If more space is needed, attach Extra Page (Form NHJB-2656-FP).

☐ **I have attached Form NHJB-2656-FP because additional space was needed.**

3. Are there any person(s), not a party to this proceeding, who have physical custody of the child/ren or who claim to have custody, physical custody or parenting time rights? ☐ Yes ☐ No

If yes, list name(s) and address(es) of person(s):

Case Name: _____

Case Number: _____

UCCJEA AFFIDAVIT

4. Check one of the following:

☐ I have not participated in any court case(s) concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state.

OR

☐ I have participated in court case(s) concerning the custody, visitation, parenting time or placement of the child/ren in this or any other state. I have participated in the following:

Name of Court	State	Case No.	Date of Court Order

5. Are there any actions for enforcement, or proceedings relating to domestic violence, domestic relations, protective orders, marriage dissolution, paternity, legitimation, custody, parental rights and responsibilities, termination of parental rights, adoption, juvenile, or other proceedings in any court in any state affecting any children named in this petition or parents of those children?

☐ Yes ☐ No If yes, complete the following:

Name of Court	State	Case No.	Type of Court Case

6. Optional: ☐ I am alleging, under oath, that my or my child/ren's health, safety, or liberty would be jeopardized by the disclosure of identifying information set forth in this Affidavit. To support my allegation, I state as follows:

Note: In domestic violence actions under RSA 173-B, the whereabouts of the plaintiff shall not be released except by court order.

I acknowledge that I have a continuing duty to inform the court of any court action in this or any other state that could affect the child/ren in this case.

I swear or affirm that the foregoing information is true and correct to the best of my knowledge.

Date

Signature of Person Completing Affidavit

Printed Name of Person Completing Affidavit

State of _____, County of _____

This instrument was acknowledged before me on _____ by _____
Date Person Signing Above

My Commission Expires _____
Affix Seal, if any

Signature of Notarial Officer / Title

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

STALKING TEMPORARY ORDER OF PROTECTION

Case Number: 431-2015-SC-00002 PNO Number: _____
 Court: 10th Circuit - District Division - Derry
 Court ORI: NH008091J
 County: Rockingham
 Address: 10 Courthouse Lane Derry NH 03038

PLAINTIFF			PLAINTIFF IDENTIFIERS		
First	Middle	Last	Date of Birth	Sex	Race
secondtest	locknsave				

V.

DEFENDANT'S NAME		DEFENDANT IDENTIFIERS	
First	Middle	DOB	HEIGHT
firstname	lastname		
DEFENDANT'S ADDRESS: somewhere else concord NH 03301		SEX	WEIGHT
		RACE	EYES
		State/Birth	HAIR
RELATIONSHIP to PLAINTIFF		ETHNICITY	
<input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Cohabit / cohabited <input type="checkbox"/> Child in common		<input type="checkbox"/> Household member <input type="checkbox"/> Other _____	
CAUTION		DISTINGUISHING FEATURES:	
<input type="checkbox"/> Weapon involved <input type="checkbox"/> Weapon is ordered to be relinquished pursuant to New Hampshire state law RSA 633:3-a		SKIN TONE _____ SCARS, MARKS, TATTOOS: _____ Location and description _____	
LICENSE INFO:		DRIVER'S LICENSE#	
STATE _____		EXP DATE _____	
YEAR _____		STYLE _____	
MAKE _____		COLOR _____	
MODEL _____		VIN # _____	

Warning: The attached order shall be enforced, even without registration, by the courts of any state, the District of Columbia, and any U.S. Territory, and may be enforced on Tribal Lands (18 U.S.C. section 2265). Crossing state, territorial, or tribal boundaries to violate this order may result in federal imprisonment (18 U.S.C. section 2262).

The court has found as evidenced by this order:

That it has jurisdiction over the parties and subject matter, and the defendant, upon service, will be given reasonable notice and opportunity to be heard.

- ☐ The above defendant is restrained from committing further acts of stalking or acts of abuse or threats of abuse.
- ☐ The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be. The defendant is prohibited from coming within _____ feet of the plaintiff.

Case Name: secondtest locknsave v. firstname lastname

Case Number: 431-2015-SC-00002

PNO: _____

STALKING TEMPORARY ORDER OF PROTECTION

The court, having jurisdiction over the parties and subject matter under New Hampshire RSA 633:3-a (Stalking), and having considered the plaintiff's Stalking Petition dated _____, hereby finds that the plaintiff has presented a credible allegation of stalking as defined in RSA 633:3-a and makes the following **TEMPORARY ORDERS OF PROTECTION**.

1. ☐ The defendant shall not stalk or abuse the plaintiff.
2. ☐ The defendant shall not follow the plaintiff or appear in proximity to the residence, place of employment or school of the plaintiff, or follow or appear at any other place where the plaintiff may be. The defendant is prohibited from coming within _____ feet of the plaintiff.
3. ☐ The defendant shall not have any contact with the plaintiff, whether in person or through third persons, including but not limited to contact by telephone, letters, fax, texting, social media, e-mail, the sending or delivery of gifts or any other method unless specifically authorized by the court. ☐ This includes any household animals.
4. ☐ The defendant shall not enter the premises and curtilage where the plaintiff resides, except when the defendant is accompanied by a peace officer and, upon reasonable notice to the plaintiff, is allowed entry by the plaintiff for the sole purpose of retrieving toiletries, medication, clothing, business equipment, and any other items as determined by the court: _____
5. ☐ The defendant shall not contact the plaintiff at or enter upon plaintiff's place of employment, school, or _____
6. ☐ The defendant shall not stalk or abuse plaintiff's relatives (including children) regardless of their place of residence, or members of the plaintiff's household.
7. ☐ The defendant shall not take, convert or damage any property in which the plaintiff has a legal or an equitable interest.
8. ☐ The plaintiff is awarded exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by the petitioner, defendant, or a minor child in either household, and the defendant is prohibited from taking, transferring, encumbering, concealing, committing an act of cruelty or neglect, or disposing of the animal(s).
9. ☐ The plaintiff is awarded custody of the minor child(ren); the defendant may exercise the following visitation: _____ or
☐ Visitation is denied pending a hearing.
10. ☐ The defendant shall relinquish to a peace officer all firearms and ammunition in his/her control, ownership or possession, or in the possession of any person on behalf of the defendant, and the defendant is prohibited from purchasing or obtaining any firearms or ammunition during the pendency of this order.
11. ☐ The defendant shall also relinquish all deadly weapons as defined in RSA 625:11,V which may have been used, intended to be used, threatened to be used or could be used in an incident of stalking. These weapons may include the following: _____
12. ☐ Other protective orders: _____

Case Name: secondtest locknsave v. firstname lastname

Case Number: 431-2015-SC-00002

PNO: _____

STALKING TEMPORARY ORDER OF PROTECTION

ADDITIONAL ORDERS:

13. ☐ Use of Vehicle: _____
14. ☐ The defendant shall relinquish all concealed weapons permits and hunting licenses.
15. ☐ Other: _____

Date

Signature of Referee

Print / Type Name of Referee

Date

Signature of Judge

1-855-212-1234

Telephone Number of Court

Print / Type Name of Judge

THESE ORDERS ARE EFFECTIVE IMMEDIATELY AND REMAIN IN EFFECT UNTIL FINAL ORDERS ARE MADE BY THE COURT. ANY WILLFUL VIOLATION OF THE PROTECTIVE PROVISIONS OF THESE ORDERS IS A CRIME AS WELL AS CONTEMPT OF COURT. VIOLATIONS SHALL RESULT IN ARREST AND MAY RESULT IN IMPRISONMENT AND ARE SUBJECT TO ENHANCED PENALTY PURSUANT TO RSA 633:3-a, VI(a). ALL FUTURE NOTICES AND ORDERS SHALL BE MAILED. BOTH PARTIES MUST KEEP THE COURT INFORMED OF THEIR CURRENT ADDRESS.

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - District Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

STALKING TEMPORARY ORDER AND NOTICE OF HEARING

PURSUANT TO RSA 633:3-A

Case Number: **431-2015-SC-00002**

PNO:

secondtest locknsave

v. firstname lastname

Plaintiff

Defendant

Def Date of Birth

NOTICE OF HEARING

The plaintiff and defendant are summoned to appear at 10th Circuit - District Division - Derry on _____ at _____. The court will hear testimony from both parties. **One half hour will be allotted for this hearing.** FINAL ORDERS may be issued at that time.

August 07, 2015

Date

Clerk of Court

NOTICE TO DEFENDANT

PURSUANT TO RSA 633:3-a, III-a and RSA 173-B:4, you have a right to a hearing on these temporary orders within five business days, but not earlier than three business days, after you file a written request with the court. Unless you request this hearing in writing, the case will be heard on the date shown above.

**NOTICE OF INTERSTATE ENFORCEMENT AND
COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA)**

1. This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. sec. 2265 (1994). This Court has jurisdiction of the parties and the subject matter; the defendant is afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and enforceable throughout New Hampshire and all other states, the District of Columbia, all tribal lands and all U.S. Territories, and shall be enforced as if it were an order of that jurisdiction.
2. Pursuant to Section 2265 of Title 18, United States Code, violation of any provision(s) of this Order, including support, child custody or visitation provisions issued under the authority of RSA 633:3-a, III-a and RSA 173-B of this State, is enforceable by court and/or law enforcement personnel of any other State, Indian tribal government, or Territory, as if it were their own order.
3. Violations of this order are subject to state and federal criminal penalties. If the restrained party (the defendant) travels across state or tribal boundaries, or causes the protected party (the plaintiff) to travel across state or tribal boundaries, with the intent to violate the protective orders and then violates a protective provision of this order, the defendant may be prosecuted for a federal felony offense under the Violence Against Women Act, 18 U.S.C. sec. 2262(a)(1) or (2) (1994).
4. The National Domestic Violence Hotline provides information on a 24-hour basis on interstate enforcement of protection orders, how to reach an advocate, and the location of shelters. The Hotline number is: 1-800-799-7233.

REPORTING A VIOLATION OF THIS ORDER: If the defendant violates any portion of this order, the plaintiff may report the violation to the local law enforcement agency and may also request a further court hearing on the matter

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT**

10th Circuit - District Division - Derry
10 Courthouse Lane
Derry NH 03038

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

DOMESTIC VIOLENCE OR STALKING RETURN OF SERVICE

Pursuant to RSA 633:3-a or 173-B

Case Number: **431-2015-SC-00002**

PNO:

secondtest locknsave

V. firstname lastname

Plaintiff

Defendant

Def Date of Birth

DEFENDANT IDENTIFIERS (☐ to be obtained or verified by serving officer)

Race: <input type="checkbox"/> Asian	<input type="checkbox"/> Other	<input type="checkbox"/> Black	DOB		HEIGHT	
<input type="checkbox"/> Unavailable	<input type="checkbox"/> Indian	<input type="checkbox"/> White	SEX		WEIGHT	
<input type="checkbox"/> Multiracial	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander		State/Birth		EYES	
Ethnicity: <input type="checkbox"/> Hispanic <input type="checkbox"/> Non-Hispanic <input type="checkbox"/> Refused					HAIR	

Service was completed on the within named _____

by giving in hand on _____ at _____ a.m./p.m. an attested copy of the attached order.

Identity of the defendant was verified by means of:

- ☐ Driver's License ☐ Birth Certificate ☐ Other identification _____
- ☐ Firearms and ammunition were relinquished (specify) _____
- ☐ Deadly weapons were relinquished: (specify) _____
- ☐ Concealed Weapons Permits were relinquished (specify) _____
- ☐ Hunting Licenses were relinquished (specify) _____

Date

Law Enforcement Official and Agency Name

Current Street Address of Defendant

Current City/State/Zip of Defendant

Law Enforcement Agency Address

(603) 434-6924

Court Fax Number

Court Official

- ☐ Petition ☐ Temporary Order ☐ Final Order ☐ Other _____
- ☐ Notice of Interstate Enforcement and Compliance with VAWA for Use with Temporary Order ☐ Notice of Interstate Enforcement and Compliance with VAWA for Use with Final Order
- ☐ UCCJEA Affidavit

DOMESTIC VIOLENCE ORDER TRANSMISSION COVER SHEET

Date: August 7, 2015

Staff Person's Name: _____

☒ FAXED TO:

_____ POLICE DEPARTMENT

☐ MAILED TO:

FAX #: _____

Number of pages: (Including Transmission Cover Sheet): _____

COURT NAME: 10th Circuit - District Division - Derry

CASE NUMBER: 431-2015-SC-00002

COURT PHONE #: 1-855-212-1234

ORDER TYPE:

- ☐ Petition and Temporary Order
- ☐ Final Order of Protection for 1 Year
- ☐ Final Order Extended for 1 Year
- ☐ Final Order Extended for 5 Years
- ☐ Modification of Orders
- ☐ Addition or Change in Defendant ID Info (see below)
- ☐ Case Dismissed or Withdrawn
- ☐ Transfer from
_____ District Division to
_____ Superior Court
District Division # _____ Superior Court # _____

DEFENDANT ID INFORMATION:

NAME: firstname lastname

MISCELLANEOUS INFORMATION:

DOB:

HEIGHT:

WEIGHT:

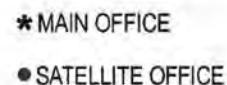
EYE COLOR:

HAIR COLOR:

RACE:

GENDER:

Domestic Violence Hotline:
1-866-644-3574



NOTE: Due to space restrictions, some smaller towns are not shown on this map



DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING SUPPORT SERVICES IN NEW HAMPSHIRE

NH Statewide Sexual Assault Hotline: 1-800-277-5570

NH Statewide Domestic Violence Hotline: 1-866-644-3574

NH Coalition Against Domestic and Sexual Violence

PO Box 353, Concord, NH 03302-0353 - Office Phone: 603-224-8893 - Web Site: www.nhcadsv.org

The NH Coalition is comprised of 13 member programs throughout the state that provide services to survivors of sexual assault, domestic violence, stalking and sexual harassment. You do not need to be in crisis to call. Services are free, confidential, and available to everyone regardless of gender, age, health status (including HIV-positive), physical, mental or emotional ability, sexual orientation, gender identity/expression, socio-economic status, race, national origin, immigration status or religious or political affiliation. The services include:

- Support and information, available in person and through a 24-hour hotline
- Accompaniment, support, and advocacy at local hospitals, courts, and police departments
- Access to emergency shelter
- Peer Support Groups
- Assistance with protective/restraining orders and referrals to legal services
- Information and referrals to community programs
- Community and professional outreach and education

RESPONSE to Sexual & Domestic Violence

54 Willow Street
Berlin, NH 03570
1-866-662-4220 (crisis line)
603-752-5679 (Berlin office)
603-636-1747 (Groveton office)
www.coosfamilyhealth.org/response

Turning Points Network

11 School Street
Claremont, NH 03743
1-800-639-3130 (crisis line)
603-543-0155 (Claremont office)
603-863-4053 (Newport office)
www.turningpointnetwork.org

Crisis Center of Central New Hampshire (CCCNH)

PO Box 1344
Concord, NH 03302-1344
1-866-841-6229 (crisis line)
603-225-7376 (office)
www.cccnh.org

Starting Point: Services for Victims of Domestic & Sexual Violence

PO Box 1972
Conway, NH 03818
1-800-336-3795 (crisis line)
603-447-2494 (Conway office)
603-452-8014 (Wolfeboro office)
www.startingpointnh.org

Sexual Harassment & Rape Prevention Program (SHARPP)

2 Pettee Brook
Wolf House
Durham, NH 03824
1-888-271-SAFE (7233) (crisis line)
603-862-3494 (office)
www.unh.edu/sharpp

Monadnock Center for Violence Prevention

12 Court Street
Keene, NH 03431-3402
1-888-511-6287 (crisis line)
603-352-3782 (crisis line)
603-352-3782 (Keene office)
603-209-4015 (Peterborough)
www.mcvprevention.org

New Beginnings – Without Violence and Abuse

PO Box 622
Laconia, NH 03247
1-866-841-6247 (crisis line)
603-528-6511 (office)
www.newbeginningsnh.org

WISE

38 Bank Street
Lebanon, NH 03766
1-866-348-WISE (9473) (crisis line)
603-448-5525 (local crisis line)
603-448-5922 (office)
www.wiseuv.org

The Support Center at Burch House

PO Box 965
Littleton, NH 03561
1-800-774-0544 (crisis line)
603-444-0624 (Littleton office)
www.tccap.org/support_center.htm

YWCA Crisis Service

72 Concord Street
Manchester, NH 03101
603-668-2299 (crisis line)
603-625-5785 (Manchester office)
www.ywcanh.org

Bridges: Domestic & Sexual Violence Support

PO Box 217
Nashua, NH 03061-0217
603-883-3044 (crisis line)
603-889-0858 (Nashua office)
603-672-9833 (Milford office)
www.bridgesnh.org

Voices Against Violence

PO Box 53
Plymouth, NH 03264
1-877-221-6176 (crisis line)
603-536-1659 (local crisis line)
603-536-5999 (public office)
603-536-3423 (shelter office)
www.voicesagainstvviolence.net

HAVEN

20 International Drive, Suite 300
Portsmouth, NH 03801
603-994-SAFE (7233) (crisis line)
603-436-4107 (Portsmouth office)
(Offices in Portsmouth, Rochester and Salem)
www.havennh.org

Helpful Websites for Victims of Domestic Violence

Legal Services and Programs:

New Hampshire Legal Services Programs

<http://www.nhbar.org/for-the-public/LegalServices.asp>

New Hampshire Legal Aid

<http://www.nhlegalaid.org/>

Legal Advice and Referral Center (LARC)

<http://www.nhlegalaid.org/about/legal-advice-and-referral-center>

NH Bar Association Lawyer Referral Service

<http://www.newhampshirelawyerreferral.com/>

Community Resources:

Welcome to the 2-1-1 New Hampshire Community Resource Directory

<http://www.211nh.org/search.aspx>

New Hampshire Coalition Against Domestic & Sexual Violence

<http://www.nhcadv.org/>

New Hampshire Catholic Charities

<http://www.nh-cc.org/>

Visitation Centers

<http://nhvisitationcoop.org/about.html>

Batterer's Intervention Standards

<http://doj.nh.gov/criminal/victim-assistance/documents/batterer-intervention-standards.pdf>

Department of Health and Human Services

<http://www.dhhs.nh.gov/>

Helpful Websites for Attorneys

New Hampshire Rules and Protocols:

New Hampshire Rules of Professional Conduct

<http://www.courts.state.nh.us/rules/pcon/index.htm>

Rules of the Circuit Court of the State of New Hampshire – Family Division

<http://www.courts.state.nh.us/rules/family/>

Circuit Court District Division – Domestic Violence Case Protocols
<http://www.courts.state.nh.us/district/protocols/dv/>

Attorney General's Protocols
<http://www.doj.nh.gov/criminal/victim-assistance/protocols.htm>

Batterer's Intervention Standards
<http://doj.nh.gov/criminal/victim-assistance/documents/batterer-intervention-standards.pdf>

Victim's Compensation Program
<http://www.doj.nh.gov/grants-management/victims-compensation-program/index.htm>

Helpful Literature and Reports

2015 New Hampshire Child Fatality Review Committee Report
<http://doj.nh.gov/criminal/victim-assistance/documents/child-fatality-report-2015.pdf>

“Domestic Violence, Developing Brains, and the Lifespan New Knowledge from Neuroscience.”
By Lynn Hecht Schafran
<https://www.legalmomentum.org/sites/default/files/reports/Judges%27%20Journal%202014%20Domestic%20Violence%20-%20Impact%20on%20Children%20-%20Neuroscience.pdf>

Practice Tools

NHBA DOVE Program – Requesting Child Support Orders from the Court – 2013
<https://www.youtube.com/watch?v=sPMDfWblhuc>

Sample Safety Plan from NC State University Women's Center
http://www.ncdsv.org/NCDSV_DVSafetyPlan-updated_8-2016.pdf

Tool for Attorneys to Screen for Domestic Violence
<http://www.americanbar.org/content/dam/aba/migrated/domviol/screeningtoolcdv.authcheckdam.pdf>

Information about batterers and intervention programs
http://www.nhcadv.org/About_Batterers.cfm

Miscellaneous:

International Parental Child Abduction
<https://travel.state.gov/content/childabduction/en.html>

The national Child Traumatic Stress Network
<http://www.nctsn.org/>

Obtaining Replacement Documents:

Obtaining Certified Copies of Vital Records (birth, death, marriage, divorce or civil union)

<http://sos.nh.gov/certcopies.aspx>

Obtaining Certified Copies of Vital Records FAQ

<http://sos.nh.gov/vtfaqs.aspx>

Replacing a Social Security Card

<http://www.socialsecurity.gov/ssnumber/>

Obtaining New Social Security Numbers for Victims of Domestic Violence

<http://www.socialsecurity.gov/pubs/EN-05-10093.pdf>

Replacing a Lost or Stolen Driver's License

<http://www.dmv.org/nh-new-hampshire/replace-license.php>

Replacing a Lost or Stolen Passport

<http://travel.state.gov/content/passports/english/passports/lost-stolen.html>

Helpful Links for Victims of Stalking

Stalking Resource Center

<http://victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims>

The Stalking Resource center provides victims general information about stalking, numbers for hotlines, information brochures and other important resources. The website provides a State link with information specific to New Hampshire. The Resource Center has most information available in Spanish.

Stalking Incident Log

http://www.victimsofcrime.org/docs/src/stalking-incident-log_pdf.pdf?sfvrsn=4

The Stalking Resource Center provides a sample incident log to help you keep track of stalking behavior. The pdf includes information about what to include and what not to include on the log.

Stalking Safety Plan

<http://www.victimsofcrime.org/our-programs/stalking-resource-center/help-for-victims/stalking-safety-planning>

The Stalking Resource Center has created this page to help victims create important safety plans. The page goes over helpful tips and factors to remember when creating your safety plan.

Technology Safety & Privacy: A Toolkit for Survivors

<https://www.techsafety.org/resources-survivors>

National Network for End Domestic Violence. This resource contains safety tips, information, and privacy strategies for survivors on the use of technology.

Womens Law

<http://womenslaw.org/>

Womens law was created by the National Network to End Domestic Violence. The site provides legal advice for victims of stalking and domestic abuse. Here you will find information about preparing for court, finding a lawyer, and the laws of each state. Information in Spanish is also provided.

NH Judicial Court- What to Expect Videos

https://www.courts.state.nh.us/fdpp/dv_petitions.htm

This link will bring you to two videos created by Judge Carbon. The videos are on what to expect when filing a petition for a protective order and what to expect during your protection hearing. The site also has directions to the different NH family court locations.

OutrageUs

<https://www.outrageus.org/>

OutrageUs is a non-profit that was designed to help as an outlet for people coping with partner violence. On their webpage you can find mini documentaries created by victims of stalking along with videos created by

criminal justice professionals. There are quick reference sheets on stalking that are tailored to victims, advocates, judges and law enforcement.

Helpful Links for the Elderly

Department of Health and Human Services

<https://www.dhhs.nh.gov/dcbcs/beas/elderabusecouncil.htm>

The NH Bureau of Elderly and Adult Services webpage provides various resources for seniors suffering abuse. The webpage has links to a resource guide and brochure that includes important phone numbers for offices around NH. The brochure also includes tips on how to better protect yourself and how to recognize warning signs in others.

National Clearing House- Resource Directory

<http://www.ncall.us/sites/ncall.us/files/resources/7.%20Resources.pdf>

This pdf is a resource directory for abuse later in life. It includes organizations around the United States that have specialized services for older victims.

Eldercare Locator

<http://www.eldercare.gov/eldercare.net/Public/index.aspx>

This link brings you to a search engine where you can enter your zip code and then search for elder care close to you. You can limit the search to certain needs including elder abuse protection, and legal assistance.

Technology Tips

<http://www.ncall.us/content/technology>

The link will bring you to a 'tool kit' designed to inform older adults about technology and the dangers it can create. The site aims to help older adults understand how they can protect themselves against those who may use technology to threaten, stalk or harass them.

Helpful Links for Teens

National Center for Victims of Crimes

<https://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/bulletins-for-teens/stalking>

This is a great page to find an overview of stalking and what it may look like as a teen. There are helpful hints for what steps you should take to protect yourself, or someone else you may know, against stalking.

Stalking and Teens Power Point

[http://www.tribal-institute.org/2008/Handouts%20for%20Conferece/PowerPoints/E7 TeensAndStalking.pdf](http://www.tribal-institute.org/2008/Handouts%20for%20Conferece/PowerPoints/E7%20TeensAndStalking.pdf)

This power point goes through the difference between normal developing behavior and when it evolves into stalking. The PowerPoint discusses the connection between technology and stalking including what role social media can play in stalking behaviors. The PowerPoint gives good advice on how to ask a parent or adult for help and advice.

Love is Respect, Non-Profit

<http://www.loveisrespect.org/>

Love is Respect is a non-profit designed to help young people create healthy relationships and recognize abuse. The website provides phone numbers to advocates who are available 24/7 for assistance or to answer any questions you may have on relationships. The site also provides links for legal advice.

Helpful Links for Attorneys and Crisis Center Advocates

Stalking Resource Center- Training

<http://victimsofcrime.org/our-programs/stalking-resource-center/training>

The Stalking Resource Center is a great place to learn more about stalking in general, stalking laws, and the resources available to victims and community members. The Stalking Resource Center also has a training program for interested professionals along with webinars available through their website.

Stalking Protocols

<https://www.courts.state.nh.us/district/protocols/dv/>

Chapter 18 is the stalking protocol for New Hampshire Circuit Courts.

Attorney General Protocols

<https://www.doj.nh.gov/criminal/victim-assistance/protocols.htm>

This link will bring you to the NH Department of Justice Attorney Generals' protocols. Here you can find links to the elder abuse and stalking protocols for NH. These protocols include important NH policies and statutes.

Resources Programs

<https://www.doj.nh.gov/criminal/victim-assistance/victim-resources.htm>

This links you to New Hampshire County and State Victim/Witness Assistance, Address Confidentiality, Victims Compensation Programs and other helpful resources.

Technology Safety

<https://www.techsafety.org/resources-agencyuse>

This links you to National Network to End Domestic Violence. The resources are specifically for domestic violence programs, sexual assault crisis centers and victim service agencies that offer support for survivors.

Enforcing Domestic Violence Firearm Prohibitions

https://njdsv.org/media/com_programs/materials/1/t-firearms_prohibitions.pdf

This report highlights promising practices currently employed around the United States and in tribal jurisdictions that represent innovative approaches to enforcing domestic violence firearm prohibitions.

National Clearing House

<http://www.ncall.us/content/training-materials>

This link provides important information dealing with the stalking of elder adults. National Clearing house and the American Bar Association have combined to create webinars about working with elder clients and resolutions to elder abuse and stalking.

NH RSA 633:3-a

<http://www.gencourt.state.nh.us/rfa/html/lxii/633/633-3-a.htm>

NH criminal code on stalking.

Safe Shepherd

<https://www.safeshepherd.com/advocates>

This link will take you to a website that helps remove public records from the web. It is entirely free for stalking victims. Note: To obtain the free service, you must use the URL that ends in "advocates" as above.

Information on Disabling Geo-tagging and Meta Data

<http://www.icanstalku.com/how.php#disable>

This site is no longer active, however articles about removing meta data and disabling geo-tagging are still available for informational purposes.

Helpful Links for Law Enforcement

Stalking Resource Center

<https://victimsofcrime.org/our-programs/stalking-resource-center/resources/for-law-enforcement>

The Stalking Resource Center provides a page dedicated to law enforcement. The page includes training videos, online courses, helpful sheets and links to other resources.

Problem Oriented Guide for Police

<http://www.popcenter.org/problems/stalking/>

This guide was created by the National Center for Victims of Crime to help law enforcement better understand and respond to local stalking problems.

Stalking Protocol: A Model for Law Enforcement

<https://www.doi.nh.gov/criminal/victim-assistance/documents/stalking-protocol.pdf>

Designed by the Governor's Commission on Domestic Violence, this protocol was created to help law enforcement better understand how to protect and support victims of stalking. The protocol has important sections on evidence collection, cyberstalking, charging, and arrests.

Stalking Check List for Law Enforcement

<http://www.markwynn.com/stalking/stalking-law-enforcement-response.pdf>

Separated into different sections for different law enforcement roles, the checklist provides specific steps and strategies that help with training and responding to stalking incidents.

Obtaining Documents

Obtaining Certified Copies of Vital Records

<http://sos.nh.gov/certcopies.aspx>

Obtaining Certified Copies of Vital Records FAQ

<http://sos.nh.gov/vrfaqs.aspx>

Replacing a Social Security Card

<http://www.ssa.gov/ssnumber/>

Obtaining a New Social Security Numbers for Victims of Domestic Violence

<http://www.socialsecurity.gov/pubs/EN-05-10093.pdf>

Replacing a Lost or Stolen Driver's License

<http://www.dmv.org/nh-new-hampshire/replace-license.php>

Replacing a Lost or Stolen Passport

<https://travel.state.gov/content/passports/en/passports/lost-stolen.html>



NEW HAMPSHIRE BAR ASSOCIATION

Pro Bono Referral Program

RESOURCES AVAILABLE TO VOLUNTEER ATTORNEYS WITH THE PRO BONO REFERRAL PROGRAM

1. Malpractice Insurance:

The Pro Bono Referral Program's professional liability insurance provides primary coverage for volunteer attorneys handling cases of eligible clients referred through Pro Bono.

2. Court & In-State Service Fees, Waiver of:

Pro Bono qualified clients are entitled to an automatic waiver of filing and in-state service fees under RSA 499:18(b). With appropriate referrals, the Pro Bono Program sends out "Notice of Indigency" forms. A sample cover letter to sheriffs requesting waiver of service fees is included on an information sheet that Pro Bono sends with the referral packet.

3. Litigation Expenses:

The Pro Bono Program can reimburse volunteer attorneys up to \$30 for out-of-pocket expenses incurred in a Pro Bono case. These expenses include long distance phone calls, travel (at the current IRS rate-of-reimbursement), copying costs (.10 per copy), non-waivable out-of-state service fees and other similar expenses. In certain situations, the Program Director can waive this limit and approve reimbursement requests in excess of \$30. Whenever possible, clients should be asked to cover at least a portion of out-of-pocket expenses in their cases as stated on the Pro Bono client agreement form. (Link)

4. Depositions:

Through the generosity of the New Hampshire Court Reporters Association, attorneys can receive free transcription services for depositions in connection with Pro Bono Program cases. To use this resource, contact the Pro Bono Program Administrative Assistant or Coordinator at 715-3203.

Guidelines for use of free deposition services include:

- The matter must be directly related to a case handled through the Pro Bono Referral Program.
- Requests should be made at least two weeks in advance, if at all possible.
- Emergency services will only be provided when extenuating circumstances exist and if the resources are available.
- Limited to two depositions, no longer than two hours per session.



NEW HAMPSHIRE BAR ASSOCIATION

Pro Bono Referral Program

5. Mentors:

Through its mentoring program, Pro Bono offers linkages between newer attorneys or attorneys new to the practice area of their Pro Bono case and practitioners experienced in areas of the law commonly referred by Pro Bono. Names of mentors are available by contacting the Pro Bono Program Director or Coordinator.

6. Pensions/Tax/Financial:

Help is available regarding "Qualified Domestic Relations Orders" (QDROS) by volunteer attorneys and CPAs. If such assistance is required in a Pro Bono case, attorneys should contact the Program Director. Thanks to the New Hampshire CPA Society and its members, the Pro Bono Program offers referrals to CPAs for information on and assistance with income tax issues, pensions and other financial matters arising in Pro Bono cases.

7. Interpreters:

When interpreters are needed for out-of-court client communications, the Pro Bono Program will assist volunteer attorneys in identifying resources and defraying the cost of this expense. Payment of interpreters is subject to prior approval by the Pro Bono Program Director.

8. Real Estate Appraisals:

A number of real estate appraisers have volunteered to provide appraisals at no charge when needed in Pro Bono cases. Attorneys should contact the Pro Bono Program Director for more information.

9. Other Resources:

At the request of volunteers, the Pro Bono Program will do its best to locate other resources required in representing Pro Bono clients.