

Crime Victims Compensation Program

If you had medical treatment resulting from the abuse, you may receive financial help from the State Crime Victims Compensation Program. You must report the crime to the police or sheriff within 72 hours and fully cooperate with them.

Establishing Self-Sufficiency

If you plan to leave your home to avoid further abuse take these important items with you to help in getting support services. Give these to a friend you trust or put them in the pocket of the coat you will wear when you leave.

- birth certificates for yourself and your children
 - Social Security cards
 - immunization records
 - drivers' license
 - credit or cash cards
 - medications and prescriptions
 - cash, jewelry or other valuable items
 - vehicle title, registration, proof of insurance
 - take your children with you, if possible.
- If you have time, you should consider the following:
- keep your last bank account statement
 - open an account at a different bank; have the statement sent to a different address.
 - put clothing for you and your children in a laundry basket; a laundry basket may go unnoticed verses a suitcase.
 - if you call for assistance and your phone has automatic redial, call another number after so your abuser will not know that you called for help.

You can make it on your own! Use the resources of your community, starting with help from battered spouse shelter. They can refer you to other sources of help.

CAUTION: DO NOT LEAVE THIS BOOKLET WHERE YOUR ABUSER WILL FIND IT. YOUR ABUSER MAY STOP YOU FROM LEAVING.

Children Who Are Abused

If you are a child who is being abused, whether it is by a parent, step-parent, brother or sister, or anyone, tell someone you trust-a counselor, teacher, someone at church, or a friend's parent. You could also call the Department of Public Health and Human Services, Child Protection Services. They can help you and your parents. Do not be afraid to tell or to ask for help. This is the only way to stop the abuse.

Elder Abuse

It is against the law to abuse or exploit elderly people. Mistreatment is usually by a relative or care-giver. Abuse takes many forms: threatened or actual violence, desertion, neglect, verbal or sexual abuse, depriving of food or shelter, over medication, and financial exploitation. Symptoms that signal abuse are: not allowing elder to speak in absence of caregiver, controlling problems, aggressive behavior, indifference toward older adult, lack of affection, history of abuse, alcohol or drug problems. Victims may be unable to seek help because they depend on the abuser for basic survival needs. If you are an elderly person who is being abused or exploited, or you suspect that someone you know is in that situation, call the Department of Public Health and Human Services, Adult Protection Services in your county.

Domestic Abuse of Men

Men are also victims. Breaking the silence, disclosing the abuse, and overcoming the shame and guilt that results from being abused can be difficult. As a victim, men face societal pressures and views that differ from women and discourages them from taking steps to stop the abuse. Men are entitled to the same protection and services offered women victims.

Emergency Services To Victims

EMERGENCY (all medical & law enforcement)	9-1-1
Non emergency Yellowstone County	657-8200
YWCA (Billings) 24 hour Battered Victims Support Line (collect calls accepted)	259-8100
National Domestic Violence Hotline	1-800-799-SAFE (7233)
Carbon County Domestic/Sexual Violence Services	425-2222

Crime Victims Compensation Unit (Helena)	1-800-498-6455
CareNet/Crisis Pregnancy Center (Billings)	652-4868
Mental Health Center (Billings)	252-5658
Planned Parenthood (Billings)	248-3636
Rescue Mission - Women's Division (Billings)	259-3105
Saint Vincent De Paul (Billings)	248-1411
Tumbleweed Runaway Program (Billings)	259-2558
Gateway House (Billings)	245-4472
Salvation Army (Billings)	245-4659
Montana Legal Services (Domestic Violence Unit)	248-7113
Indian Health Board (Billings)	245-7318

Department of Public Health and Human Services	
Yellowstone County (Billings)	657-3120
Stillwater County (Columbus)	322-4821
Big Horn County (Hardin)	665-9840
Carbon County (Red Lodge)	446-3729
Musselshell County (Roundup)	323-2107
Rosebud County (Forsyth)	346-7918

Family Violence Resource Pocket Guide for Yellowstone and Surrounding Counties

Published by:
**Billings Area
Family Violence Task Force**

Introduction

NO ONE has the right to hit you or threaten you. It is against the law for anyone to injure or threaten you, even if it is your spouse, former spouse, partner, child or parent. Victims of family violence must work with law enforcement and the city and county attorneys in order to successfully prosecute family violence cases. Many times, prosecution is the only way to end the violence that occurs. You must be ready to do something for yourself if you want the threats or beatings to stop.

Family violence crosses all social, economic, and racial levels; a woman in the United States is beaten every 15 seconds, and 4000 die each year. Family violence is a generation to generation problem - - 60% of all children from violent homes become abusive adults themselves.

The time to stop the cycle is now. Do something for yourself and for your family.

Types of Family Violence or Abuse

1. **Physical:** Aggressive behavior done to the body; includes pinching, pushing, spitting, shoving, hair pulling, choking, beating with fists or open hand, or shooting or stabbing.
2. **Sexual:** Physical attacks on sex organs, forced or coerced sexual activity, often accompanied by violence or threat of violence; includes criticizing sexual performance, labeling or name calling related to sexual activity.
3. **Psychological:** Coercion and dominance through threats of violence, suicide, or break-up and includes controlling activities, relationships, expression of feelings, attacks on appearance, attitudes, and self-esteem.
4. **Destruction of Property or Pets:** Dominance through destruction of household or cherished possessions or even pets, used to hurt or scare the victim.

If you are experiencing any or a combination of the above items, you are a victim of family violence and abuse. A common misconception among victims is that unless they are hit, they are not being abused. This is not the case. Abuse and family violence can take many subtle forms that damage as severely as the physical violence aspect of abuse.

Partner or Family Member Assault Law

(The Former Domestic Abuse Law)

Montana law states that a person has committed the crime of partner or family member assault if that person has purposely or knowingly caused bodily injury or a reasonable apprehension of bodily injury in a partner or family member. A “family member” means a spouse, former spouse, adult person related by blood or marriage, or in-law. A “partner” is an adult person of the opposite sex who lives with or used to live, or shares a child with the victim.

If You Are A Victim Of Family Violence

Remove yourself from the situation

A. Go to the Gateway House Shelter.

The Shelter is open 24 hours a day to individuals and family units. You may stay up to 30 days.

YWCA Gateway House, 245-4472 or 1-800-333-SAFE

B. Go to a friend's or relative's house.

Do whatever you can to put distance between yourself and your abuser.

C. Get A Temporary Order of Protection.

A Temporary Order of Protection can be obtained from either Justice or District Courts. The Order commands the abuser to stay away from you, but you must be willing to enforce it by calling the police if any contact is made.

Call the police or sheriff

A. Call Your Police or Sheriff. Dial: 9-1-1.

Call the police or sheriff during or immediately after the incident, if you want the person arrested or if you want help in leaving. The police must tell you what your rights and options are.

B. You may also go to the police station to report the incident and sign a complaint.

In either case, be sure to have pictures of your injuries taken and save any evidence of the incident, such as torn or bloodied clothing.

C. If you do not feel satisfied with the response from law enforcement call the administrator of that agency or the city or county attorney's office.

What Happens After An Arrest?

Once you have called the police and an arrest is made, the police will want to take your statement and those of any other witnesses, photograph any injuries, and collect any other evidence. The person arrested is now called the “defendant” and will be taken to jail and confined. The defendant will usually appear in court the next business day.

At court, the defendant will be given a copy of the complaint filed by the city or county attorney's office. A first or second offense is a misdemeanor; the defendant will plead guilty or not guilty. If the plea is not guilty, a trial date will be set. The defendant may be released on bond with an order not to contact you. If the plea is guilty, the judge may sentence the defendant at that time. If the charge is a third offense, it is a felony and the defendant will be transferred to district court to enter a plea.

If the defendant pleads “not guilty” a trial date will be set and you will be notified. It is likely that you will be asked to come to the prosecutor's office to talk about the case.

You will be subpoenaed as a witness for the trial. This means that the court has ordered you to appear as a witness. If you do not appear on a day and time set, you can be held in contempt of court and go to jail.

It is very important that you cooperate with law enforcement and with the city or county attorney's office. Prosecution may be the only way to make an abuser stop the behavior and to ensure that it does not happen again.

Arrest is the preferred response for family violence cases. Convicted offenders are required to complete counseling, may be fined, and/or sentenced to jail. A third conviction is a felony that may send the offender to prison. Victims also have options that include child support, restitution, and obtaining a temporary or permanent Order of Protection.

To Get An Order of Protection

A Temporary Order of Protection CAN order the abuser to:

- stop the abuse
- leave or stay away from your home or place of work
- complete violence or chemical dependency counseling or treatment
- leave you and the children in your custody alone
- not transfer any property
- not take the children from the state
- provide other relief considered necessary.

An Order of Protection usually CANNOT award custody of the children or order support. You may apply for an Order if you are a spouse, former spouse, adult person related by blood or marriage, in-law, or partner of the opposite sex who lives with or used to live with, or shares a child with the victim and you have been the victim of physical abuse or threatened abuse.

Orders are obtained from Justice Court or District Court. Orders are issued for up to 20 days, then a hearing will be held to determine whether the Order should be kept in effect for one full year. Your abuser will get notice of the hearing. You must appear at the hearing to request the year extension or the Order will be discontinued. Violation of an Order of Protection is a criminal offense. Call the police or sheriff at 911 to enforce the Order.

The Offense Of Stalking

It is against the law for anyone to stalk another if the offender purposely or knowingly causes substantial emotional distress, reasonable apprehension of bodily injury or death by repeatedly following, harassing, threatening, or intimidating another person, in person, by phone, by mail, or any other action, or method. Call the Police or Sheriff. A victim can apply for an Order of Protection.