

APPENDIX A

STATE OF NEW HAMPSHIRE

**Judicial Branch Family Division
District Courts**

**FAMILY DIVISION ADMINISTRATIVE ORDER 2007-06
DISTRICT COURT ADMINISTRATIVE ORDER 2007-67**

Effective immediately, the “New Hampshire District Court Domestic Violence Protocols” are hereby made mandatory in the Judicial Branch Family Division and District Courts of New Hampshire. This Order is made pursuant to Supreme Court Rule 54 in order to manage the case flow and to assure the timely disposition of the matters addressed in the Protocols.

Dated: September 11, 2007

**/s/ Edwin W. Kelly
Edwin W. Kelly
Administrative Judge
Judicial Branch Family Division
and New Hampshire District Courts**

APPENDIX B

SUPPORT ADVOCATES IN THE COURTROOM

The New Hampshire District Court and Family Division have long recognized the vital role support advocates serve in domestic violence cases. Below is a description of the role of crisis center advocates.

I. ROLE OF ADVOCATES UNDER RSA 173-B

RSA 173-C:1, III defines a crisis center domestic violence counselor/advocate as a person who is affiliated with a direct service domestic violence service program, as defined in RSA 173-C:1, II and who has satisfactorily completed 30 hours of training. Thus, each crisis center advocate appearing in a domestic violence case has been trained in many areas concerning domestic violence, including the law and court procedures.

The role of the crisis center advocate is to:

1. Accompany the victim in court proceedings, in the courtroom and/or chambers;
2. Empower the victim by offering support, provide information and present options;
3. Assist in safety planning; and
4. Identify service needs.

II. TYPES OF ADVOCATES

A. Crisis Center Advocates

Crisis center advocates provide information and emotional support to victims of domestic violence in criminal and civil court proceedings. Advocates are available to assist plaintiffs in all aspects of protective orders, including the various relief, protection and enforcement options available.

RSA 173-C provides a privilege for all communications transmitted between a victim of alleged domestic abuse and sexual assault and the domestic violence or sexual assault counselor/advocate in the course of that relationship. The communication must have been transmitted in confidence by means, which, so far as the victim is aware, does not disclose the information to a third person. The waiver of this privilege belongs to the victim and may be asserted in all civil, administrative and criminal legal proceedings.

NOTE: During criminal and civil proceedings, questions from the court should be directed to the victim. (Crisis center advocates cannot discuss any information in

reference to the plaintiff's case without specific written permission by the plaintiff, pursuant to RSA 173-C.)

B. Prosecution-Based Advocates

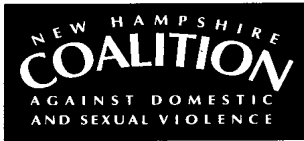
Prosecution-based advocates provide information and support to crime victims and witnesses during the investigation, prosecution and sentencing phases of the justice system. These advocates can be based at the city, county and local law enforcement level.

The role of the prosecution-based advocate is:

1. To provide information to victims and witnesses about all aspects of criminal proceedings;
2. To ensure victims' rights (RSA 21-M:8-k) during proceedings; and
3. To refer victims to crisis centers for safety planning, shelter, support groups, etc.

Comment: Communications between prosecution-based advocates and victims are not privileged under RSA 173-C. Prosecution advocates refer victims to crisis centers for ongoing support and services.

Comment: The AmeriCorps Victim Assistance Program (AVAP) places advocates with crisis centers and police and city prosecutors to enhance services to victims of domestic and sexual violence. The advocates' role is based on their placement.



APPENDIX C

DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING SUPPORT SERVICES IN NH

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 - Phone: 603-224-8893 (Office)
General Web Site: www.nhcadv.org and Teen Web Site: www.reachouthn.com

The NH Coalition is comprised of 14 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
- Assistance with protective/restraining orders and referrals to legal services
- Peer Support Groups
- Access to emergency shelter
- Information and referrals to community programs
- Community and professional outreach and education

RESPONSE to Sexual & Domestic Violence

54 Willow Street
Berlin, NH 03570
1-866-644-3574 (DV crisis line)
1-800-277-5570 (SA crisis line)
603-752-5679 (Berlin office)
603-237-8746 (Colebrook office)
603-788-2562 (Lancaster office)

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.free-to-soar.org

Rape & Domestic Violence Crisis Center (RDVCC)

PO Box 1344
Concord, NH 03302-1344
1-866-644-3574 (DV crisis line)
1-800-277-5570 (SA crisis line)
603-225-7376 (office)
www.rdvcc.org

Starting Point: Services for Victims of Domestic & Sexual Violence

PO Box 1972
Conway, NH 03818
1-800-336-3795 (crisis line)
603-356-7993 (Conway office)
603-539-5506 (Ossipee office)
www.startingpointnh.org

Sexual Harassment & Rape Prevention Program (SHARPP)

UNH/Verette House
6 Garrison Avenue
Durham, NH 03824
1-888-271-SAFE (7233) (crisis line)
603-862-3494 (office)

Monadnock Center for Violence Prevention

12 Court Street
Keene, NH 03431-3402
888-511-6287 (crisis line)
603-352-3782 (crisis line)
603-352-3782 (Keene office)
603-209-4015 (Peterborough office)
603-209-4015 and 603-532-6288 (Jaffrey Office)
www.mcvprevention.org

New Beginnings Women's Crisis Center

PO Box 622
Laconia, NH 03247
1-866-644-3574 (DV crisis line)
1-800-277-5570 (SA crisis line)
603-528-6511 (office)
www.newbeginningsnh.org

WISE

38 Bank Street
Lebanon, NH 03766
1-866-348-WISE (toll free crisis line)
603-448-5525 (local crisis line)
603-448-5922 (office)

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)
603-432-2687 (Derry office)

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
603-536-1659 (crisis line)
603-536-5999 (public office)
603-536-3423 (shelter office)
www.voicesagainstviolence.org

A Safe Place

6 Greenleaf Woods, Suite 101
Portsmouth, NH 03801
1-800-854-3552 (crisis line)
603-436-7924 (Portsmouth crisis line)
603-436-4619 (Portsmouth office)
603-330-0214 (Rochester crisis line)
603-890-6392 (Salem crisis line)

Sexual Assault Support Services

7 Junkins Avenue
Portsmouth, NH 03801
1-888-747-7070 (crisis line)
603-436-4107 (Portsmouth office)
603-332-0775 (Rochester office)
www.sassnh.org

APPENDIX D

Criteria for Visitation Recommendations
Prepared by the Governor's Commission on Domestic and Sexual Violence
Sub-Committee on Supervised Visitation

STATEMENT OF PURPOSE: This document provides parameters for establishing safe contact in domestic violence cases between children and the parent with whom they do not reside. The following information and criteria are offered as best practice for determining the type of contact which provides victims of domestic violence and their children the most protection while allowing visitation for the non-custodial parent.

No Visitation should be considered when any of the following factors is present. The degree to which visitation exposes a parent or the children to physical or psychological harm as indicated by the following factors should be considered:

- Homicide or attempted murder of any family member;
- Threats of suicide;
- Homicidal ideation;
- History of sexual abuse of any family member whether it be adult or children;
- Death threats or threats of extreme possessiveness;
- History of violation of protective orders and/or stalking;
- Level of demonstrated physical and/or psychological cruelty or terror within the family;
- Level of willingness to hurt the children as a deliberate or incidental aspect of hurting the adult victim;
- History of sexual assault, inappropriate sexual behavior or exposure of the children to explicit sexual materials;
- Attempt of actual abduction of the children or adult victim.

RED FLAG BEHAVIORS of alleged perpetrators:

1. threatening to kill victim and/or children
2. injuring the victim's pets or property
3. controlling access to money, friends and family
4. injuring victim while pregnant
5. previously violating an Order of Protection
6. non-compliance with Court Orders

Fully Supervised Visitation is warranted in high-risk situations; therefore, visitation should occur in a professional visitation setting.

The court shall consider the degree to which fully supervised visitation exposes a parent or a child to physical or psychological harm as indicated by the following factors:

- Credible allegations of child sexual abuse;

Findings of abuse or neglect;
Credible allegations of emotional or verbal abuse;
History of parental mental health problems that would affect the safety or well being of the child;
Commission of a violent crime against the adult victim;
High-risk threats of abduction of the child by the parent;
Credible threats toward the victim that cannot be mitigated through less restrictive visitation options;
Interrogation of the children regarding the abused parent's activities;
Has engaged in tirades aimed at the children about the abused parent's behaviors.

Other concerns:

The need to monitor interactions between the visiting parent and child to ensure that the visiting parent does not solicit confidential information or information concerning the victim;
Less restrictive visitation has failed to ensure the safety and well being of the child or adult victim;
An ongoing pattern of harassment of the adult victim by the alleged perpetrator;
There has been non-compliance with previous visitation arrangements.

Consider whether the risk of physical or psychological harm can be removed by ordering supervised visitation through the availability of a secure facility or environment that will ensure safe supervised visitation. Supervised visitation requires a neutral third party as supervisor and access to security and/or police enforcement.

Semi-Supervised Visitation may be appropriate in the absence of direct abuse towards the children if the following conditions exist. Strong concerns from the abused parent should influence the choice between fully supervised and semi-supervised visitation in domestic violence situations.

These concerns include:

Exposure of the children to abuse (or the alleged perpetrator's willingness to expose the children to the abuse);
Threats of abduction;
The children's lack of familiarity with the visiting parent;
Inappropriate parenting;
Dramatic change in interest in the children post-separation;
Concerns regarding substance abuse or alcohol abuse;
The visiting parent has demonstrated any of the following behaviors:

 engaged in tirades aimed at the children about the abused parent's behavior;
 demanded inappropriate visitation;
 or continues to harass the adult victim during monitored exchanges.

Monitored Exchanges may be appropriate in some domestic violence cases. Input from the abused parent should influence the decision regarding how visitation may occur. The frequency and severity of any of the following behaviors by the alleged perpetrator should also be considered:

- Current or past history of harassment of the adult victim;
- Use of exchange as an opportunity to harass the victim;
- Current or prior restraining order(s);
- Concerns regarding substance use and alcohol use;
- Unmonitored exchanges have failed to ensure victim safety;
- Concerns regarding mental health issues that would affect the current exchange.

Unrestricted Visitation is appropriate when there is no domestic violence or child abuse and the parents agree on the conditions of the shared parenting.