



Family Violence

by John D. Whitaker

For most of us, our home is our castle. It is a place where we feel safe and secure. It is a place where we go to heal. It is a source of strength for us. It renews us. It is a wonderful place. It is incomprehensible for me to think about my home as a place where violence would occur. Yet, terrible violence occurs between family members throughout our city with alarming regularity. If you are a victim of family violence, there is help available to you now through the Domestic Violence Protection Act. This is the law in Wyoming.

The process is quite simple. You must file a petition with the court asking for help. There is no fee to do this. You must sign a sworn statement detailing the specific facts which constitute domestic abuse. Essentially, domestic abuse includes physical abuse, threats of physical abuse, restraining the personal liberty of a household member, placing a household member in reasonable fear of imminent physical harm or causing a household member to engage involuntarily in sexual activity by force or threat of force.

If you are being abused or threatened, then you are entitled to obtain an order of protection from the court. Most courts have a standard packet of materials which make the petition easy to fill out and file. The Natrona County Court is the place where this process takes place here in Casper. You also can get help with the paperwork through the Self Help Center.

After you file a petition, a judge will look at it, and if it appears that you are in danger of further abuse, the judge will immediately issue a court order directing the abuser to stop their activities and to get away from you. The order may also provide that the abuser immediately leave the family home, stop any attempt to transfer or conceal your property, or the property of any children in the home. The court can order that you receive temporary custody of any children. The order will



then be served on the abuser with a notice telling them that they must show up at a hearing to be held within 72 hours to determine if the order should be extended.

At the hearing the court will determine if you have actually been the victim of domestic abuse and, if so, the court will enter an order of protection that will last for 3 months. These orders can be entered even if the abuser fails to show up for court. This order will prohibit any contact by the abuser. It can also give you possession of the home, custody of the children, rights of visitation, temporary child support, spousal support, and

even order the abuser to attend counseling.

If an order is entered and the abuser violates the order he can be arrested and may be subject to 6 months in jail and fined up to \$750.00. It has been my experience as an attorney that Casper law enforcement officers aggressively enforce these orders.

If you are in a violent relationship and you have children you should know a few important facts. Children who are present or are actual victims of this kind of abuse are likely to suffer emotional and developmental problems. Children may also try to intervene in violent confrontations and they are far more likely to get hurt if they get in the way. Witnessing family violence can set children up to be victims of violence/sexual abuse when they become adults. They also have a much higher risk of becoming involved in the criminal justice system for violent crimes, sexual crimes and for drugs or alcohol abuse. The most troubling statistic of all is that children exposed to family violence are likely to become batterers themselves.

Suffering family violence is not a choice, but living with family violence is. If you are a victim of this terrible abuse you can stop it now. It may be the hardest easy thing you ever did. If you can't do it for yourself, do it for your kids.

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.